



HERTSMERE BOROUGH COUNCIL

**MEETING
OF THE COUNCIL**

WEDNESDAY, 17 SEPTEMBER 2014

7.30 PM

**COUNCIL CHAMBER, CIVIC OFFICES,
ELSTREE WAY, BOREHAMWOOD**

AGENDA

Please note:

YOU CAN LOOK AT A PAPER COPY OF THE NON-CONFIDENTIAL COMMITTEE AGENDA AND REPORTS OF OFFICERS AT LEAST FIVE WORKING DAYS BEFORE THE MEETING AT:

The Civic Offices, Elstree Way, Borehamwood.

YOU CAN LOOK AT AN ELECTRONIC VERSION OF THE NON-CONFIDENTIAL COMMITTEE AGENDA AND REPORTS OF OFFICERS AT LEAST FIVE WORKING DAYS BEFORE THE MEETING AT:

The Council's Area Office at Bushey Centre, High Street, Bushey,
The Council's Area Office at The Wyllyotts Centre, Darkes Lane, Potters Bar,
Aldenham Parish Council Offices, Aldenham Avenue, Radlett; and
all County Council libraries in Hertsmere.

Background papers used to prepare reports can be inspected at the Civic Offices, on request.

The unconfirmed Minutes of meetings are usually available to look at seven working days after the meeting.

Please note that apart from the formal webcasting of meetings, no part of any meeting of the Council, its committees or other bodies shall be filmed, sound recorded or broadcast, nor shall unauthorised electronic devices be used at those meetings, without express permission. Application for any such permission must be submitted to the Chief Executive or Head of Legal and Democratic Services not less than five working days before the meeting.

FOR DIRECTIONS TO THE MEETING VENUE, PLEASE VISIT www5.hertsmere.gov.uk/democracy OR CONTACT DEMOCRATIC SERVICES ON 020 8207 7806 or 020 8207 7483

CONTACT DEMOCRATIC SERVICES ON (020) 8207 7578 OR (020) 8207 7484 FOR ANY FURTHER ADVICE.

Chief Executive
Civic Offices
Elstree Way
Borehamwood
Herts WD6 1WA

COUNCIL AGENDA
WEDNESDAY, 17 SEPTEMBER 2014

1. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

- (a) Communications by the Mayor (if any) relating to business on the agenda.
- (b) Apologies for absence.
- (c) Any motions by Members relating to the order of business on the agenda.

2. **DECLARATIONS OF INTEREST (IF ANY)**

Members are required to declare any Disclosable Pecuniary Interests they or their spouse/partner have in any matter which is to be considered at this meeting. Members must also declare any other pecuniary or non-pecuniary interests they have in any matter to be considered at this meeting. The responsibility for declaring an interest rests solely with the member concerned.

Members must clearly state to the meeting the existence and nature of any Disclosable Pecuniary Interest, other pecuniary interest or non-pecuniary interest and the agenda item(s) to which it/they apply.

Disclosable Pecuniary Interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

a. Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

b. Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

c. Contracts

Any contract which is made between the relevant person (or a

body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

d. Land

Any beneficial interest in land which is within the area of the relevant authority.

e. Licences

Any beneficial interest in land which is within the area of the relevant authority.

f. Corporate tenancies

Any tenancy where (to the member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

g. Securities

Any beneficial interest in securities of a body where – (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In cases of Disclosable Pecuniary Interest, Members must withdraw from the meeting room while the matter is being considered.

3. **MINUTES**

To confirm and sign the minutes of the ordinary and extraordinary Council meetings held on 16 July 2014.

ATTACHED
(Pages 9 - 26)

In accordance with the Constitution no discussion shall take place upon the minutes, except upon their accuracy.

4. **ANNOUNCEMENTS BY THE MAYOR**

To receive such announcements as the Mayor may decide to make to the Council.

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions have been received from members of the public in accordance with Council Procedure Rule 10.

6. **URGENT DECISIONS EXEMPT FROM CALL-IN**

No decisions have been taken with the approval of the Mayor as matters of urgency in accordance with the provisions of the Constitution – Overview and Scrutiny Procedure Rule 14(j).

7. **SPECIAL URGENCY DECISIONS QUARTERLY REPORT**

The Leader reports that, in the last quarter, no key decisions have been taken in circumstances of Special Urgency, as set out in Rule 16 of the Constitution's Access to Information rules.

8. **REPORT OF THE LEADER OF THE COUNCIL**

The Leader will make an oral report on the list of items enclosed. The Constitution provides for a maximum of 45 minutes debate after the Leader has completed his report.

ATTACHED
(Pages 27 - 28)

Members are requested to bring their copies of the minutes of the Executive meetings on which the Leader will report – 23 July 2014 and 10 September 2014.

9. **REPORT OF THE OVERVIEW AND PERFORMANCE CHAIRMAN**

The Chairman of the Overview and Performance Committee will make an oral report on the list of items enclosed. The Constitution provides for a maximum of 30 minutes debate after he has completed his report.

ATTACHED
(Pages 29 - 30)

10. **COMMUNITY INFRASTRUCTURE LEVY (CIL) AND DEVELOPER CONTRIBUTIONS FRAMEWORK**

The Council is recommended to (1) adopt the proposed Community Infrastructure Levy (CIL) Charging Schedule and a Developer Contributions Framework; and (2) establish a CIL Investment Committee.

C/14/24
(Pages 31 - 76)

11. **CONSTITUTION CHANGE - PROCEDURE RULES FOR THE DISPOSAL OF LAND**

This report proposes revisions be made to the Part 4, section 8 of the Constitution "Procedure Rules for the Disposal of Land".

C/14/23
(Pages 77 - 82)

12. **FORMAL COMPLAINTS BY THE COUNCIL'S CUSTOMERS 2013/14.**

This report provides information on the outcome of Local Government Ombudsman cases and on complaints made under the Council's own complaint procedure.

C/14/22
(Pages 83 - 88)

13. **UPDATES FROM OUTSIDE BODIES**

Updates are to be provided by Members serving as representatives on the following bodies:

Elstree Aerodrome Consultative Committee
Elstree & Borehamwood History Society – Management Committee
Elstree Film Studios
Elstree & Borehamwood and District Community Association
Hertfordshire Building Preservation Trust
Hertfordshire Sustainability Forum

14. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

Questions received from Members in accordance with Council Procedure Rule 11.

ATTACHED
(Pages 89 - 90)

15. **NOTICES OF MOTION**

No notices of Motions have been received from Members in accordance with Council Procedure Rule 12.

16. **OPPOSITION BUSINESS**

An item of Opposition Business has been received from the Labour Group.

ATTACHED
(Pages 91 - 92)

17. **ANY OTHER URGENT BUSINESS**

To consider such matters (if any) which, by reason of special circumstances (to be specified in the minutes of the meeting), the Mayor (or in his absence, the Chair) is of the opinion should be considered at this meeting as a matter of urgency (LGA 1972 S100B(4)(b)).

18. **DATE OF NEXT MEETING**

The next scheduled meeting of the Council will take place on Wednesday, 26 November 2014 at the Civic Offices, Elstree Way, Borehamwood.



CHIEF EXECUTIVE

Civic Offices
Elstree Way
Borehamwood
Herts, WD6 1WA

9 September 2014

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HERTSMERE BOROUGH COUNCIL

MEETING OF THE COUNCIL
HELD IN THE COUNCIL CHAMBER
CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

16 July 2014

Present:

Councillors Keates (Mayor), Worster (Deputy Mayor), Batten, Bright, Butchins, E Butler, R Butler, Calcutt, Choudhury, Clapper, Dr Cohen, Dobin, Galliers, Goldstein, Graham, Griffin, Harrison, Heywood, Knell, Legate, Lyon, Maughan, Morris, O'Brien, Parnell, Quilty, Rutledge, Sachdev, Silver, Swallow, Swerling, Turner, Vince, Wayne, West and Winters

Officers:

S Bijle
G Wooldrige
P Hughes

Director of Resources
Director of Environment
Democratic Services Manager

92. **PRAYERS**

The Mayor's Chaplain said prayers.

93. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Donne, Gilligan and Hodgson-Jones.

Apologies for Absence were also submitted on behalf of the Chief Executive.

94. **DECLARATIONS OF INTEREST (IF ANY)**

Councillor Bright declared a personal interest as a Council appointed director to the Board of Elstree Films Studios.

95. **MINUTES**

The minutes of the Council meeting held on 11 June 2014 were approved and signed as a correct record.

96. **ANNOUNCEMENTS BY THE MAYOR**

There were no announcements.

97. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions had been received from members of the public.

98. **URGENT DECISIONS EXEMPT FROM CALL-IN**

Noted that no decisions had been taken with the approval of the Mayor as matters of urgency in accordance with the provisions of the Constitution – Overview and Scrutiny Procedure Rule 14(j).

99. **SPECIAL URGENCY DECISIONS QUARTERLY REPORT**

The Leader reported that, in the last quarter, no key decisions had been taken in circumstances of Special Urgency, as set out in Rule 16 of the Constitution's Access to Information rules.

100. **REPORT OF THE LEADER OF THE COUNCIL**

Leader's Report

The Leader spoke on the following list of topics, which had been circulated to Members prior to the meeting, and was tabled for the press and public. The item marked with an asterisk was covered separately in the agenda and would be discussed under that item. Discussion ensued on the other items and the Leader and Executive Members responded to Members' questions.

- **Executive**

The Executive had met twice since the last Leader's report. The major areas discussed were as follows:

14 May 2014

Building Maintenance and Repairs – Contract Award

Following the tender process and in accordance with the Council's Contract Procedure Rules, the European Procurement Directives and the prescribed evaluation criteria, a three-year measured term contract was awarded to Purdy Contracts Ltd for building maintenance and repairs.

Quarter 4 2013/14 and Year End Performance

The Executive had considered the Council's performance statistics for the fourth and final quarter of 2013 to 2014 for the period January to March 2014. These showed a repeat of the previous quarter's figures with 80% of targets classified as green targets being met or exceeded; 8% as red not met and 12% rated amber not meeting but only just missing the target. Members had welcomed these figures and noted that the Performance Management Panel was also satisfied with the results achieved which were moving in the right direction.

25 June 2014

Economic Development Strategy and Business Charter*

This item was considered later in the evening.

Homelessness Strategy

The Executive approved a new Homelessness Strategy for the next five year period. The production of a strategy is a statutory requirement for local authorities under the Homelessness Act 2002. The Act, in recognition of rising levels of homelessness, imposed this duty on all local authorities with the aim of preventing homelessness by tackling its causes, and by providing more housing options and better housing advice.

Appointments to Outside Bodies – Hertfordshire Health Scrutiny Committee

As the Council's nominee to this body must not be a Member of the Council's Executive but must be a Member of a scrutiny committee, a reappointment was necessary to regularise the nomination of Councillor Batten at the Annual Council meeting. Accordingly, the Executive appointed Councillor Knell to serve as the Council's representative on this committee.

- **Local Strategic Partnership (LSP)**

The LSP, Hertsme Together represented the public, private, voluntary and community sectors within Hertsme. The latest meeting of the LSP was held on 10 June 2014.

Adults with Complex Needs

A scoping project had been established working across a range of Hertfordshire statutory and voluntary sector agencies. The objective of the scoping project was to present a business case and options analysis which tested the following hypothesis:

If agencies in Hertfordshire pool resources and work more closely together to identify and deliver services to adults with complex needs and chaotic lifestyles, they will be able to achieve a more cost effective service and deliver interventions, solutions or improvements which are more customer focussed and effective.

Donald Graham was the sponsor for this new project and will be chairing the County Wide Steering Group and Hertsmere is the project pilot area.

96 Shenley Road

The building had now been open for 6 months and was operating through a lease with the Church and the County Council with the day to day operation of the facility through a contract between HCC and Hertsmere Leisure Trust.

The new facility had seen over 40,000 visits in the first three months of this year which demonstrated the huge potential there is for this community facility and the Leader hoped to report back at a future meeting that the building had won that architectural recognition.

Enterprising Council

The Council had developed its approach to Economic Development and following public consultation in April and May, hoped to adopt its economic development strategy - Creative Hertsmere.

This was reinforced by the direct action that the council had already taken in supporting the local economy through, for example, supporting local retail businesses with a business rate reduction to over 650 retail businesses in the current financial year, and changes to the Council's contract procedure rules to ensure that local businesses get the opportunity to bid for contracts up to £20,000.

Elstree Studios and Hertsmere Borough Council have worked with support from the LEP to unlock the latent potential in the land at the rear of the studios and to further stimulate the local economic value which stems from the studio.

- **BBC Studios and Post Production**

The Leader was pleased to report that television programmes such as BBC One's Strictly Come Dancing and ITV's The Chase will continue to be made in Borehamwood following the renewal of a contract with the council-owned Elstree Studios. BBC Studios and Post Productions have extended their partnership with the Studios until at least spring 2017.

He added that this afternoon the BBC had announced that they will not be returning to the newly refurbished TV centre until 2017. They were due to return in 2015. It was noted that this would continue to have positive effects for the Studios in the coming years.

- **Elstree Recycling Centre**

As of this evening, the Leader said some 907 residents had signed Councillor Cohen and his on-line petition to save the Elstree Recycling Centre threatened with closure by Hertfordshire County Council. Hundreds had also been filling in the on-line consultation and he said he was grateful to the Borehamwood Times for its coverage of this story. He also thanked the local volunteers, including Mr Stack and the Elstree and Borehamwood Residents Association, for their help in giving out leaflets in the hot weather.

The Leader went on to say that at a meeting of Hertfordshire County Council yesterday, there were noises which indicated that there might be a way forward on this matter. The Leader did implore residents not to give up efforts to keep the pressure on as he believed there was still some way to go. The consultation closed on 3 August and he wanted the message passed on that the job was not yet done. He wanted people to sign the petition and for residents to explain why the site was so important.

- **Hertsmere Member of Parliament**

The Leader drew attention to the very demanding job that had been performed by the Borough's Member of Parliament, James Clappison, for the past 23 years. He said that although colleagues would have been saddened by the news that James had announced he is stepping back from Parliament at the General Election in 2015, his retirement from the House of Commons was understandable. In his own letter to the Prime Minister, James Clappison had said that "by May 2015, I will have served as a Member of Parliament for a full 23 years: a generation of time. It is difficult letting go but I do feel now is the time to move on. There is a world elsewhere.'

The Leader said that James Clappison had been an excellent constituency MP, working extremely hard for Hertsmere in general and for residents in particular. He was described recently by a senior politician in a room full of his peers at a charity lunch attended by the Leader, as a quiet yet efficient man. The Leader added two extra words, honest and gentleman, and said James was the very antithesis of what many people believe politicians were about. James was never a table thumper and had never been in it for himself. He had worked tirelessly for the good of all he served as well as his country by being a parliamentarian of note.

The Leader was sure that over the coming months, residents who had met him and for whom James had worked so hard will wish to offer their own thanks, as the Leader did on behalf of Hertsmere Borough Council with whom James Clappison has always had an excellent relationship.

101. **REPORT OF THE OVERVIEW AND PERFORMANCE CHAIRMAN**

The Vice Chairman of the Overview and Performance Committee gave an oral report on the work of the Overview and Performance and two Scrutiny Committees.

Environment Scrutiny Committee - 8 May 2014.

This Committee had received an update on the public's response to the revised Elstree Way Corridor Area Action Plan before its examination by the Secretary of State. It noted that residents' main concerns continued to be the potential siting of a primary school on Maxwell Park and issues of highway capacity. The Committee also noted that another reserve site for a primary school was being sought, and that infrastructure was a key issue which would be brought to the forefront of the final report.

The Committee then received a report on the implementation of the Community Infrastructure Levy (CIL), and learned that CIL would be replacing some Section 106 arrangements but not all. It was noted that: the Borough Council would have control of CIL receipts; there would be no set time in which CIL monies had to be spent; and that it was the intention to involve local members as well as the Portfolio Holder and Executive when deciding priorities for infrastructure in a particular area.

Finally the Committee considered the response to be submitted to Hertfordshire County Council's Scrutiny Review of the effectiveness of Highways Liaison Meetings (HLMs). It was noted that, on the whole, borough councillors did not find these meetings worthwhile.

Resources Scrutiny Committee - 12 May 2014

This Committee received an update on the Homeworking pilot. The Committee noted that the exercise had raised issues of telephony and ICT functionality, the importance of retaining adequate staff on-site, and equity of opportunity for staff to homework. It also noted that increased homeworking would not result in financial or accommodation related savings, however there could be benefits in respect of staff morale, recruitment and retention. The conclusion of the homeworking pilot would be considered by the committee in September. The Committee then received a positive update in respect of the Council Tax Discretionary Fund.

