

14 July 2006

Our Ref. IG/Council
Your Ref.
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To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

MEETING OF THE COUNCIL

to be held in the

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

on

THURSDAY, 27 JULY 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as true records the Minutes of the meeting of Annual Council held on 16 May 2006, and the Minutes of the meetings of Council held on 5 June 2006 and 27 June 2006.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Council at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Council any declarations of interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the Council Chamber and not seek to influence the decision on that particular item of business.	-
5. CHAIRMAN'S ANNOUNCEMENTS	-
6. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public.	-
7. ITEM REFERRED FROM CABINET – 25 APRIL 2006 – ADOPTION OF HERTFORDSHIRE LICENSING ENFORCEMENT PROTOCOL	1
8. ITEM REFERRED FROM JOINT STAFF CONSULTATIVE COMMITTEE – 8 JUNE 2006 – STRATEGIC HUMAN RESOURCES FORUM	21
9. ITEM REFERRED FROM CABINET – 27 JUNE 2006 – HITCHIN MARKET TRADERS ASSOCIATION BUSINESS PLAN	29
10. ANY ITEMS REFERRED FROM CABINET – 25 JULY 2006	35
11. QUESTIONS FROM MEMBERS To consider any questions submitted by Members of the Council, in accordance with Standing Order 10.4(a).	37

12. NOTICE OF MOTIONS

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To consider any motions submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 11.1.

Future meetings of the Council have been scheduled to take place on:

Thursday, 21 September 2006
Thursday, 2 November 2006
Thursday, 14 December 2006
Thursday, 18 January 2006
Thursday, 8 February 2007
Wednesday, 28 February 2007
Thursday, 29 March 2007

ITEM REFERRED FROM CABINET – 25 APRIL 2006 – ADOPTION OF HERTFORDSHIRE LICENSING ENFORCEMENT PROTOCOL

The following is an extract from the Minutes of the Cabinet meeting held on 25 April 2006:

209. REFERRAL FROM LICENSING & APPEALS COMMITTEE – 12 APRIL 2006 – ADOPTION OF HERTFORDSHIRE LICENSING ENFORCEMENT PROTOCOL

Cabinet considered an extract from the Minutes of the meeting of Licensing and Appeals Committee on 12 April 2006 (Minute number 3 refers), in which the Head of Housing and Environmental Health had recommended the adoption of an enforcement protocol that sought to co-ordinate the regulatory activities associated with the Licensing Act 2003 undertaken by a range of enforcement agencies in Hertfordshire.

The Head of Housing & Environmental Health advised Cabinet of an amendment to Appendix A;

Page 15, paragraph headed 'Spontaneous Response', that the wording should read 'Local Officers will seek, wherever practicable, to attend'... etc.

Cabinet expressed their disappointment that the Police would not make a firm commitment to resource all unlawful events.

A copy of the report and Appendix A - Draft Protocol, which had been considered by the Licensing and Appeals Committee, were included with the minute.

RESOLVED:

- (1) That the comments of the Licensing and Appeals Committee be noted;
- (2) That the Hertfordshire Licensing Enforcement Protocol version 5 as attached at Appendix A to the report be agreed.

RECOMMENDED TO COUNCIL: That the Hertfordshire Licensing Enforcement Protocol version 5, as attached at Appendix A to the report, be adopted by Council.

REASONS FOR DECISION:

- (1) The aforementioned Enforcement Protocol aims to co-ordinate the enforcement activities of a number of relevant regulatory bodies in Hertfordshire. Effective co-ordination will reduce potential enforcement inconsistencies and promote the transparent regulation of licensed premises;
- (2) The publication and adoption of such an enforcement protocol is strongly encouraged by the Department for Culture, Media and Sport;
- (3) The Council's Statement of Licensing Policy clearly indicates that such an enforcement protocol will be forthcoming;
- (4) To effectively exercise the duties and responsibilities contained within the Licensing Act 2003.

The following is the report presented to the Licensing & Appeals Committee on 12 April 2006 & Cabinet on 25 April 2006.

TITLE OF REPORT: ADOPTION OF THE HERTFORDSHIRE LICENSING ENFORCEMENT PROTOCOL (DRAFT V.5)

1. PURPOSE OF REPORT

- 1.1 To