Overview and Performance Committee - 18 June 2014

The Committee learned that, overall, financial monitoring continued to show an encouraging picture. However, the Committee asked for future financial reports to include a footnote in the explanatory text whenever there was a major variance between the text's summary of high-level deficits/surplus and the numeric deficit/surplus totals contained in the Monthly Financial Position table. The Committee also received reports in respect of the Infrastructure Scrutiny Reviews. The report of the Transport Infrastructure Scrutiny Review was approved for submission to the Executive, and a 'traffic light' report comparing performance across the four Hertsmere settlements to flag up any hot-spots or severe variations, was requested in respect of the Social Infrastructure report.

102. **CREATIVE HERTSMERE ECONOMIC DEVELOPMENT STRATEGY**

The Council had before it a proposed Economic Development Strategy – Creative Hertsmere, part of the Council's Policy Framework. This document reflected views expressed through consultation.

The purpose of Creative Hertsmere was to present the council's aims and proposed actions for improving economic prosperity across the borough so that residents and businesses could thrive and contribute to creating sustainable communities. Creative Hertsmere presented a vision that outlined the aspirations for what the borough's economy would look like in 2026 and a set of priorities for action to 2016 as the first steps to achieving the vision.

The Strategy included:

- Vision and priorities to present the long term policy position and the basis for short term actions
- Making it happen – the governance, joint working and resourcing arrangements
- Measuring success – performance management arrangements including headline targets
- Action Plans – headline actions to drive delivery to 2016 and underpin detailed work that will be taken forward through the various work streams.

It envisaged that delivery of the strategy would be achieved through the implementation of the action plans, and be overseen and directed by a cross sector economic board. Delivery would be achieved through cross sector working groups.

RESOLVED that the Economic Development Strategy – Creative Hertsmere be adopted as part of the Council’s Policy Framework.

103. **PAY POLICY STATEMENT 2014-15**

Report C/14/20 recommended adoption of a pay policy statement for 2014/15 in compliance with Section 38 of the Localism Act 2011. From 2012, under Section 38 of the Localism Act 2011, all local authorities had been required to publish annual pay policy statements containing details of the pay and benefits payable to staff in Chief Officer and Deputy Chief Officer positions. The Council was required to explain in its pay policy statement how the pay and benefits for senior staff relates to the pay and benefits for other staff in the Council.

The Pay Policy Statement before the Council had been recommended by the Personnel Committee at its meeting on 24 June 2014.

RESOLVED that the Pay Policy Statement for 2014/15 be adopted.

104. **UPDATES FROM OUTSIDE BODIES**

The following Members, appointed as representatives of the Council on outside bodies, made a report on the activities of their respective organisations:

Bushey Festival Committee	Councillor Choudhury
Bushey Manor Field Trust	Councillor Quilty
Bushey Museum Management Committee	Councillor Morris
Citizens Advice Bureau	Councillor Batten
Community Action Hertsmere	Councillor Batten

Reports on activities at the Clayton Centre and the Council for the Protection of Rural England – the Hertfordshire Society were deferred as the Councillors appointed as the Council representatives were absent.

RESOLVED that the information on the activities of the outside bodies listed above, as reported by the Councillors appointed to represent the Council on those bodies, be noted.

105. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

Eight questions had been received in accordance with Council Procedure Rule 11 as follows:

1) From Councillor Richard Butler to the Finance & Property Portfolio Holder, Councillor Graham:-

“How long has the cash been set aside for the development of the new homes to be built in Buckingham Road Borehamwood? When was the planning application first received and when was permission originally granted? How long have the garages in Buckingham Road been empty and what revenue has been lost? When is it anticipated that building work will start on this site?”

Councillor Graham replied that Executive approval for funding was given on 11 September 2013. Planning Permission for the HBC scheme (3 x 2 bed properties and 1 x 3 bed property) was granted on 8 March 2013. The derelict garage site had been previously identified as suitable for development and a report was discussed at the Asset Management Panel 26 March 2009 regarding the sale of the site.

The garages in Buckingham Road had been empty since 2008, it was a low occupancy site, hard to let and in need of repair so had been identified as suitable for development. When the garages were taken out of use they had an occupancy level of 20% which equated to £3,108 per year. These users were relocated to empty garages in the area. The estimated cost of refurbishing the garage block would have been in the region of £50k and it would have taken seventeen years to replay the investment.

A contract for professional services is currently out to tender and will be awarded in August 2014, it is expected that construction works tenders will be returned November 2014, with award of contract January 2015 and commence on site April 2015.

2) From Councillor John Galliers to the Planning and Localism Portfolio Holder, Councillor Cohen:-

“Can the Portfolio Holder provide an update on the current status of the Elstree Way Corridor plan with particular regard to the future of Maxwell Park?”

Councillor Cohen replied that the Elstree Way Corridor Area Action Plan had been to consultation with developers and members of the public and, after collating the responses, the Council proposed to submit the Elstree Way Corridor Area Action Plan to the Planning Inspectorate by the 25th July 2014. Officers were currently finalising ‘Statements of Common Ground’ with the County Council and the Environment Agency. Once submitted, this would likely result in an ‘Examination in Public’ in September or October 2014, the date will be decided by the Planning Inspectorate.

The Council's position on the Maxwell Park Community Centre was unchanged. Councillor Cohen said that the Council knew the site had been allocated as a 'reserve' site for a new primary school, but officers from both HBC and the County continued to explore a third option which was not to use this site as a primary site but as a secondary site.

3) From Councillor Galliers to the Environment and Transport Portfolio Holder, Councillor Heywood:-

"Has the Borough Council been made aware of the criteria used by the County Council to single out Elstree and Hoddesdon Recycling centres, from the current 17 sites, for closure?"

Councillor Heywood replied that Hertsmere Borough Council, as a member of the Hertfordshire Waste Partnership, was aware that Hertfordshire County Council was going to review all the household waste sites. However, this is not a Borough function but a County function as the County Council is the waste disposal authority.

The subsequent outcome from this review is specified within an extract on Hertfordshire County Council's website.

The extract reads:-

"A new contractor, AmeyCespa, has been appointed by the County Council to run the recycling centres in Hertfordshire.

Although Hertfordshire County Council has delivered savings totalling £149m while protecting essential frontline services, further reductions in national funding and the increasing demand for key services, such as adult social care and children's services, means that the County Council will need to make similar savings over the next four years.

AmeyCespa have been asked to put forward suggestions to improve efficiency and save money while still reducing waste, improving rates of reuse and recycling and also maintaining a reliable service for residents.

The suggested services changes include:-

- permanently closing the recycling centres at Hoddesdon and Elstree.
- changing the remaining 15 sites from a seven day service to a five day service.
- changing opening times.

If agreed, the suggested changes could mean the service saves £6m over the next eight years."

The final decision will follow a period of consultation from the 16th June until midnight on the 3rd August. All feedback received will be analysed and presented in a report to the County Council's Highways and Waste Management Panel in September 2104. This Panel is made up of a cross-party group of elected Members of the County Council who will take this information into account before recommending whether to proceed with the service changes AmeyCespa is suggesting.

Hertsmere Borough Council's local members have been engaged in a campaign against the closure. We have to find a way of saving the service. Signing the online petition is important to show support and we would also ask local residents to fill in the online form and give their opinions to the County Council.

In reply to a supplementary question, Councillor Heywood said that Hertsmere was not consulted by the County Council on their criteria for closure.

4) From Councillor Harrison to the Planning and Localism Portfolio Holder, Councillor Cohen:-

"What will be the impact on Hertsmere of George Osborne's statements in his Mansion House speech that; "Councils will be required to put local development orders on over 90 per cent of brownfield sites that are suitable for housing" and "This urban planning revolution will mean that in effect development on these sites will be pre-approved – local authorities will be able to specify the type of housing, not whether there is housing. "

Councillor Cohen replied that these quotes had been taken from a speech on the development of the economy. The Chancellor emphasised the importance of delivering many more homes to meet the growing demand for housing and said that the Government had "reformed the antiquated planning system".

The proposals for local development orders and a more liberal regime of planning control on housing developments potentially had significant land use implications and could not be evaluated until there was more detail. In particular, there needed to be clarification around the definition of brownfield land, the size of site to which these Local Development Orders would apply and whether s106 and/or CIL would apply. Councillor Cohen looked forward to seeing more details of the proposal from the government.

5) From Councillor Galliers to the Planning and Localism Portfolio Holder, Councillor Cohen:-

"Given the large number of housing developments already approved for the Studio Way, Elstree Way and Manor Way area, is there scope for

major change to the council's policy on parking provision within new housing developments?"

Councillor Cohen replied that on 11th July, as a Portfolio Holder decision, he had approved changes to the Council's off-street parking standards, following consultation earlier in the year, on revisions to the parking standards SPD. These revisions were drawn up in response to concerns expressed by the Planning Committee and Councillors that some developers were seeking to circumvent the Council's parking standards, which were based on the number of bedrooms per property, by describing bedrooms as studies, playrooms and so on. Amendments to the SPD were drawn up by the planning department and no objections were submitted to the key changes following the consultation carried out. No responses were made by developers.

Different, minimum parking requirements were set for the Elstree Way Corridor (EWC) area as part of the draft Elstree Way Corridor Area Action Plan approved by the Council earlier this year. These requirements reflected the additional public transport accessibility of sites within the corridor but there was a clear expectation that all parking requirements would need to be met on site. The draft Area Action Plan stated that if new or extended Controlled Parking Zones were introduced into roads adjoining the EWC, parking permits were unlikely to be issued to occupiers of sites developed within the EWC.

6) From Councillor Richard Butler to the Environment and Transport Portfolio Holder, Councillor Heywood:

"In the last 6 months how many complaints have the council received in overgrown trees and hedge rows?"

Councillor Heywood replied that Planning have received one formal complaint relating to High Hedges under the Anti-Social Behaviour Act in the last 6 months. There have been no applications to remove hedgerows under the Hedgerow Regulations 1997. No other formal complaints have been received relating to this issue.

The data from the 3C's system does not contain any complaints relating to overgrown trees or hedges.

When Parks and Amenities receive a complaint, they are acted upon as appropriate however many enquiries received are redirected to Hertfordshire Highways as they relate to Highway trees or hedges or privately owned trees or hedges encroaching onto the Highway.

The key principal within the grounds maintenance contract is that pruning should be appropriate to the species of shrub while keeping sightlines, doors, windows, paths, etc. clear.

Work to trees are carried out on the basis of the trees' needs and safety considerations. Hertsmere does not undertake the following works: to improve light levels; to improve TV signals; to prevent leaves or droppings falling onto other people's property, or because branches were hanging over other people's property

To put this in context, Hertsmere maintains 11,731 linear metres of hedge; 14880 trees (not counting large groups of trees in woodland) and 22.2 Hectares of woodland.

In response to a supplemental question about the ability of the public to carry out work themselves, the Portfolio Holder said that anyone wishing to do so should always contact the Council first.

7) From Councillor Richard Butler to the Finance & Property Portfolio Holder, Councillor Graham:-

"How many empty properties are there in each ward in Hertsmere?"

Councillor Graham replied that there were 1089 vacant properties in the Borough, made up as follows;

342	Elstree & Borehamwood
125	Aldenham
6	Ridge
11	South Mimms
339	Bushey
44	Shenley
222	Potters Bar

8) From Councillor Harrison to the Housing and Economic Development Portfolio Holder, Councillor Quilty:-

"At a previous Council meeting I was assured that our residents would not again be put in substandard infested temporary accommodation – yet once again we have a case of a family with young children including a baby being put in cockroach/mice infested property. What is the portfolio holder going to do to stop this ever happening again?"

Councillor Quilty replied that all Council temporary accommodation was inspected regularly and found to be of good standard. This particular case had been investigated and discussions held at length with the pest control officer who attended. He said he found nothing in terms of cockroach debris, egg sacks or skin in his search and no mouse droppings. He had left bait gel there in case and would arrange to go back next week. The Council had also offered this household alternative accommodation which they have refused.

Councillor Harrison said she would discuss this matter further outside the Chamber.

106. **NOTICES OF MOTION**

No notices of motion had been received.

107. **OPPOSITION BUSINESS**

No items of Opposition Business had been received for inclusion on the agenda.

108. **ANY OTHER URGENT BUSINESS**

None.

109. **DATE OF NEXT MEETING**

Noted that the next meeting of the Council would take place at 7.30 p.m. on Wednesday, 17 September 2014.

CLOSURE: 8.46 pm

MAYOR

HERTSMERE BOROUGH COUNCIL

MEETING OF THE COUNCIL
HELD IN THE COUNCIL CHAMBER
CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

16 July 2014

Present:

Councillors Keates (Mayor), Worster (Deputy Mayor), Batten, Bright, Butchins, E Butler, R Butler, Calcutt, Choudhury, Clapper, Dr Cohen, Dobin, Galliers, Goldstein, Graham, Griffin, Harrison, Heywood, Knell, Legate, Lyon, Maughan, Morris, O'Brien, Parnell, Quilty, Rutledge, Sachdev, Silver, Swallow, Swerling, Vince, Turner, Wayne, West and Winters

Officers:

S Bijle
G Wooldrige
P Hughes

Director of Resources
Director of Environment
Democratic Services Manager

Also Present:

110. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Donne, Gilligan and Hodgson-Jones.

An apology for absence was also submitted on behalf of the Chief Executive.

111. **DECLARATIONS OF INTEREST (IF ANY)**

No Member had an interest declare under any of the items of business on the agenda.

112. **THE ELECTORAL CYCLE OF HERTSMERE BOROUGH COUNCIL**

Report C/14/21 advised the Council of the outcome of consultation on a possible move from election of Hertsmere councillors 'by thirds' to the election of all councillors on the Council once every four years.

The Council was obliged to take “reasonable steps to consult such persons as it thinks appropriate on the proposed change.” It was noted that the Council had made the following efforts to consult residents:

- the publication of information on the Council website seeking views on the possible change to the Council electoral cycle. At the beginning and at the end of the consultation period the article was included as a main headline on the Council homepage.
- the circulation of a consultation leaflet to persons and organisations on the Council’s list of consultees.
- placing press advertisements in local newspapers circulating in Potters Bar; Borehamwood & Elstree, Radlett and Bushey seeking views on a possible change to the Council’s electoral cycle.
- Tweeted the opportunity to participate in this consultation exercise to 3500 followers.
- ‘Facebooked’ the opportunity to participate in this consultation exercise to 500 followers.
- Issued press releases which saw articles appear in the three main local papers circulating in the Borough.
- All staff emails to promote the opportunity to express a view to those staff who reside in the Borough.

A total of 77 people responded; with 39 (50.6%) favouring the retention of the present system of electing Borough Councillors by thirds. 38 people (49.4%) favoured a change to ‘whole council’ elections.

The Parish Councils in the Borough had provided the Council with their view on the choice. Three supported a move to whole Council elections and one had a preference to retain the present system of election by thirds.

During debate on this matter it was noted that there would be a financial saving if the Council moved to whole Council elections but a number of speakers said this was not the only benefit. It was pointed out that the Council would also enjoy a clear mandate for four years, allowing it to adopt a more strategic longer term approach to policy making. Under a whole Council elections regime, councillors would be freed from electioneering in three out of four years and allow them to concentrate on their councillors duties.

Other Councillors had reservations about a change and did not wish to change the present practice for what they saw as financial reasons.

RESOLVED that

(1) the practice of electing all its Councillors once every four years at a whole Council election, with the first whole Council election being held on 7 May 2015, be adopted by Hertsmere Borough Council, and

(2) Town and Parish Council be advised that Hertsmere will make an Order to alter the year of ordinary elections of Town and Parish Councils so that they coincide with whole Council elections.

The Council reached a decision on this item by way of a recorded vote. The voting of Councillors was as follows:

FOR: Councillors Batten, Bright, Butchins, Calcutt, Choudhury, Clapper, Dr Cohen, Dobin, Goldstein, Graham, Griffin, Heywood, Keates, Knell, Legate, Lyon, Maughan, Morris, Parnell, Quilty, Rutledge, Sachdev, Silver, Swallow, Swerling, Turner, Wayne, West, Winters and Worster. (30)

AGAINST: Councillors Ernie Butler, Richard Butler, Galliers, Harrison, O'Brien and Vince. (6)

ABSTAIN: Nil

113. **ANY OTHER URGENT BUSINESS**

None

114. **DATE OF NEXT MEETING**

Noted that the next meeting of the Council would take place at 7.30pm on Wednesday, 17 September 2014.

CLOSURE: 9.18 pm

MAYOR

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HERTSMERE BOROUGH COUNCIL

Council Meeting – 17th September 2014

Agenda Item 8

Leader's Report

- **Executive**

23rd July 2014

1. Affordable Housing: Updating the Supplementary Planning Document
2. Refuse Fleet Insurance Contract
3. Procurement of National Non-Domestic Rate (NNDR) Software
4. Shenley Road Market – Award of Contract
5. Shared Service Arrangements

10th September 2014

1. Overview and Performance Committee Recommendations – Reviews of Transport Infrastructure and Employment Infrastructure in Hertsmere Borough Council
2. Community Infrastructure Levy (CIL) – Developer Contributions Framework*
3. Health and Wellbeing Strategy
4. Quarter 1 2014/15 Performance Report

- **Audit Committee**

- **Local Strategic Partnership**

- **Hertsmere Cadets**

- **Green Flag Awards**

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HERTSMERE BOROUGH COUNCIL

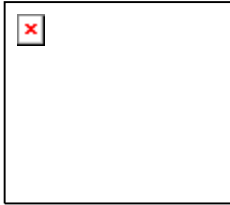
Council meeting – 17 September 2014

Agenda item 9

Report of the Chairman of the Overview and Performance Committee

- **Resources Scrutiny Committee – 22 July 2014**
 - Revenues and Benefit Service
 - Publicity for all-out elections
 - Joint Staffing arrangements with other Authorities/partnership Governance framework
 - **Overview & Performance Committee – 29 July 2014**
 - Financial Monitoring
 - Performance Monitoring
 - Section 106 activity
 - Proposals for a scrutiny review of Section 106 agreements
 - **Environment Scrutiny Committee – 2 September 2014**
 - Implementing the Community Infrastructure Levy
 - Planning and Localism Portfolio
 - Empty Homes Strategy
 - Health and Wellbeing Strategy
 - Adoption of a Hertfordshire Collective Building Control Service
 - **Resources Scrutiny Committee – 8 September 2014**
 - Hertsmere Leisure Contract – progress update
 - Homeworking Scrutiny review – result of pilot
 - Council Tax Benefit Support quarterly update
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HERTSMERE BOROUGH COUNCIL

PART I Agenda Item No	10
Document Reference No	C/14/24

COUNCIL

DATE OF MEETING: 17 SEPTEMBER 2014

**COMMUNITY INFRASTRUCTURE LEVY (CIL) / DEVELOPER CONTRIBUTIONS
FRAMEWORK**

Following the independent examination of the Council's proposed CIL charging schedule in October 2013, the Examiner appointed by the Planning Inspectorate endorsed the charges proposed (December 2013) subject to some limited amendments. The next stage to adopting CIL is formal adoption by full Council. The introduction of CIL will replace the current operation of requesting contributions solely via way of Section 106 (s106) 'tariffs' or individually negotiated amounts which is advantageous, as CIL will not be tied to a specific piece of infrastructure, will not be time-limited or refundable and the expenditure is at the discretion of the Council.

CIL will not replace all s106 requests which will still be the mechanism for securing affordable housing and other 'on-site' infrastructure requirements. The Council is also required to rationalise its approach to securing developer contributions, scaling back the current s106 practices and providing transparency on future CIL allocation. From April 2015, Councils across England will be unable to pool monies from more than five s106 agreements for a particular purpose.

In order that developers understand the full contribution necessary to infrastructure it is proposed to create a 'Developer Contributions Framework' - bringing together a suite of documents in one place including the CIL Charging Schedule and guidance on the remaining use of s106 contributions including exceptionally, payments for Affordable Housing, in line with the Affordable Housing SPD.

PORTFOLIO HOLDER: COUNCILLOR DR HARVEY COHEN

1. **RECOMMENDATION:**

That the Council:

- 1.1 Adopts the CIL Charging Schedule with CIL to come into effect for all planning applications approved on or after 1 December 2014.
- 1.2 Approves the formation of a CIL Investment Committee, chaired by the Portfolio Holder for Planning and Localism and with borough-wide representation, which shall be afforded powers to allocate CIL funds and to make operational changes to CIL collection arrangements on behalf of the Council (such as instalment policies) unless the Chairman considers that the changes should be considered by the Executive as a whole.
- 1.3 Agrees the publication of a 'Developer Contributions Framework' which shall include guidance on CIL, the Council's Regulation 123 List and the use of s106 agreements.
- 1.4 Requires that officers work with Hertfordshire County Council to ensure existing s106 funds are spent effectively and that the CIL Investment Committee is consulted on proposals for any new assessment criteria used for allocating CIL.
- 1.5 Requires that further amendments to the Council's Regulation 123 List, together with other elements of the 'Developer Contributions Framework', are agreed by the Director of Environment, in consultation with the Portfolio Holder for Planning and Localism unless the Portfolio Holder for Planning and Localism considers that the changes should be considered by the Executive as a whole.

2. **CONTEXT**

Planning Policy Background

- 2.1 The Community Infrastructure Levy (CIL) was introduced in the Planning Act 2008, allowing Local Authorities to introduce the Levy subject to undertaking a set procedure and the approval of a government appointed examiner; in Hertsmere this was completed in December 2013 where the Council's charging schedule was approved by the examiner, subject to two main modifications:
 - That the levy in "Area B" is reduced from £210 per square metre to £180 per square metre
 - That the levy for specialist types of accommodation for the elderly / disabled is set at £120 per square metre.
- 2.2 CIL is not in itself a 'planning' matter, but it has significant influences on planning policy. The National Planning Policy Framework (NPPF, March 2012) and National Planning Practice Guidance (NPPG, March 2014) emphasise the need for transparency and appropriate governance arrangements. Furthermore, a greater degree of justification for the use of s106 is also more apparent in government policy. NPPF paragraph 173 states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

- 2.3 The current Supplementary Planning Document (SPD) for Planning Obligations was adopted in December 2010, prior to the introduction of the NPPF. Many elements of the SPD will become inconsistent with national policy once CIL is adopted in the borough and in particular, its approach for securing contributions for non-site specific infrastructure via s106 agreements. The current SPD will, therefore, be superseded by the Developer Contributions Framework on 1st December 2014, the date from which applications approved will start to become liable for paying CIL.

Other Contextual Matters

- 2.4 Officers have taken into account the following matters in formulating the recommendations for the adoption of CIL and related governance:
- the need to allow an appropriate notification period between the date of adoption and CIL coming into ‘effect’ - allowing applications already being pursued under the current s106 route to be finalised before CIL comes into effect;
 - the need to allow a sufficient timeframe for Development Management practices to incorporate CIL administration;
 - the commitment of the Council to provide opportunities for local Member involvement in the allocation of CIL, and an appropriate allocation of expenditure in areas where CIL is generated; and
 - the likely high amount of requests the council will receive for CIL funding, and the need for the Council to be transparent in its decisions
- 2.5 In relation to the Developer Contributions Framework, officers have taken into account the need:
- to promote the relevance of Council priorities, such as those in the Economic Development Strategy;
 - to provide the strategic framework for the collection of s106 contributions in the Elstree Way Corridor (where a ‘nil’ CIL rate would apply because the area is better suited for delivery of infrastructure via s106, due to the size of sites and the need for infrastructure to be provided in tandem with development); and
 - to incorporate links to the emerging revised Affordable Housing SPD

Purpose of the CIL Charging Schedule (Appendix A)

- 2.6 The CIL charging schedule sets out the level of charges that will be applied on new build floor space on the basis of every additional square metre proposed. The Council is required to collect CIL in the manner prescribed in the CIL regulations (2010, as amended) at the rates approved by the government appointed examiner. The rates will be index linked from the date of adoption; any further changes to the CIL rates would require the Council to undergo a fresh CIL consultation exercise.

Purpose of the Developer Contributions Framework (DCF) (Appendix B)

- 2.7 The purpose of the DCF is to clearly identify to developers all of the contributions the Council will seek towards infrastructure from new development. It is important to stress that the Council cannot 'double charge' developers by requesting items via s106 that it also intends to invest CIL towards. The adoption of CIL will change how s106 can be collected, strengthening the requirement to demonstrate the link between the development and the proposed infrastructure instead of the 'per dwelling' tariff approach.
- 2.8 The DCF is intended primarily to be an online resource, with relevant sections updated as and when required, rather than comprising a single, static 'document', although for the purposes of this Council report, it has been formatted into a single document. The key components of the proposed DCF are:
- a) CIL (incorporating the Council's CIL Charging Schedule and Regulation 123 List)
 - b) Use of Planning Obligations
 - c) Allocation of CIL expenditure
 - d) Revised costings for other off-site contributions (replacing those in the current Planning Obligations SPD)
 - e) Clarification of the approach the Council is taking to securing infrastructure via s106 in the Elstree Way Corridor
 - f) Developer contributions towards Affordable Housing, as set out in the Affordable Housing SPD, where it has been exceptionally demonstrated that on or off-site provision cannot be made
- 2.9 Under Regulation 123 of the CIL Regulations, the Council is expected to publish a list of infrastructure to benefit from the use of CIL funds. The purpose of such a list is to differentiate between infrastructure being funded through CIL and those where a s106 agreement (or s278 agreement for highways works) are specifically needed in order to make a development acceptable in planning terms. The Regulation 123 list will to be kept under review and specific infrastructure projects may be added over time.

3. REASON FOR RECOMMENDATIONS

- 3.1 The CIL Regulations (2010, as amended) require the CIL charging schedule to be formally adopted by Council. The Council must also specify the date on which CIL will come into effect. Statutory guidance that accompanies CIL requests that

the Council give sufficient advance notification to potential developers as to when CIL will come into effect, and provide a transparent approach to CIL expenditure

- 3.2 The move to CIL will change the legal basis by which the Council can collect s106, necessitating a change to the current Planning Obligations SPD – and avoid the potential for the Council to be seen as ‘double charging’.

4. **ALTERNATIVE OPTIONS**

- 4.1 There are three subjects on which alternative options were considered:

- To charge CIL or continue with the current s106 approach
- The date on which CIL will come into effect
- Governance structures

CIL or continued use of current s106 approach

- 4.2 The Council is not obliged to adopt CIL; however after 14 April 2015 a national restriction on the use of s106 will apply – only allowing the Council to enter into five s106 agreements for each infrastructure project. Due to the ‘retrospective’ application of the regulations back to April 2010, the Council would only be able to pool one more s106 agreement for a named item of infrastructure if there were already four s106 agreements in place for that particular infrastructure. Given that the majority of growth in Hertsmere is small scale (less than 10 units) it would be difficult to justify the use of s106 contributions to secure contributions to strategic infrastructure when there would be a limit of five such contributions which could be pooled. Furthermore, in early March 2014 the Government held a consultation where it was suggested that the Government may be minded to remove s106 ‘tariffs’ for all development under 10 units. Officers conclude that failure to adopt CIL would seriously restrict the Council’s ability to secure infrastructure.

The date for CIL to come into effect

- 4.3 While the CIL regulations do not prohibit the Council bringing CIL into effect the day after adoption, experience of other authorities has shown that insufficient advance notice to the development industry can cause significant reputational impacts and resource implications.
- 4.4 CIL is charged on all applications granted consent after the date CIL comes into effect – irrespective of the date the application was received. Bringing CIL into effect before 1st December 2014 could increase the amount of applications currently before the Council for determination (which would need to include the completion of any s106 agreements), potentially resulting in an unmanageable surge in planning applications and a possible increase in appeals against non-determination. Delaying the introduction to the first of January 2015 was also considered, however this would likely increase the amount of applications for the December Planning Committee, which historically tends to be a large agenda regardless. The financial impact of adopting CIL earlier or later than proposed would be marginal, particularly given that significant CIL revenues will not be realised for up to a year after CIL is adopted. In conclusion, it is considered that 1st December 2014 provides the most appropriate date for CIL to come into effect.

Alternative governance structures

4.5 Three options were explored for CIL governance structures, attempting to accommodate the wide interest expressed by members while not creating additional bureaucracy;

- A 'Simple approach' using the existing Planning Committee
- 'Comprehensive approach' – using all committees with an interest in infrastructure delivery including Scrutiny Committees
- 'Dedicated approach' – the formation of a new member-led CIL Investment Committee, representing membership from all principal settlements in the borough

4.6 The simple approach would not meet the envisaged involvement sought by many members, in particular a lack of proportionate representation from settlements in the borough. The comprehensive approach, while drawing in wider representation, would be unwieldy and likely result in delays in decision making. The chosen option of a dedicated CIL Investment Committee is considered to be the most effective. While this would result in the creation of a new committee, it is anticipated that Members would not be required to meet more than twice a year, and potentially no more than once in the initial year of CIL collection due to there being a time lag until the first CIL revenues are generated. The Committee will be chaired by the Portfolio Holder for Planning and Localism with all towns and larger villages (including Shenley) having Borough Councillor representation on the committee.

5. LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

5.1 In respect of CIL, the governing legislation is the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).

5.1 In respect of the Developer Contributions Framework, the main legislation, is the Planning and Compulsory Purchase Act 2004 (as amended), Town and Country Planning (Local Development) (England) 2012 and Community Infrastructure Levy Regulations 2010.

6. FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS

6.1 The cost associated with progressing CIL and the Developer Contributions Framework will be met from the Policy and Transport revenue budget. Costs associated with the future administration of CIL collection can be supported from up to 5% of CIL income – at present this is thought to be limited to officer time as the Council's IDOX software system should be sufficient for the basic administration of CIL. Costs associated with the resourcing of the CIL Investment Committee will be met from the Democratic Services revenue budget.

6.2 CIL income, where it has been allocated to Council capital expenditure by the CIL Investment Committee, will be able to be included in future budgets set by the Council.

7. **DELEGATION**

- 7.1 The decision whether or not to adopt CIL, and when it should come into effect is a matter which needs to be resolved by Full Council. It is proposed that the updating of the Developer Contributions framework be a matter for the Director of Environment, in consultation with the Portfolio Holder for Planning and Localism, unless the Portfolio Holder considers that the changes require consideration by the Executive. The Affordable Housing SPD, parts of which are cross-referenced in the Framework, is a matter for the Executive.

8. **PLANNED TIMETABLE FOR IMPLEMENTATION**

- 8.1 The CIL charging Schedule is proposed for adoption at the September meeting of Council. The date CIL would come into effect, and the use of the Developer Contributions Framework would be for all planning applications approved on or after the 1st December 2014. CIL payments would not be triggered until those developments approved have commenced and this is unlikely to occur until Spring 2015 for the first schemes.

9. **EFFICIENCY GAINS AND VALUE FOR MONEY**

- 9.1 The advantages of proceeding with the adoption of CIL would be a greater scope to collect financial contributions from development than currently possible via s106.

10. **RISK MANAGEMENT IMPLICATIONS**

- 10.1 The CIL charging schedule has already been found sound by a government appointed examiner, who was satisfied that the CIL rates will not reduce development activity in the borough. Officers believe that the Developer Contributions Framework is fundamentally sound because it does not add any additional requirements over those that were assessed as part of the Council's CIL proposals.

11. **PERSONNEL IMPLICATIONS**

- 11.1 The process to adopt and operate CIL, and the Developer Contributions Framework, will be serviced by the Planning Policy Team. Implementation will involve all Council services, but principally planning, legal and finance

12. **CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS**

- 12.1 CIL will provide a funding stream to support the implementation of infrastructure requirements need to deliver the strategic objectives in *Hertsmere Together*.

12.2 The DCF (including the use of CIL) underlines the importance of a coordinated approach to service planning across the council, ensuring that new growth is able to add to existing communities

12.3 The DCF reflects the Government imperative that the Council should be clear on the requirements it may place on new development and reduce unnecessary 'burdens'. CIL however is a cost on development, and there may be circumstances where development is made unviable by CIL. The Council's CIL assessment explored such impacts and found that the introduction of CIL will not reduce levels of development in the borough; it may however in some circumstance change the viability of individual sites.

13. **ASSET MANAGEMENT PLAN IMPLICATIONS**

13.1 There are no direct implications.

14. **HEALTH AND SAFETY IMPLICATIONS**

14.1 No health and safety impacts have been identified.

15. **APPENDICES ATTACHED**

15.1 Appendix 1 – CIL charging schedule

15.2 Appendix 2 – Developer Contributions Framework

16. **BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT**

16.1 The key documents used were as follows:

- Local Plan (adopted 2004)
- Core Strategy (adopted 2013)
- National Planning Policy Framework (2012)
- National Planning Policy Practice Guidance (2014)
- Affordable Housing SPD 2008
- Developer Contributions SPD
- Proposed Submission Elstree Way Corridor AAP (2014)

17. **AUTHOR**

17.1 James Renwick
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Hertsmere Borough Council

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CHARGING SCHEDULE

17th September 2014

Document Title

Purpose

CIL Charging Schedule

Adopted CIL Charging Schedule

The Charging Authority

The Charging Authority is Hertsmere Borough Council

Date of Approval

This Charging Schedule was approved by the Council on 17th September 2014

Date of Effect

This Charging Schedule will come into effect on 1st December 2014

CIL Rates

The rate at which CIL is charged shall be:

Residential Development	
Area	CIL Rate (per sqm)
Area A	£120
Area B	£180
Elstree Way Corridor	£0
Commercial Development	
Type	CIL Rate (per sqm)
Hotel (Use Class C1)	£120
Specialist accommodation for the elderly and / or disabled including Sheltered and Retirement Housing and Nursing Homes, Residential Care Homes and Extra Care Accommodation	£120
Retail (Use Class A1)	£80
Office (Use Class B1)	£0
Industrial (Use Class B2)	£0

The Charging Areas

The Charging Areas A, B and 'Elstree Way Corridor' are defined in the "Community Infrastructure Levy Charging Area" Map in Annex 1 of this Schedule.

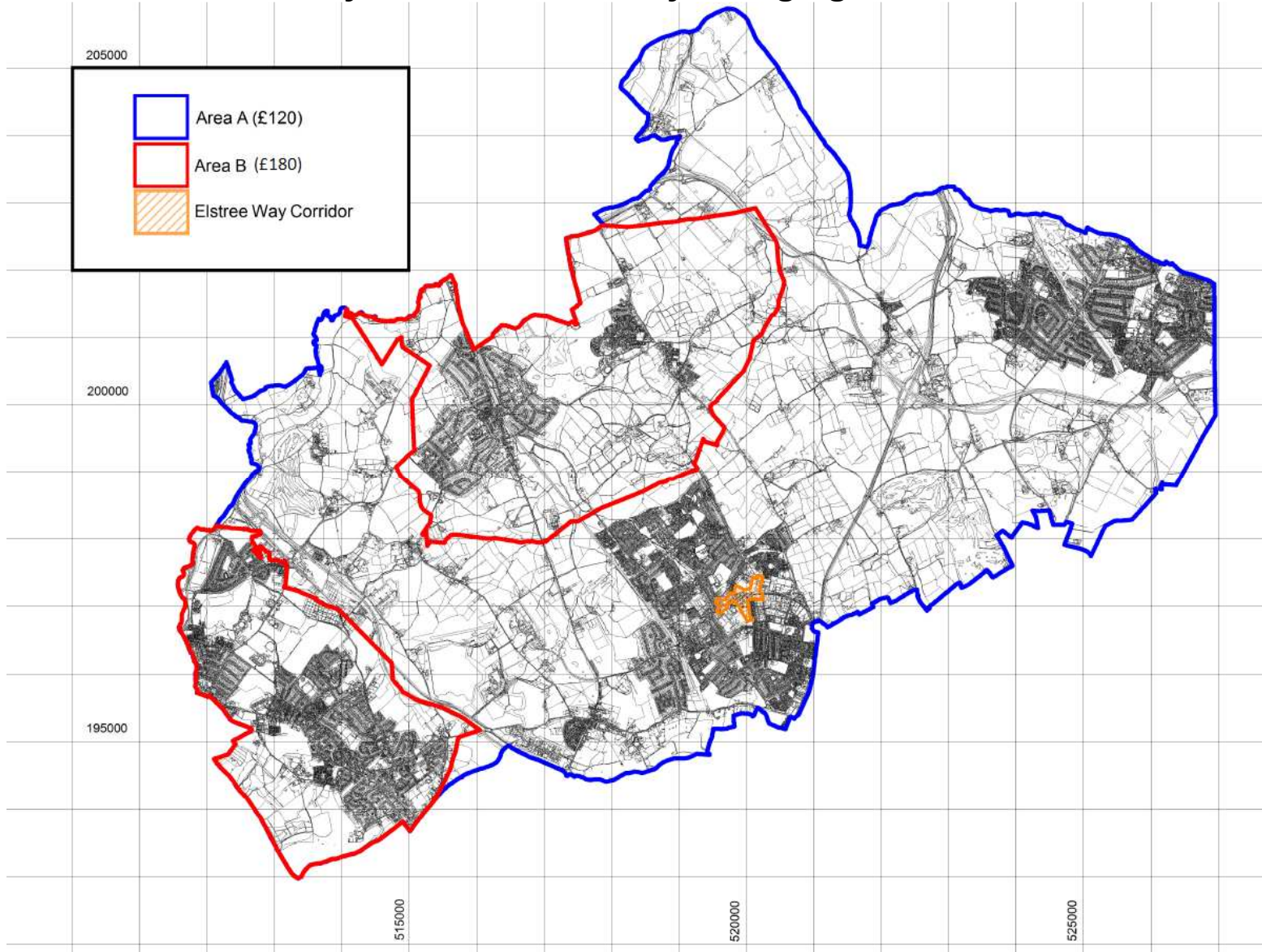
Calculating the Chargeable Amount

The Council will calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (amended 2013). The above rates are subject to indexation as defined in Regulation 40 (5).

Statutory Compliance

This Draft Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended in the Community Infrastructure Levy Regulations 2011, 2012, 2013) and Part 11 of the Planning Act 2008 and in any future amendments.

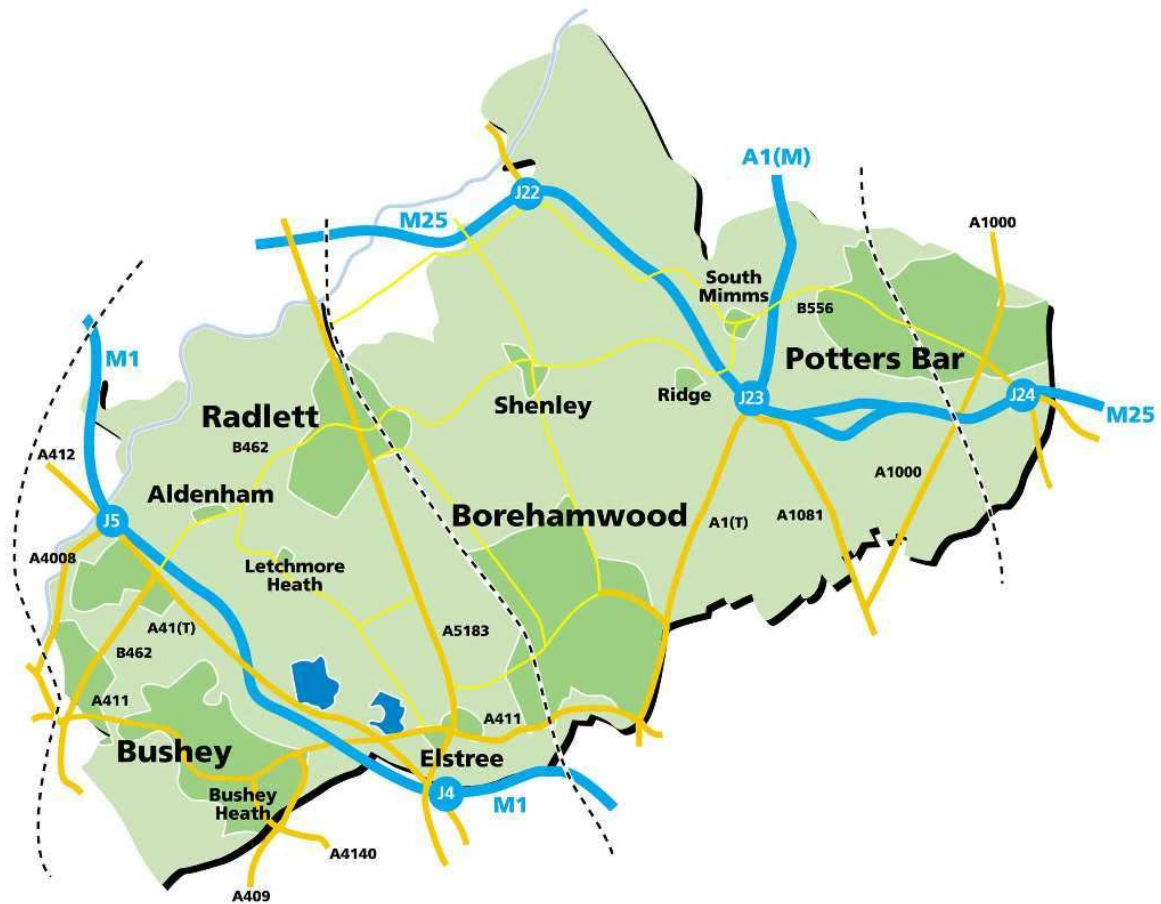
Annex 1: Community Infrastructure Levy Charging Areas



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Hertsmere Borough Council



Developer Contributions Framework (incorporating the Community Infrastructure Levy)

1. Introduction

The purpose of this Framework

- 1.1 The purpose of the Developer Contributions Framework is to provide guidance on Hertsmere Borough Council's requirements and approach to the use of both the Community Infrastructure Levy (CIL) and Section 106 (s106) agreements (including the provision of Affordable Housing), known as Planning Obligations. The Framework comprises a suite of documents and other guidance including the Council's charging schedule for the Community Infrastructure Levy (CIL). The Framework is intended to primarily be an online resource, with relevant sections updated as and when required, rather than being a single, static 'document'. From 1st December 2014, it will also replace the Council's Planning Obligations Supplementary Planning Document.
- 1.2 It also cross-references the Council's Affordable Housing Supplementary Planning Document, specifically with regard to commuted payments where it has been exceptionally demonstrated to the Council that on or off-site provision cannot be made.
- 1.3 The Framework also provides an explanation of the council's internal procedures for CIL and s106, setting out in detail what we do, why we do it and how we do it. It can be used as a guide for developers seeking pre-application advice, a day-to-day reference, evidence that we go about our work in a methodical, consistent and transparent manner, and a resource around which we may engage dialogue with throughout the planning application process.
- 1.4 The introduction of CIL requires some changes to the way Planning Obligations will contributions, but s106 agreements will remain to secure non-financial obligations as well as on-site infrastructure provision and any agreed affordable housing contributions. CIL will be paid on all additional new built floor space, although there are some very limited exemptions and relief processes available, including the ability to 'pay in-kind'. More information on the CIL charges in Hertsmere and the manner in which it will be charged and collected is available at [LINK](#)
- 1.5 The National Planning Policy Framework (NPPF) advises that "Any additional development plan documents should only be used where clearly justified. SPDs should only be used where they can help applicants make successful planning applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development". The following guidance does not set out any additional policy requirements; rather it adds further definition to the adopted local plan and other statutory and non-statutory matters relating to developer contributions. This framework covers the following:

Section	
1	Purpose of the Framework and approach to developer contributions In Hertsmere
2	The Policy Context
3	The Council's approach to defining s106 and infrastructure requirements
4	Hertsmere CIL Charging Schedule and Regulation 123 List
5	Allocation of CIL expenditure
6	Possible s106 contributions and indicative calculations
7	Affordable Housing
8	The Council's approach to s106 and financial and legal matters
Appendices	
A	The standard letter to the applicant or agent
B	Draft S106 Agreement Template
C	Draft Unilateral Undertaking Template
D	Hertsmere Standard Clauses
E	Approach to Delivery in the Elstree Way Corridor Area Action Plan

CIL and the use of s106

- 1.4 CIL will be paid on qualifying development irrespective of the impact of development or infrastructure requirements in the local area; it will replace the use of 'tariff' style s106 contributions for general infrastructure. The Council's CIL charging schedule is set out in Part 4 of this Framework. There may however be circumstances, particularly on larger sites, where a development requires certain aspects of design, mitigation works, or a specific piece of infrastructure to be in place. Where such requirements have not been prioritised for expenditure from CIL, or cannot be secured for delivery by another funding source, they will need to be secured through a s106 agreement in addition to the CIL payment.
- 1.5 The Council has not proposed a CIL charge for residential development in the majority of the area covered by the 'Elstree Way Corridor Area Action Plan' and will instead facilitate the delivery of the necessary infrastructure solely through s106 on most sites within the Elstree Way Corridor (EWC). The rationale for this is because development in the area will be transformational, with a clear need for infrastructure to be supplied in tandem with development. The approach the Council will adopt in the EWC is set out in Appendix E.
- 1.6 The Council will set out what it proposes to spend CIL towards in its 'Regulation 123'¹ list; the list will be regularly reviewed and consulted on and demonstrate the broad range and type of infrastructure that it is likely the Council will seek to spend CIL funds upon. How the Council will use CIL and allocate schemes to the Regulation 123 list, is covered in section 5 of this framework.
- 1.7 The Council will seek to provide the maximum transparency and will be guided by the various stakeholders who form part of the 'Development Team Approach', which is discussed in section 3.

Section 106

- 1.8 Planning Obligations are made under s106 of the Town and Country Planning Act 1990. The use of s106 is governed through secondary legislation (Community infrastructure regulations 2010, as amended, Regulation 122), which states;
- 1.9 *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*
- (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development.*
- 1.10 Planning Obligations may be created by agreement between the developers and Local Planning Authorities (and other relevant parties) or may be created by the person with the interest making an undertaking ("a Unilateral Undertaking"). Planning Obligations are negotiated within the context of the determination of a planning application. They may restrict development or use of the land, require operations or activities to be carried out in, on, under or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically. Section 6 of this framework provides a firm indication of the matters that applicants will be expected to address as part of their proposal.
- 1.11 Planning Obligations run with the land and may be enforced against both the original covenantor and against anyone acquiring an interest in the land from him/her, unless the agreement specifies otherwise. They are also a local land charge for the purposes of the Local Land Charges Act 1975 and so must be registered with the Local Land Charges Register.

¹ The Community Infrastructure Levy Regulations 2010 (as amended); Regulation 123(4) 'relevant infrastructure'(a)

- 1.12 It is especially important that the Council's policies, practices and procedures in respect of s106 agreements and unilateral undertakings are clearly set out and have regard to development plan and supplementary planning documents. This is to facilitate:
- A shared understanding of what may and may not be achieved;
 - Clearly focused and constructive joint working between the council officers, developers and service providers;
 - Avoidance of any unnecessary delay in negotiating and delivering service improvements;
 - Ensuring that the necessary s106 benefits are maximised through managing those risks associated with the pre-application phase
 - Ensuring that the Council does not act (and is not perceived to act) in an inconsistent, arbitrary or opaque manner in seeking s106 Agreements.
- 1.13 The successful implementation of these procedures and practices depends on:
- Fostering support from service providers/beneficiaries and the development community through strengthening joint working protocols;
 - Training for Officers in the potential and limitations of s106 Agreements and effective negotiation skills;
 - Building new capacity and capability into existing legal, administrative and monitoring systems;
 - A solid evidence base to support the Council's values towards compliance and good governance.
- 1.14 Standard templates and clauses are available in Word format, on request, from the Council and included as templates in the Appendices to this Framework. The unilateral template can be amended where necessary for Hertsmere only obligations.

2. The Policy Context

Overview

- 2.1 Planning applications are assessed against a planning policy framework, which consists of the Government's National Planning Policy Framework and the adopted Local Development Plan. The Local Development Plan consists of the 'Local Plan / Core Strategy', which sets out the strategic vision of Hertsmere Borough Council (consistent with the NPPF) and is supported by further Development Plan Documents which provide detailed policy or allocate sites for development. Part of the Council's 2003 Local Plan currently remains in use, where policies have not been superseded by the Core Strategy (2013) and the remaining policies will be replaced by the emerging Site Allocations and Development Management Policies Plan.
- 2.2 Further definition to assist with interpreting these policies is set out in Supplementary Planning Documents (SPDs). The statutory Policy Framework also includes policies in any adopted Neighbourhood Plan.
- 2.3 Section 7 of this framework contains an overview of relevant parts of the Council's Affordable Housing SPD, while section 6 highlights the key policy / infrastructure requirements in relation to all other SPDs (the Council's Local Development Scheme contains a list of all current and future DPDs/SPDs). Applicants are still advised to read the individual SPDs where relevant to assist with their application.
- 2.4 Planning decisions are also guided by other influential strategies that sit outside the statutory policy framework. These strategies are usually more reflective of current needs, such as the Community Strategies prepared by Hertsmere Borough Council and Hertfordshire County Council (HCC), and may provide a general steer on some infrastructure investment priorities. In addition, specific infrastructure requirements are usually specified in separate investment strategies, such as commissioning plans prepared by HCC Adult, Children's and Education Services; however not all such strategies are in the control of local authorities – and may be prepared at different spatial levels and with different timescales. Infrastructure requirements arising from such strategies will generally be assumed to be contributed to via CIL – although this will only be confirmed by inclusion in the council's 'Regulation 123' list. It should be emphasised that the Council does not envisage that CIL can or will be the sole means of funding infrastructure delivered by other service providers.
- 2.5 In order to provide some clarity on the long term infrastructure requirements in the borough, the Council periodically produces an 'Infrastructure Assessment,' the last revision being used to support the Council's CIL proposals. [\[LINK\]](#) The Assessment will be updated as the Policy Framework develops.

	Statutory Policy Requirements	Further Key Policy Requirements	Key Infrastructure Plans
National	<ul style="list-style-type: none"> National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) 		<ul style="list-style-type: none"> Highways Agency Route Strategies Network Rail Route Strategies Train Operating Company Franchises
Sub-National / Regional / County	<ul style="list-style-type: none"> Hertfordshire County Council Waste and Minerals Plan 	<ul style="list-style-type: none"> Herts LEP Strategic Economic Plan Hertfordshire CC Community Strategy /Corporate Plan Local Transport Plan (LTP) 	<ul style="list-style-type: none"> Herts LEP Local Transport Body HCC Commissioning Plans Herts Police and Crime Plan Herts Valley Clinical Commissioning Strategy Water Company Management Plans Energy Company Investment Plans
Borough	<ul style="list-style-type: none"> Hertsmere Borough Council Local Plan / Core Strategy (DPD) Site Allocations/ Development Management Policies (DPD) Supplementary Planning Guidance (SPGs) 	<ul style="list-style-type: none"> Hertsmere BC Community Strategy /Corporate Plan Hertsmere BC Economic Development Strategy LTP: Urban Transport Plans 	<ul style="list-style-type: none"> Other Hertsmere BC Strategies (e.g open space) CIL Schedule / 'Reg 123' list
Area	<ul style="list-style-type: none"> Neighbourhood Plans 	<ul style="list-style-type: none"> Town Centre Improvement Strategies (to be developed) 	<ul style="list-style-type: none"> Parish Plans

3. How this process fits into the Development Team Approach

- 3.1 Hertsmere Borough Council (HBC) operates a Development Team Approach (DTA), in which the main public sector interest groups concerned with planning applications and the delivery of infrastructure are brought together in regular meetings to improve the process of decision-making, including as part of the pre-application process. Aside from HBC officers, the DTA includes the Highways Authority, HCC Property, Clinical Commissioning Groups and Hertfordshire Constabulary. The DTA also provides input to the Council's decisions on the use of CIL funds (see section 4)
- 3.2 The DTA covers all potential new build residential applications as well as all major commercial applications and any other applications which the Development Team Managers consider would benefit from the DTA. There is a small fee charged for the provision of pre-application advice sought by developers as part of the Development Team Approach, who are strongly encouraged to utilise this service.
- 3.3 The DTA has a number of objectives including;
- Ensuring consistent and coordinated advice is offered to applicants;
 - Early identification of risks and other key issues using improved pre-application advice;
 - Better quality applications and therefore better quality developments through raised awareness of best practice and up-to-date planning policies;
 - Speedier and more informed decision making;
 - Improved customer service.
- 3.4 HCC is responsible for ensuring the provision of a range of services and seeks contributions and/or facilities from development, which would have an impact on service provision. HCC services include education, libraries, youth, childcare, fire and rescue services, special needs housing and services, transport and rights of way
- 3.5 *Planning Obligations Guidance – a toolkit for Hertfordshire* (January 2008) which can be obtained from the Hertfordshire County Council website, sets out the methods used by HCC to calculate contributions for infrastructure it is responsible for delivering. However, as local planning authorities move to adopt CIL, the collection of s106 via formulae or tariffs will cease – and such infrastructure requirements will be assumed from CIL. www.hertsdirect.org/planningobligationstoolkit
- 3.6 However, where a significant quantum of development is proposed, an application may be required to secure such infrastructure on-site. At the time of preparing this framework, HCC are investigating how guidance can be updated, including the balance with CIL. For example, it is already assumed that additional funding for secondary schools will be secured through CIL not s106, although sites over 500 residential units may be required to supply a primary school on-site through s106 if no future provision via CIL is planned in the local area. This information will be incorporated into section 6 of this framework when available.
- 3.7 Attention is however drawn to HCC's policy/approach towards highway adoption as set out in *Roads in Hertfordshire*. Currently, on developments with no through route, only the main access road will be considered for adoption with access roads and short cul-de sacs not being considered for adoption. This also has implications for the ability of Hertsmere borough Council to subsequently control or enforce on-street parking within new developments unless those roads are to be adopted.
- 3.8 The extent of adoption should be agreed in principle by the developer and Highway Authority at the planning stage and where a developer does not intend to have roads adopted, measures to secure their long-term maintenance will be sought through a s106 agreement.

4. Hertsmere CIL Charging Schedule and Regulation 123 List

The Charging Authority

The Charging Authority is Hertsmere Borough Council

Date of Approval

This Charging Schedule was approved by the Council on 17th September 2014

Date of Effect

This Charging Schedule will come into effect on 1st December 2014

CIL Rates

The rate at which CIL is charged shall be:

Residential Development	
Area	CIL Rate (per sqm)
Area A	£120
Area B	£180
Elstree Way Corridor	£0
Commercial Development	
Type	CIL Rate (per sqm)
Hotel (Use Class C1)	£120
Specialist accommodation for the elderly and / or disabled including Sheltered and Retirement Housing and Nursing Homes, Residential Care Homes and Extra Care Accommodation	£120
Retail (Use Class A1)	£80
Office (Use Class B1)	£0
Industrial (Use Class B2)	£0

The Charging Areas

The Charging Areas A, B and 'Elstree Way Corridor' are defined in the "Community Infrastructure Levy Charging Area" Map in Annex 1 of this Schedule.

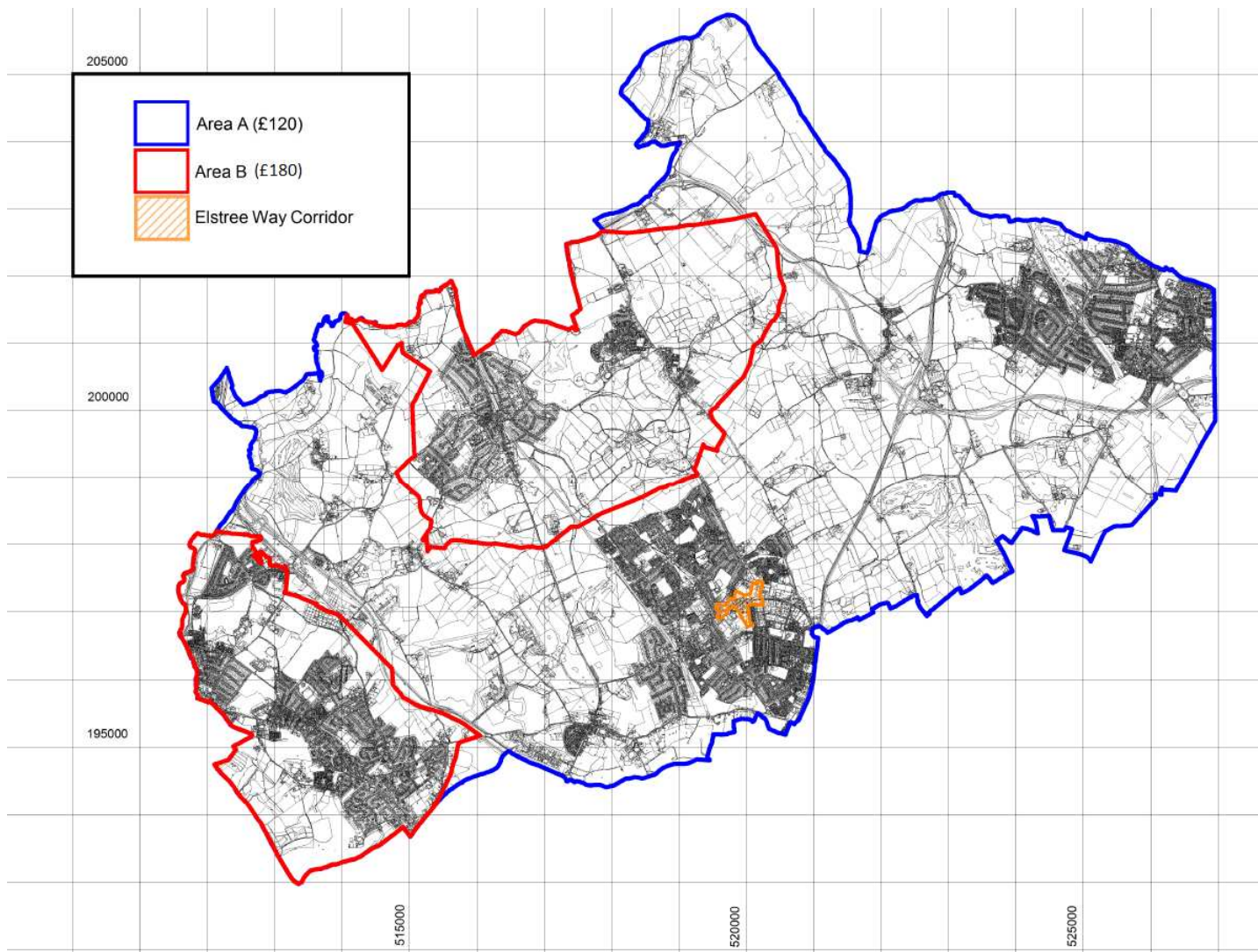
Calculating the Chargeable Amount

The Council will calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (amended 2013). The above rates are subject to indexation as defined in Regulation 40 (5).

Statutory Compliance

This Draft Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended in the Community Infrastructure Levy Regulations 2011, 2012, 2013) and Part 11 of the Planning Act 2008 and in any future amendments.

Community Infrastructure Levy Charging Areas



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Regulation 123 List

A CIL charging authority is expected to publish a list of infrastructure that it intends will benefit from CIL on its website. The Council may review this list at least once a year as part of its monitoring of CIL collection and expenditure.

It should be emphasised that the inclusion of a project or type of infrastructure in this list, either now or at a future date, does not signify a commitment from the Council to fund either in whole or in part the listed project or type of infrastructure through CIL. The order in the table does not imply any order of preference or weighting of one project as opposed to another.

Hertsmere Borough Council's Regulation 123 list of infrastructure that it intends will be partly or in whole funded through Community Infrastructure Levy is as follows:

1. Education facilities (with the exception of those in the relation to the Elstree Way Corridor)
2. Transport and highways improvements (with the exception of those in the relation to the Elstree Way Corridor) including those set out in Urban Transport Plans
3. Publically accessible leisure facilities (including children play areas and outdoor/indoor facilities)
4. Publically accessible open space provision and allotments
5. Health care facilities
6. Library services
7. Emergency services
8. Youth Services
9. Childcare & Early Years Services
10. Town Centre and public realm improvements

The above list applies unless the need for the infrastructure arises directly from five or fewer developments, where s106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms.

5. Allocation of CIL Expenditure

Regulatory requirements

- 5.1 The CIL regulations (59, [1]) require that a charging authority (Hertsmere BC) must apply CIL to fund “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”. The Council is not specifically required under the regulations to justify its expenditure but it must publish once a year how CIL has, and may be allocated.
- 5.2 In order to mitigate against the potential for ‘double dipping’, the Council will be required to notify developers which infrastructure it plans to deliver via CIL – through the publication of its ‘Regulation 123 list’. This list does not have to be exhaustive, and can be replaced at any time; however statutory guidance does state that the Council must consult on any changes.
- 5.3 Once CIL is adopted, the Council will not be able to enter into a section 106 for any item it has stipulated will, or may, be provided by CIL. Where a request for infrastructure under s106 is required, the Council can only enter into five s106 agreements towards that piece of infrastructure.
- 5.4 In addition, 15% (or 25% in respect of areas with a neighbourhood plan) of the Council’s CIL receipts will be directly handed over to the Parish or Town Council (where one exists) where receipts have been generated.

Allocation of CIL expenditure in Hertsmere

- 5.5 CIL expenditure will be determined by the Council’s ‘CIL Investment Committee’ – a group of cross-borough, cross-party Councillors representing each of the Borough’s main settlements - on the following principles;
 - A minimum of 50% (inclusive of any Parish/Town Council top slice) to be spent on infrastructure to facilitate or mitigate the impacts of growth in the local area where CIL was been generated.
 - The remaining funds to be spent on wider infrastructure requirements in the Borough
 - To consider requests for funding of the above based on a ‘rationalisation’ exercise under taken by officers from Hertsmere Borough Council in consultation with relevant stakeholders including Hertfordshire County Council
 - To invite bids for funding twice a year
- 5.6 Submission of funding bids can be made straight to the Committee or through the relevant department in HBC (e.g. ‘Parks’ for open space projects). In the first instance it is advised that requests are discussed with the relevant department (or the planning department) so advice can be given on the suitability of the project. Where Hertfordshire County Council is the statutory body for a scheme, such as for transport or education provision (including free schools), the bid must first be submitted through HCC. Further information is available on the Council’s CIL webpage [\[Link\]](#).
- 5.7 Decisions made by the CIL Investment Committee will be published, and will be justified against the following criteria;

- Is the investment required to enable or mitigate the impacts of growth?
- Does the proposal support any objective of the adopted local plan or any other local investment strategy?
- Would investment lead to potential income generation – such as enabling more CIL liable development to come forward
- Would investment reduce on-going costs placed on the Council and local community in the long-term
- What would be the impact if investment was delayed (additional cost)?
- Are there more cost effective options for delivery?
- Does the investment lever in funding from another source?
- Are there other funding mechanisms available that may be available in future?
- How would any future revenue costs associated with the investment be funded?
- How deliverable is the infrastructure scheme?
- Are there risks associated with the infrastructure scheme?
- Are other statutory consents required before the infrastructure scheme could proceed?

5.7 More information on the CIL investment Committee, its decisions, future meetings and how schemes can be put forward for consideration can be found at [\[LINK\]](#).

6. Possible s106 contributions and indicative calculations of potential costs

- 6.1 Where CIL expenditure has not been prioritised for infrastructure delivery deemed necessary by this framework to allow a development to proceed, the Council will seek delivery via s106. The nature of such contributions will depend on the development proposed, the infrastructure required and the opportunities to secure delivery.
- 6.2 The following section provides a broad indication of the potential on-site requirements that the Council will require as part of any application that meets or exceeds the given thresholds; such requirements should be provided within the overall design of the proposal. Not all development will be required to supply the following requirements, particularly if capacity already exists within the proximity of the proposed site. Where a development is required to make a contribution, but is unable to provide this on-site or within the vicinity of the site, the Council may exceptionally allow payment in kind; the following sections therefore offer an indication of the likely cost that may apply.
- 6.3 Developers should have regard to any specific requirements that may be applicable to their proposal by way of the Council's emerging Site Allocations and Development Management Policies Plan. In all cases, approaching the Council for a pre-application assessment will provide greater clarity on potential s106 requirements (although this should not be considered as a formal determination).
- 6.4 Other stakeholders may request the provision of specific facilities (such as Herefordshire County Council, NHS/Clinical Commissioning Group or Hertfordshire Constabulary) and where this is unlikely to be supplied from CIL, delivery via S106 may be required. Such requests will only be considered where it is consistent with the policy framework and where a clear need is demonstrated consistent with Regulation 122.

Open Space and Amenity	
Local Plan Policies	NPPF paragraphs
SP1, SP2, CS15, CS18	73,74, 175
Justification	
Open space is important for our quality of life, providing a range of different function and purposes. It has a wide range of roles such as, children's play, outdoor leisure and general amenity. It is important for social interaction, fostering community and achieving local health improvements. It can also be Important in defining the character of development	
General approach	
<ul style="list-style-type: none"> - The Council will expect appropriate on-site provision of open space, as part of general amenity and play / recreation. - Provision should be integrated into the design of the development and should be supplied in such a way that it is functional - The future ownership and maintenance of any open space provision should remain with the developer or transferred to trust; only in limited circumstances will the Council adopt such areas. - If the proposed development is in an area where there is existing capacity in local facilities, or in an area where there are firm plans for improvement (such as identified CIL expenditure for a local improvement scheme) the application of the standards below could be reduced. 	
Trigger	
Residential development over 50 units or 1 hectare	
General Amenity	
On site provision	Where this can't be met on-site
<p>Hertsmere Open Space Study (2010) recommends 0.4 hectares per 1,000 residents to be accommodated in the proposed development.</p> <p>Broadly, this equates to approximately 800m² per 50 units</p>	<p>With agreement of the Council, the Council may exceptionally consider a financial contribution to an identified local improvement scheme and/or new open space provision as an alternative. Based on current schemes , the equivalent cost for each square metre not supplied on-site would be = [REDACTED]</p>
Trigger	
Residential development over 50 units	
Equipped play areas	
On site provision	Where this can't be met on-site
Less than 100 units = 1 LEAP (Local Equipped Play Area)	<p>With agreement from the Council, the developer can provide the Council with a sum of money to take on the maintenance and liability of the new LEAP for a period of 15 years = [REDACTED]</p>
Over 100 units = 1 NEAP (Neighbourhood Equipped Play Area)	<p>The Council will advise if a NEAP is required. If this cannot be provided on site, a sum to take on the maintenance and liability may be accepted [REDACTED]</p>

Notes

Within the Hertsmere Open Space Study (2010), a current shortfall of parks within Bushey, Borehamwood, north and south Potters Bar and east Radlett has been identified.

[\[link\]](#)

* The latest Cost estimates can be found in HBC's Parks and open spaces Section 106 spending Plan [\[Link\]](#)

The Council's 'Regulation 123 list' will be reviewed to contain details of schemes to be funded via CIL

Employment and the local Economy	
Local Plan Policies	NPPF paragraphs
SP1, SP2, CS8	156, 175, 187,
Justification	
Development increases the opportunity for local employment and training. Tackling unemployment and skills gaps can be achieved through sourcing local labour while the causes of unemployment in the Borough can be improved by developing skills that are needed in the local job market	
General approach	
<ul style="list-style-type: none"> - The Council will expect developers to seek out employment opportunities during the construction phase of development, through direct employment or use of local contractors. - Where possible, developers of employment or commercial operations will supply employment opportunities to local people in the completed development. - Where it is not possible to secure local employment a contribution to skills and training onsite will accepted, either provided directly or through a recognised training agency - Where neither employment nor training can be provided as part of the development, a financial contribution to external training may be accepted. 	
Trigger	
Residential development over 50 units	
Non-residential development over 2,500 square metres	
Local Employment opportunities (construction – all development)	
On site provision	Where this can't be met on-site
Working with Hertsmere Borough Council, to provide a commitment to use local labour (direct or through local subcontractors) or local services / suppliers through the construction phase. Where local sourcing of goods or labour cannot be secured, appropriate training will be sought using the standards set out in the Homes & Communities Agency 'Employment and Skills guidance' *	The developer will be required to contribute to employment and training initiatives run by Skills Agencies nominated by the Council. This will be based on the amount of on-site requirements that would have been due under the HCA 'Employment and Skills guidance'*
Trigger	
Non-residential development over 2,500 square metres	
Local Employment opportunities (operational – non-residential only)	
On site provision	Where this can't be met on-site
Working with Hertsmere Borough Council and partner skills development agencies, commercial development will be required to offer employment opportunities to Hertsmere residents. In the first instance the following formula will be assumed:	The developer will be required to contribute to employment and training initiatives run by Skills Agencies nominated by the Council.

$\frac{\text{Floor Area Created (m}^2\text{)}}{\text{Average employee density (m}^2\text{ per employee) **}}$	X	% of Hertsmere residents working in the Borough***	
Notes			
<p>The Council have set out its ambitions for skills and employment in its Economic Development Strategy ('Creative Hertsmere') [Link] ; the document and related working arrangements with skills providers can be obtained by contacting Hertsmere's Economic Development Team [link] .</p> <p>*HCA Employment and skills guidance http://www.homesandcommunities.co.uk/ourwork/best-practice-and-guidance</p> <p>** Employment densities can be determined using the HCA Employment Densities Guide</p> <p>*** Hertfordshire County Travel Survey currently estimates 13% of Hertsmere residents work in the Borough.</p> <p>The Council maintain a database of local contractors and service suppliers, to which the Council can provide access.</p>			

Air Quality	
Local Plan Policies	NPPF paragraphs
SP1, SP2	109, 124, 175
Justification	
<p>The risk to public health from poor air quality has led to the designation of six Air Quality Management Areas (AQMAs) in the borough. While much of the problems are associated with the strategic road network, more localised traffic generation also plays a contributing factor. Development should seek to locate in areas where the impact on air quality can be minimised, such as by the potential for a greater use of public transport. Where the development is likely to have an impact on air quality in a designated AQMA, appropriate measures will be expected to reduce the impact, while development in areas considered to be 'sensitive' will be required to assist with monitoring air quality.</p>	
General approach	
<ul style="list-style-type: none"> - The Council will expect development that could have the potential (by size or nature) to impact air quality in areas considered sensitive to air quality issues to assist with monitoring of local air quality. - Where such development takes place within , or have the potential to effect, an Area Quality Management Area (AQMA), the Council will expect the development to investigate possible design solutions to asset with air quality - Where development in a AMQA is unable to incorporate improvements as part of the scheme design, the Council will accept a contribution to a local improvement scheme 	
Trigger :	
Development over 10 units, or over 1,000 sq. metres of non-residential floor space, within an area considered to be sensitive to air quality issues*	
Air Quality monitoring	
Sites will be required to install monitoring equipment both during construction and for an agreed period of time after completion. The Council's Air Quality monitoring officer will advise on suitable equipment.	
Trigger :	
Development over 10 units, or over 1,000 sq. metres of non-residential floor space, within (or within proximity to effect) an existing Air Quality Management Area **	
Improvements to Air Quality	
On site provision	Where this can't be met on-site
Development will need to consider the implementation of measures to improve air quality, such as tree planting and green walls / roofs, as well as promoting travel to the site though public transport, cycling and walking.	Where improvements cannot be implemented on-site, the Council will expect the development to pay an appropriate contribution to a local air quality improvement scheme as set out in the relevant Air Quality Action Plan***
The Councils Air Quality officer can advise on possible measures.	
Notes	
* The Council identifies areas with potential air quality issues in the "Updating & Screening	

Assessment” A copy can be found at [\[link\]](#).

** A map of the current Air Quality Management Areas can be found at...[\[link\]](#).

*** The Council’s Air Quality Management Plans include local schemes that the Council will pursue to improve air quality. The plans can be found at [\[link\]](#).

Guidance on development proposals which may affect air quality can be found at [\[link\]](#).

Any measures will be carried out in conjunction with the Air Quality officer’s view.

Trees	
Local Plan Policies	NPPF paragraphs
SP1, SP2	58, 96, 175
Justification	
Trees are an important part of the environment, offering benefits to general amenity, air quality, water run-off, biodiversity and can contribute to the character of the local area.	
General approach	
<ul style="list-style-type: none"> - Trees subject to any protection (such as a Tree Preservation Order or where in a Conservation Area) will be expected to be retained unless they require replacement due to their condition - Proposals that would result in the loss of trees, a replacement landscaping assessment will be required 	
Trigger	
Any development that has a potential impact on the surrounding landscape or street scene. This is especially the case with flats and commercial developments.	
Trees	
On site provision	Where this can't be met on-site
Where it is appropriate to do so, the Council will require street trees to be included in the landscaping scheme. This will include streets created within developments in appropriate circumstances. It will particularly be applied where the development fronts onto a street with trees in the highway already.	A recognised valuation system (for example The Heliwell System and SPONS Manual) for amenity trees will be used in the calculation of contributions for all trees. This is to calculate spending required on new trees. All contributions for trees will include the cost of transport, planting (including creating planting pits, supports and fertilizer), and maintenance during the establishment period for a maximum of 5 years.
Notes	
<p>On a site specific basis, the Council officers will specify the number of street trees required with due consideration given to available planting space and planting distances. Where the highway is not within the development boundary and planting is appropriate on that frontage, a commuted payment for street tree planting (and seven years of maintenance) will be sought through a section 106 agreement or a unilateral agreement.</p> <p>The CAVAT system would be used to calculate the loss of trees where applicable.</p> <p>The developer must work in conjunction with the Council's Tree Officer.</p> <p>Additional advice on trees can be found in the Council's Trees and Biodiversity SPD [link].</p>	

Community Safety	
Local Plan Policies	NPPF paragraphs
SP1, SP2, CS22, CS30	58, 69, 175
Justification	
Community Safety is essential to creating sustainable communities and is one of the key objectives of sustainable development identified in national planning policy. The design of buildings and spaces can make a significant contribution towards reducing the scope for crime and for creating more pleasant and reassuring environments to live in.	
General approach	
<ul style="list-style-type: none"> - The Council will consult, with the relevant emergency service to determine whether there are any specific requirement needed - The design of development should be consistent with the Council’s Planning and design guide (Section 8.3 designing out Crime) and the Association of Chief Police Officers ‘Secure by Design’ ‘Secure by Design’ guidance 	
Trigger :	
Where deemed relevant during the determination of a planning application	
CCTV	
On site provision	
There may be a contribution request towards Hertsmere Borough Council CCTV provision which will include the capital cost towards the supply, installation and/or monitoring of CCTV. This will be decided on a case by case basis in detail in conjunction with the Community Safety Officer at Hertsmere Borough Council.	
Fire Hydrants	
On site Provision	
The County Council (it its capacity as Fire and Rescue Authority) will advise if there is a need to secure appropriate access to fire hydrants in accordance with BS 5588-5 2004.	
Notes	
The Hertsmere Community Safety Partnership Plan, which contains the relevant contact details of the emergency services, can be found at [link] .	
Hertsmere Planning and Design Guidance [link]	
‘Secure by Design’ [Link]	

Parking and Travel Plans	
Local Plan Policies	NPPF paragraphs
SP1, SP2, CS24, CS25	36, 175
Justification	
Encouraging a modal shift whilst also ensuring there is a sufficient on and off-street parking capacity associated with a development are fundamental requirements of new development in the Borough, for the benefit of new and existing residents.	
General approach	
<ul style="list-style-type: none"> - Green Travel Plans (GTPs) offer a wide range of benefits both to employers and employees as well as for the local area and will be expected to accompany planning applications in line with Policy CS24. - Developments are expected to create a sufficient amount of parking spaces on-site as required in the Council's adopted Parking Standards SPD, or to find alternative provision elsewhere. The use of existing on-street parking will not be accepted as meeting this requirement. - In areas where on-street parking is at capacity, the Council may preclude any future development from obtaining resident parking permits in controlled parking areas. - Where the development will increase the use of on-street parking, in an area already experiencing parking problems, the Council may request the applicant to contribute to the cost of creating, or expanding a CPZ. 	
Trigger	
All development	
Parking	
On site provision	Where this cannot be met on-site
Developments are to provide a level of parking consistent with the policies set out in the Councils adopted parking standards SPD [Link] .	Developers will be required to secure suitable parking provision off-site, possibly through agreement with an adjacent landowner to utilise over provision of off-street parking within a neighbouring development
Trigger	
All development not able to meet the adopted parking standards on-site in areas with existing parking problems	
Controlled Parking Zone	
Where exceptionally a development is unable to provide suitable on-site parking, or arrange alternative provision, a contribution may be requested to enable the Council to undertake the necessary legal process to adopt a new, or expand an existing, Controlled Parking Zone.	
The Council's traffic engineer will be able to confirm whether such a contribution is necessary	
Trigger	
All development not able to meet the adopted parking standards on-site in areas with existing parking problems	

Travel Plan
Trigger
In line with Policy CS24
Notes
<p>Full guidance on developing and implementing Travel Plans in Hertfordshire is contained in the Hertfordshire Technical Chief Officers Association report “Developing a Green Travel Plan: A Guidance Note” available via http://www.hertsdirect.org/envroads/roadstrans/transplan/hdc/greentravelplans</p> <p>Legal agreements can be used to help secure travel plans, including school travel plans. Appendix A from the above guide provides a useful template that can be pasted into a draft s106 agreement. Council officers will ensure that conditions for Green Travel Plans are entered onto the Council’s own in-house planning and building control database</p>

Town Centres and Public Realm	
Local Plan Policies	NPPF paragraphs
SP1, SP2	23, 175
Justification	
<p>Reversing the decline and maintaining the health of town centres is critical to ensuring sustainable economic growth. Town centres need to become the focus of social and economic interaction, offering a range of services that are accessible to local people. Developing our town centres in a manner that is supported by local residents and local businesses alike will require new development to embrace the local vision of how it will operate now and in the future.</p>	
General approach	
<p>The Council will work with key delivery partners to deliver Town Centre Improvement Strategies in Borehamwood, Potters Bar and Bushey. Once adopted, developers seeking to establish new, or refurbish existing, commercial floor space will be expected to contribute to the delivery of the relative strategy.</p> <p>The Council would not normally grant permission for large commercial floor space outside of the defined town centres. Where such a development is approved, the Council will seek a direct financial contribution to be made towards any town centre strategy and planned public realm improvements relating to that proposal.</p> <p>Town Centre Improvement Strategies and the Regulation 123 list will identify what projects are sought via s106 and which are to be delivered via CIL. Developers will not be required to contribute to projects that have been identified for CIL expenditure</p>	
Trigger	
Commercial development ('A' and 'B' use classes) over 500 square metres in the defined town centres*	
Contribution to the delivery of Town Centre Strategies	
<p>Developments will be required to be consistent with the aims and objectives of the relevant Town Centre Improvement Strategy where the development is to be located. This may include the manner in which the development is operated, contributing to local events, design of development or the provision / maintenance of infrastructure (such as street furniture)</p>	
Trigger	
Commercial development ('A' and 'B' use classes) over 2,500 square metres outside of defined town centres*	
Off-Site Contribution to the delivery of Town Centre Strategies	
<p>Developments are expected to provide a direct financial contribution towards projects outlined in the Town Centre Improvement Strategy of any town centre that would be affected by the proposal**</p>	
Notes	
<p>* Town Centres as defined by the adopted local plan [Link]</p> <p>** The effect of a proposal on established town centres will be determined through the Sequential Test and Sustainability appraisal undertaken as part of the application for consent</p> <p>Relevant Town Centre Strategies will appear on the Council's website at: [Link]</p> <p>Prior to the adoption of a relevant Town Centre Strategy, specific local improvements may also be identified through the Council's Streetscape Manual [Link] and/or HCC Urban Transport Plans [Link].</p>	

Monitoring and Administration	
Local Plan Policies	NPPF paragraphs
SP2	175
Justification	
This contribution will ensure that there is a consistent and efficient approach to the implementation and monitoring of the S106 agreement, including any obligations associated with the delivery or funding of Affordable Housing.	
General approach	
Monitoring and administration contribution Hertsmere Borough Council has in place a monitoring and maintaining system for S106 (this does not include legal fees).	
Trigger	
All development	
30% of the planning application fee for residential applications 15% for commercial.	
Notes	

7. Affordable Housing

- 7.1 The Affordable Housing SPD supplements policies CS4, CS5 and CS7 of the Core Strategy. A draft revised SPD was approved in July 2014 for consultation and in interim use for Development Management purposes.
- 7.2 The definition of Affordable Housing is set out in Annex 2 of the National Planning Policy Framework and the approach to Affordable Housing is set out in paragraph 50 of the National Planning Policy Framework. The Council has the following requirements for the provision of Affordable Housing when applications for residential development are made.

Trigger: All development sites of 5 units or more (gross) and all residential sites of more than 0.2ha. This includes use class C2. The only exception is a single replacement dwelling on a large plot (0.2 ha or above) to replace an existing single dwelling.

Amount: 40% of residential units in postcode areas EN5 4, WD25 8, WD7 8 and WD7 7; and at least 35% of residential units in all other locations.

Size mix: The mix of affordable units should be agreed with the Council's appointed housing officer at an early stage in the process having regard to the guidance set out in the SPD.

Tenure mix: The tenure mix is to be agreed with the Council's appointed housing officer having regard to the guidance set out in the SPD. It is likely that on sites of 15 or more dwellings, affordable homes comprising 3 bedrooms or more will need to remain as social rented.

Off-site provision

- 7.3 The presumption is that provision of Affordable Housing is to be made on site. Alternatives to on-site provision will only be agreed exceptionally and where off-site alternatives are considered to be the best way to achieve the delivery of more affordable units.
- 7.4 All other types of provision must be actively considered by the developer and discounted by the Council before a commuted sum is accepted. The alternatives to on-site provision are set out in priority order below:

	Type of provision	Notes
1	Provision of affordable units on an alternative site ('donor site')	A parallel planning application should be submitted for the development of the donor site and the implementation of any approved scheme on the main site would need to be linked through a s106 agreement to an approved development on the donor site.
2	Purchase of land for a RP or the Council within the same settlement	Suitable land within the same settlement or place as the application site will be transferred at no cost to RP or any development company formed by the Council, who will then finance and build the required affordable homes on that land. The location should be agreed with the appointed Housing Officer.
3	Purchase of land for a RP or the Council elsewhere within the Borough	Suitable land elsewhere in the Borough will be transferred at no cost to a RP or any development company formed by the Council, who will then finance and build the required affordable homes on that land. The location should be agreed with the appointed Housing Officer.
4	Committed sum for Affordable Housing	This will be accepted on sites of 4 units or less. On larger sites it will only ever be accepted after the alternatives above have been

	actively considered by the developer and discounted by the Council.
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- 7.5 Financial contributions are considered an inefficient and resource-intensive method of providing Affordable Housing and the provision of Affordable Housing by way of a financial contribution will only be accepted in exceptional circumstances. Further detailed guidance is set out in the Affordable Housing SPD including a section on commuted sums in Appendix D.

8. The Hertsmere approach to s106 agreements and unilateral undertakings

8.1 To some extent, the use of any s106 agreement is likely to be time-consuming and involve elements of complication. It is clearly in the interest of all parties to keep this down to a minimum and the Council needs to meet targets for turning around the majority of applications within 8 weeks (13 weeks for larger applications), as part of the delivery of an efficient service to applicants. For this to occur:

- The s106 agreement will be viewed as an integral part of the planning application process with applicants providing draft heads of terms at the earliest opportunity, preferably when the application is submitted;
- The committee report on any planning application will include clear recommendations indicating the nature of the s106 and any trigger points;
- All consultees (internal and external to the Council) will be given 21 days to indicate the nature of the s106 and any items they wish to be considered for inclusion in the agreement;
- For smaller applications (less than 10 units), the Council will consider a unilateral undertaking from an applicant instead of a s106 agreement, in order to provide a more expedited service.
- In instances where planning permission is granted subject to the signing of a section 106 agreement, it is expected that the s106 should be agreed and completed expediently follow the committee decision. Unless there are exceptional and acceptable reasons for the delay, planning consent may be refused. The following resolution is proposed in such instances:

“X Powers be delegated to the Development Team Manager(s) to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act,

X Should the agreement or unilateral undertaking under Section 106 not be completed by x, the Development Team Manager(s) be delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out.”

8.2 The Council recognises that in some cases it may exceptionally need to consider whether there is scope to review the level of obligations/financial contributions sought (including the potential use of claw back arrangements) in order to bring a scheme forward, particularly in light of any CIL liabilities. The broad viability of development in different areas of the borough was considered as part of the work undertaken on the Affordable Housing policies in the Core Strategy, as well the evidence for establishing the CIL charging schedule.

Financial and Legal Matters

8.3 As far as practicable, all trigger dates are to be based on commencement dates, although on larger schemes this may be possible on a phased basis to be agreed between the Council and the developer.

8.3 Generally, trigger dates based on ‘Occupation’, are prone to high risks, difficult to monitor and should be avoided. This type of condition or s106 clause will result in trigger points, which are unclear and require greater resources and time to monitor.

8.4 Included in the s106 will be a requirement for developers to notify the Planning Unit’s s106 Monitoring Officer of trigger dates such as the commence of development or a particular phase within the development.

8.5 It is important to note that any agreed trigger date for completing a number of units will not necessarily be the same as the time in which the entire development is completed. The Council will be flexible in seeking immediate payment of outstanding contributions in cases where the developer or a representative gives notification that the agreed date cannot be met and a reasonable alternative date is offered and agreed between the s106 monitoring officer and the developer.

8.6 Other key principles to note are as follows:

Compliance: s106 requirements and trigger points will be monitored by the s106 Monitoring Officer who will inform the signatories to the agreement if any monies or works have not been undertaken as agreed in the s106. If, after a polite letter of reminder, there are cases in which monies remain unpaid or works not carried out as agreed, then the Council will refer the matter to its Head of Legal Services.

Deeds of Variation: Where changing circumstances have led to part or all of a s106 agreement becoming obsolete, then the developer can apply for a deed of variation. In the first instance the developer should contact the Planning and Building Control Unit Department at Hertsmere Borough Council.

Conditions: Where items could be provided by a condition rather than as an item in a s106 agreement, generally they will be provided by condition.

Monitoring: Details of s106 agreements will continue to be presented every six months to the Hertsmere Overview and Performance Committee. It is vital that the Monitoring Officer is kept informed by all parties of any changes related to s106 payments, conditions and disbursements. The Section 106 Officer should be notified of all s106 monies being released for spending prior to the actual monies being released and is accountable to ensure that all monies are spent in accordance with the relevant s106 agreement

Section 106 Payments: All s106 payments should be made to the s106 Monitoring Officer for monitoring and ratification with the respective s106 agreement clauses.

Indirect Payments: Where external organisations might benefit from monies paid under s106, such benefits will need to be indirect and paid through the Council, via the s106 monitoring officer.

Index-Linking: Hertsmere contributions will normally expect to be index-linked using the Consumer Price Index (CPI) with the exception of Affordable Housing payments which will be linked to the Land Registry sales data for Hertsmere.

Late s106 Payments: The Developer/Owner shall in addition, pay interest calculated at a rate equivalent to 4% per annum above the base lending rate offered by the bank for the account, where the funds would have been deposited, at the time of the signing of the s106 (or any other interest rate agreed between the Council's legal team and the developer).

Refund Provision: Where refunds are specifically sought by the developer and agreed with the Council for incorporation into the s106, if any item of s106 infrastructure is not spent or committed by the agreed anniversary of the receipt of the monies, then the relevant organisation (e.g. Hertsmere Borough Council or Hertfordshire County Council) will refund to the developer any unspent contributions along with any interest accrued.

Company Searches: At the time of exchanging draft heads of terms, where deemed necessary a full Company search will be undertaken for all the firms expected to be included in the obligation to ensure they are bona fide. The Council's Legal Services department will commission the search. If any other firms are added to the heads of terms later on then they also have to be subject to a Company Search.

Trigger Points: The Council will adopt the most appropriate trigger point for each s106 clause when a trigger mechanism is required.

The Legal Agreement: Once planning obligations have been agreed in principle between the parties, a draft s106 document may be drawn up. This can be produced by the Council's legal team, or by the applicant's solicitor. To speed up the process, the Council recommends using the County Council standard templates or unilateral and Hertsmere BC standard clauses as set out in Appendix 1, Appendix 2, Appendix 3, or the Law Society Model Agreement available via:

<http://www.lawsociety.org.uk/influencinglaw/policyinresponse/view=article.law?DOCUMENTID=428307>

The Council's Legal Services department will, when considering/drawing up s106 obligations require the following:

1. The name and address of your solicitor
2. A solicitors undertaking on behalf of the applicant, undertaking to pay the reasonable legal fees of the Council in considering/drawing up the obligation.
3. Whether the obligation is to be an agreement or undertaking
4. Whether your solicitors would be preparing the first draft
5. Up to date land Registry Office Copies and Filed Plan of the application site confirming ownership
6. If the planning applicant is not the freehold owner of the land, and/or any other person, mortgagee, lessee, corporation, executor or trustee, has a legal interest in the land, then we require full contact details of these.

If this information is provided early in the planning process it will ensure that the agreement/undertaking is completed as swiftly as possible.

APPENDIX A: The standard letter to the applicant or agent

[t.b.c]

APPENDIX B: Draft S106 Agreement Template

[t.b.c]

APPENDIX C: Draft Unilateral Undertaking Template

[t.b.c]

APPENDIX D: Hertsmere Standard Clauses

[t.b.c]

APPENDIX E: Approach to S106 and Elstree Way Corridor

[t.b.c]

APPENDIX E: Approach to S106 and Elstree Way Corridor

1. Residential development in the area allocated in the Elstree Way Corridor Area Action Plan (EWCAAP) will be required to contribute towards the provision of a series of key infrastructure improvements. In order to facilitate such obligations via s106, the Council has proposed a 'nil' rate of CIL within the main part of the corridor.
2. The Economic Viability Assessment which underpinned the Council's CIL proposals (which was deemed sound by the Examiner) determined that development in the corridor could support a contribution to infrastructure to the value of approximately £8,000 per dwelling (in addition to minor operational s106 costs) at December 2012 values (CPI = 125.0).
3. The Council will expect development to contribute towards a proportionate amount of the cost of the infrastructure proposed. Based on the plan's minimum amount of development (800 units) and consistent with the 'five agreements' rule stipulated in Regulation 123 of the CIL regulations, developments will be required to contribute on the basis of:

Item		Base Cost (2014)	Base cost sought per dwelling
Primary School*	Phase 1	£3.5m	t.b.c
	Phase 2	£3.5m	t.b.c
Health Facility**		Details anticipated by September	t.b.c
Highways Improvements*** (Sites will be required to contribute to the relevant phase as set out in paragraph 9)	Phase 1	£1.4m	£1500
	Phase 2	£1.1m	£1500
	Phase 3	£600k	£1000

4. The Council will review the costs associated with above infrastructure as proposals progress to award of contract. The proportion sought from one scheme may change depending on the latest delivery requirements but the maximum CIL liability for contributions to infrastructure (combined total for all elements above) will be £8,000 + CPI on the date payment is made.
5. Further information on the infrastructure proposed, the current funding package, and delivery timescales for each element will be set out in further delivery plans when available.

* Primary School [\[Link\]](#)

6. The proposed two-form primary school will be delivered in two phases. Phase 1 supplies one form of entry, which is sufficient to meet the direct needs of the population uplift resulting from the development proposed in the EWCAAP. The second phase will be delivered through planning obligations (future CIL and extant s106) from wider development in Borehamwood. The base amount sought per dwelling for the phase 1 scheme will be determined on the basis of:

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
Houses	t.b.c – HCC to supply new figures based on commission of new school; current HCC Developer Contributions based on previous commissioning strategy for extension of existing schools				
Flats					

** Health Facility [\[Link\]](#)

7. tbc

*** Highways improvement [\[Link\]](#)

8. Approximately £1.4m is potentially available for allocation toward the highway projects by way of existing s106 obligations,. Of this figure, up to £1m is available from s106 agreements signed prior to 6th April 2010 and therefore not subject to the five obligations restriction under Regulation 123 (3) of Community Infrastructure Levy Regulations 2010. Of those subject to the restrictions:

- Only one agreement exists that is directly related to highway works proposed under phase, Isopad / Hertsmere House (approx. £225k) leaving four future s106 obligations available to contribute to the works
- There are no existing s106 obligations tied to phase 2, therefore leaving the funding gap to be able to be met by five section 106 agreements.
- Two existing s106 obligations that are directly related to Phase 3 - Oaklands College (approx. £85k) and Gemini House (approx. £100k) which have been received, leaving the funding gap to be able to be met by three section 106 agreements

9. The opportunity sites in the EWCAAP will make a contribution to the phases based on the relative impact of site development on the highway:

Western sites (1 - 3) : Contribution to Phase 1
Central sites (4- 7) : Contribution to Phases 1 and 2
Eastern sites (8-11): Contribution to Phase 3

10. The contribution for each phase (2014 prices) are;

Phase 1: £1,500 per dwelling
Phase 2: £1,500 per dwelling
Phase 3: £1,000 per dwelling

11. Should the Highways Authority (during the course of development in the EWC) determine that the latest trajectory of development requires the delivery of a particular phase of the highway works, the Council will reallocate the identified historic s106 (pre April 2010) to that phase. For example, the funding for Phase 1 could be achieved using the historic s106 and the sums already achieved from Gemini House and Oaklands College (and those proposed from Isopad House). Contributions from future development proposals would then be reallocated to other phases within the five s106 rule.

Links

The Elstree Way Corridor Area Plan [\[Link\]](#)

CIL Viability assessment [\[Link\]](#)

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HERTSMERE BOROUGH COUNCIL

COUNCIL

PART I Agenda Item No	11
Document Reference No	C/14/23

DATE OF MEETING: 17 September 2014

AMENDMENT OF THE CONSTITUTION – Procedure Rules for the Disposal of Land

This report recommends the Council's 'Procedure Rules for the Disposal of Land' be revised to reflect the new titles of staff.

1 **RECOMMENDED THAT** the attached revised "Procedure Rules for the Disposal of Land" be approved and replace the present Rules at Part 4, item 4.8 in the Council's Constitution.

2 **INTRODUCTION**

3 As a significant landowner, the Council has established rules for the disposal of land. These rules have formed part of Hertsmere's Constitution since it was established and provides the public with knowledge of the process the Council will follow. Having such open procedures is compatible with good local authority practice and contributes to the establishment of trust in the Council by Hertsmere residents.

4 The present rules were last updated in 2007 and since then there have been a number of changes to the staff structure of the Council and most recently the job titles of relevant officers have been altered. These recent changes are particularly important to reflect in these procedure rules and have driven the need to have amendments made now rather than await the forthcoming revision of the whole Constitution.

5 The proposed amendments are mainly to job titles. No changes have been made to the monetary limits for transactions. The revised Rules will also introduce another level of assurance with the additional level of officer sign off for disposals below £25,000. The Appendix shows the changes proposed as track changes.

6 **FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS**

6.1 There are no financial implications to these recommendations.

7 **LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS**

7.1 The updating of officers titles is necessary to ensure that the Procedure Rules reflect current staff establishment.

8 **EFFICIENCY GAINS AND VALUE FOR MONEY**

8.1 None expected from this proposal.

9 **RISK MANAGEMENT IMPLICATIONS**

9.1 None

10 **PERSONNEL IMPLICATIONS**

10.1 None

11 **CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS**

11.1 None

12 **APPENDICES ATTACHED**

12.1 Appendix A – “Procedure Rules for the Disposal of Land”

13 **BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT**

	Document Title	Custodial Officer	Where Filed
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10.1 None

14 **AUTHOR**

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1. Definition

1.1 Freehold and leasehold land in the ownership of the Council which is valued at more than £25,000 ~~and~~ or is to be leased for more than 15 years shall not be offered for disposal without the prior approval of the Executive.

1.2 Where land is valued at less than £25,000 ~~and~~ or a lease of 15 years or less is to be granted or renewed such disposals may be committed by the ~~Head of Asset Management~~ appropriate Chief Officer provided that the best price reasonably obtainable has been achieved ~~and has been verified and approved at Property Services Manager level or above.~~

2. Methods of Freehold and Leasehold Disposal

2.1 Freehold and leasehold disposal of land may be initiated by public auction, sealed offer, binding tender or private treaty.

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3. Reserve Price

3.1 Where land is to be sold by auction, the Executive shall approve the reserve price to be placed on the land which shall not be less than the current valuation of the land by the Council's ~~Estates Valuer~~ qualified Valuer or his agent.

4. Sealed Offer Procedures

4.1 The procedures for sealed offers and binding tenders shall be alike unless otherwise specified and references to "sealed offer" include "binding tender". Where prospective purchasers of land are invited to submit sealed offers, whether or not the Executive agrees to be bound to accept the highest offer or any offer, the following procedure shall be complied with:

(i) the ~~Head of Asset Management~~ Property Services Manager or his/her agent shall advertise the land for disposal in the journals and/or newspapers which will widely circulate the proposed disposal to persons or bodies likely to wish to make an offer.

(ii) at least 21 days' public notice shall be given of the intended disposal and any invitation to submit offers shall specify the latest date, time and place for receipt of offers. The invitation will also clearly specify additional information required including layout plans and references, where appropriate, and any special conditions to which the offer will be subject, including the Executive's reservation of the right to engage in post offer negotiations.

(iii) every invitation to submit a sealed offer for the acquisition of an interest in Council land shall state that no offer will be considered unless it is enclosed in a plain sealed envelope which shall bear the words "Offer" or "Tender" followed by the subject to which it relates, but no other name or mark indicating the sender and prospective offerers shall be notified accordingly. Such envelopes shall be addressed impersonally to the Customer Services Manager and remain in his/her custody until the time and date specified for its opening.

(iv) sealed offers shall be opened at one time and by not less than 2 officers, namely the ~~Head of Asset Management Property Services Manager~~ (or his/her nominee) and a Democratic Services officer, and the details recorded at the time they are opened.

(v) if the disposal receipt is likely to exceed £100,000, the relevant Executive member or his or her nominee shall be invited to attend the opening of sealed offers, the Executive member having been duly notified of the time and place appointed for the opening, which shall not be less than 48 hours (where practicable) after the time specified as the deadline.

(vi) any sealed offers submitted in competition received after the specified time may be considered when the Democratic Services Manager is satisfied, following an investigation by the Head of Internal Audit or his/her nominee, that the circumstances for its delay are acceptable, that there is no evidence of impropriety, and that sufficient evidence exists to support this judgement. Where the investigation by the Head of Internal Audit does not indicate that the reasons for the delay etc are acceptable, the Offer shall be returned to the offerer by the Democratic Services Manager. The Offer may be opened to ascertain the name of the offerer but no details of the Offer shall be disclosed.

(vii) after opening and analysing the sealed offers received, the ~~Head of Asset Management the Property Services Manager or above are-is~~ authorised to dispose of the land in question to the party which in his/her opinion has submitted an offer which represents the best consideration reasonably obtainable, subject to the concurrence of the Head of Finance. The outcome of the offer procedure would be reported for information.

(viii) where no offer is clearly more advantageous than the remainder or where a number of offers are shortlisted by

the ~~Head of Asset Management~~ Property Services Manager, the disposal will not be committed without the authority of the Executive, following consideration of a report of officers. Before presenting his/her report, the ~~Head of Asset Management~~ Property Services Manager (or his/her nominee) may engage in post offer negotiations with those parties whom he/she has shortlisted on the grounds that their offers most nearly approach the level of offer which could be recommended to the Executive for acceptance.

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(ix) valid offers other than the best, or at a level below the current valuation approved by the ~~Estates Council's~~ qualified Valuer, shall not be accepted without the authority of the Executive following consideration of a report of officers.

(x) if the best offerer fails to comply with the conditions of offer, in which event the ~~Property Services Manager~~ ~~Head of Asset Management~~ at his/her discretion may proceed to dispose of the subject land to the party offering the next best consideration reasonably obtainable.

5. Post Offer Negotiations

5.1 Any clarification of offers during their evaluation should be settled first and must not be merged with post offer negotiations. Clarification of queries and anomalies must be clearly documented. Post offer negotiations with prospective purchasers of Council land shall be conducted in accordance with the appropriate procedures at 5.6 of the Constitution, save that references to the lowest tender or tenderer will in this context be substituted by best offer and preferred offerer.

5.2 Following the conclusion of post offer negotiations, the ~~Head of Asset Management~~ Property Services Manager will present a report detailing the outcome of the invitation to submit sealed offers and subsequent post offer negotiations with a clear recommendation, whenever possible, for the Executive to dispose of the land in question to the party which in his/her opinion has submitted an offer or revised offer which represents the best consideration reasonably obtainable.

6. Land sold by Private Treaty

6.1 Land exceeding £25,000 in value or to be leased for more than 15 years shall not be offered for sale or lease by private treaty unless the proposed transaction has been approved by the Executive following consideration of a report of officers. When land is to be sold by private treaty, an initial valuation shall be prepared by the ~~Council's~~ qualified ~~Estates~~ Valuer or his/her consultant valuation

surveyor and the land shall not be offered for sale or lease at less than the highest valuation approved by the ~~Estates Council's~~ ~~qualified~~ Valuer.

7. Disposals under Building Agreement, etc

7.1 Where land is to be disposed of under a building agreement and subsequent lease, the procedure for the invitation and handling of proposals shall be in accordance with the procedure rules for the disposal of land supplemented by the appropriate tendering procedures in the contracts procedure rules where the proposal entails the procurement of a building or the provision of other services.

7.2 The ~~Head of Asset Management Property Services Manager~~ shall report to the Executive, (incorporating the views of the Chief Finance Officer, if any) details of all proposals as to the merits and financial implications of each scheme and the financial standing of each developer. The Executive shall be free to select one or more developer with whom negotiations can continue without commitment.

7.3 Negotiations shall, where practicable, take place in the Council's offices or at the offices of the prospective developer within normal office hours. Two officers (including the ~~Head of Asset Management Property Services Manager~~ or his/her representative plus an officer from another unit, unless the Director of Environment determines otherwise) shall normally be present at these meetings and minutes shall subsequently be prepared of the proceedings. The outcome of negotiations shall be reported ~~by the Head of Asset Management~~ to the ~~the~~ Director of Environment and no commitment shall be entered into without the authority of the Executive.

8. Offer Guarantees

8.1 In normal circumstances Offer Guarantees shall not be required unless specifically required by the Director of Environment.



PART I Agenda Item No	12
Document Reference No	C/14/22

COUNCIL

DATE OF MEETING: 17 SEPTEMBER 2014

FORMAL COMPLAINTS BY THE COUNCIL'S CUSTOMERS – 2013/2014

1. **INTRODUCTION**

1.1 This report sets out the number of complaints about this authority made to the Local Government Ombudsman (LGO) during the year 1 April 2013 to 31 March 2014 as well as providing information on complaints dealt with under the Council's own complaints procedure for the same period. Generally complaints relate to action or inaction by the Council or to undue delay in taking appropriate action.

1.2 This year, the LGO's annual review letter presented the first full year of complaints recorded under the Ombudsman's new business model which records only the total number of complaints received rather than the more detailed statistics provided in previous years. The LGO changed its business processes during the course of 2012/13 which meant that it was not able to provide the Council with a consistent set of data for that year.

2. **OMBUDSMAN CASES 2013/2014**

2.1 Thirteen complaints cases were referred to the Council for response to enquiries by the Ombudsman in 2013/2014. To put this in context, the number of cases referred from the Ombudsman over the last five years is as follows: -

2013/2014	13
2012/2013	8
2011/2012	12
2010/2011	13
2009/2010	10

2.2 **Ombudsman Decisions**

2.2.1 The total of 13 enquiries and complaints about the Council considered by the LGO in 2013/14 can be categorised as follows:

Investigation discontinued	3
Investigation not initiated	4
Investigation complete	4
Premature complaints	2

2.2.2 Definitions of the above categories are as follows:

2.2.2.1 An investigation can be discontinued by the LGO for one of the following reasons:

- *Not enough evidence of fault* – where the LGO found insufficient evidence that the council was at fault;
- *Injustice remedied during enquiries* – decisions where the council remedied or agreed to remedy any injustice to the LGO's satisfaction during the investigation;
- *No or minor injustice and Other* – where the LGO has used its general power to discontinue the investigation; this can be for a variety of reasons but the most common is that any injustice caused does not justify the public expense of pursuing the matter further.

2.2.2.2 The Ombudsman may give advice but decide not to initiate an investigation for a number of reasons including the following: the complaint may fall outside the Ombudsman's jurisdiction; insufficient information provided to enable clear advice to be given; general power to discontinue the investigation, the most common reason being that any injustice caused does not justify the public expense of pursuing the matter further; an alternative route is open to the complainant to pursue the matter.

2.2.2.3 The Ombudsman, when investigating a complaint, will determine whether or not there has been any maladministration by the Council and, if so, whether that fault has led to any injustice, the degree of any injustice incurred and any recommended remedy or settlement.

2.2.2.4 The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. Accordingly, if someone complains to the Ombudsman without having taken the matter up with a council, the Ombudsman will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or advise the enquirer.

New Definitions of Ombudsman Complaints

2.3 The LGO has recently changed the way it describes its decisions to refer to 'upholding' and 'not upholding' complaints which brings it into closer practice with how other Ombudsman schemes and some local authorities describe their complaints. Feedback received by the Ombudsman to date has shown that the new descriptions make the information far more accessible, especially to members of the public. A full set of the new definitions will be included in next year's annual complaints report.

2.4 Subject Matter of Ombudsman Complaints

2.4.1 The subject matter of the 13 complaints received in 2013/14 was as follows:

Highways & Transport	3
Housing	1
Planning & Development	8
Benefits and Tax	1

3. **HERTSMERE'S COMPLAINTS PROCEDURE**

- 3.1 Customer Relationship Management (CRM) forms part of the Council's corporate priorities, an important element of which is the corporate Customer Service Strategy. It is vital that the Strategy embraces customer feedback through proactive customer engagement. The Strategy, which was originally adopted and implemented in April 2005, was re-launched in March 2010 and reflected all the changes that had taken place, both within the organisation and in the wider environment.
- 3.2 Revising the Strategy was also an essential part of working towards accreditation under the Customer Service Excellence standard and the British Standards Institute award for complaints handling (BSI10002) which the Council was successful in achieving in June 2010.
- 3.3 As part of the Customer Service Strategy, the Council's 3Cs (complaints, compliments and comments) customer feedback system, which went 'live' in December 2008, enables customers to make comments, complaints or compliments by telephone, letter, email, in person or via the website.
- 3.4 Stage 1 of the procedure is the raising of a concern or informal complaint and this is logged onto the 3Cs system although not recorded officially as a formal internal complaint. All efforts are made by staff in the service team concerned to resolve the complaint to the customer's satisfaction at an early stage. The revised Customer Service Strategy 2010-2013 included an amendment to the procedure at stage 1 whereby the Council undertakes to make a response in writing within 10 rather than 15 working days.
- 3.5 A complaint becomes formal at Stage 2 when it is put in writing (either by letter or by completing the customer feedback form). The complainant will receive a written acknowledgement within 5 working days advising which officer will be dealing with the complaint, supplying a reference number and giving the date by which the complainant can expect a full reply (within 15 working days).
- 3.6 If, after Stages 1 and 2, the complainant is still not satisfied with the Council's response, the matter will progress to Stage 3 and be referred to one of the Directors who will decide whether a formal investigation is appropriate.
- 3.7 If the Director is of the view that an internal investigation by the Council would *not* be useful, the relevant key correspondence will be passed to a Complaints Advisory Panel, which comprises three Councillors, to consider whether or not they support this view. The complainant will usually be advised of the outcome within 20 working days of the referral, unless a different timescale has been indicated.
- 3.8 Should the Director or the Complaints Advisory Panel decide that an internal investigation should be carried out, this would be by another senior officer who had not previously been involved. On occasion, an external contractor can also carry out an

investigation. The investigating officer will contact the complainant as part of his investigation and will submit a report, with his recommendations, to the Chief Executive at the end of the investigation. The Chief Executive will then write to the complainant, within 30 working days of the notification to investigate, to explain what he intends to do about the complaint.

- 3.9 The Chief Executive is responsible for determining any remedy. The Complaints Officer manages the formal complaints procedure on a day-to-day basis.

4. **INTERNAL COMPLAINTS CONSIDERED IN 2013/2014**

4.1 Twenty-two internal complaints were received between 1 April 2013 and 31 March 2014. Whilst this number represents an increase on last year's figure of fifteen, this can be accounted for in part by two planning cases involving multiple complaints, most notably the contentious eruv application. Of the total number of complaints received, six were closed at Stage 2 of the procedure. The remaining 16 cases progressed to Stage 3 and, of these, twelve were not subject to an internal investigation. Three out of four of the remaining cases were investigated and were resolved by means of local settlements and/or the implementation of procedural changes. The Council's internal investigation into the fourth complaint resulted in a finding of no fault and the Ombudsman's subsequent investigation also concluded that there had been no maladministration on the part of the Council. Half of all 16 cases considered at stage 3 of the Council's complaints procedure took their complaint to the Local Government Ombudsman, three quarters of which resulted in a finding of no maladministration by the Council. The remaining 25% were found to be outside the Ombudsman's jurisdiction as an alternative route was open to the complainant to pursue the matter.

4.2 The comparable number of internal complaints considered in previous years is:

2013/2014	22
2012/2013	15
2011/2012	18
2010/2011	19
2009/2010	20

4.3 **Subject Matter of Internal Complaints**

4.3.1 The subject matter of complaints for 2013/14 is as follows:

Planning	12
Waste and Street Scene	1
CPZ	2
Revenues/Benefits	4
Highways & Transport	1
Other	2

4.3.2 These figures show that the majority of complaints received by the Council in 2013/14 were on planning/development control issues at 54.54 % with another 18.18 % received in respect of council tax and benefits.

4.4 Monitoring and Improving Complaints Handling

4.4.1 Customer satisfaction with complaint handling is being assessed through the Customer Services Strategy. Action taken is as follows: the abandonment rate of calls and waiting times for face-to-face customers has been reduced in the Customer Services Centre through the use of the telephony system and the provision of a 'quick enquiry' desk on 'meet and greet'; the Customer Services Team conducts 'mystery shopping' in partnership with other Hertfordshire authorities to monitor customer service standards across the organisation; the Council's customer services standards are publicised by means of posters, displays in the Council Offices reception and on noticeboards; as part of the Customer Focus project, a new website was launched, aimed at improving and developing different ways for customers to contact the Council; and work is being undertaken to enable further services to be processed through the Customer Services Centre.

5. HANDLING OF OTHER CATEGORIES OF COMPLAINTS

5.1 Complaints about Councillors are not dealt with through the Council's formal complaints procedure but are referred to the Council's Standards Committee. Changes brought in by the Localism Act 2011 meant that local authorities were no longer required to have a standards committee and the former national model code of conduct was dis-applied. At Hertsmere Borough Council, it was decided to retain a standards committee to ensure and promote high standards of conduct from Members and co-opted Members. In addition, Hertsmere agreed to continue with a Code of Member Conduct which sets down the expectations of a Councillor serving on the Council.

5.2 Over the course of the last year, Standards Committee Members have carried out their role by keeping up to date with developments and expectations with regard to conduct issues and have dealt with complaints submitted about Member behaviour. Standards Committee Members undertook refresher training on the 'new' standards regime on 2 October 2013.

5.3 Freedom of Information (FOI) and Data Protection (DP) complaints are again subject to different procedures and should be addressed in the first instance to the Council's FOI Officer. Similarly, parking ticket challenges are not dealt with through the Council's complaints procedure but through a national process, the National Parking Adjudication Service (NPAS).

7. BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT

7.1 Annual Review Letter from Ombudsman 7 July 2014; LGO Publication: Review of Local Government Complaints 15 July 2014; Registers of Ombudsman and Internal Complaints 2013/14 (Democratic Services complaints files).

8. AUTHOR

8.1 Jenny Smith – Principal Democratic Services Officer, Ext: 2685.

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HERTSMERE BOROUGH COUNCIL

Council meeting – 17 September 2014

Agenda item 14

Questions from Members of the Council

The following questions have been received from Members of the Council in accordance with Council Procedure Rule 11.

1. Councillor Ernie Butler to the Environment and Transport Portfolio Holder

“Having set an excellent precedent by opposing the County Council service reduction proposal to close the waste recycling site in Elstree; will the Leader of the Council and the Planning portfolio holder join the Labour Group and the residents of Hertsmere in opposing the proposed cuts to the already inadequate bus services across the Borough?”

2. Councillor Ernie Butler to the Housing and Economic Development Portfolio Holder

“As this council has responsibility for ensuring that all rented property within the borough meets acceptable standards. Could the portfolio holder please inform the council how many rented properties we have investigated in the last six months? How these properties were brought to the council’s attention? What the outcomes of these investigations were? What measures we take to ensure tenants of rented properties are aware of the help available?”

3. Councillor Galliers to the Planning and Localism Portfolio Holder

“In light of the Communities Secretary Eric Pickles’ call last month for new housing developments to be built with more parking spaces and to remove the maximum criteria from planning policies will this Council be reviewing its parking SPD?”

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HERTSMERE BOROUGH COUNCIL

Council Meeting – 17 September 2014

Agenda Item 16

Opposition Business

The following item of Opposition Business has been received from the Labour Group in accordance with Council Procedure Rule 2:

“Although this Council pays the vast majority of its employees the living wage a small number of our employees who work for our waste management service, because they are temporary workers on contract, receive below this rate for the first 12 weeks of their employment.

The Labour Group feels that this Council should discuss the proposition that the Living Wage (currently £7.45) is extended to this group of workers.”

To be proposed by Councillor Harrison and seconded by Councillor Galliers.

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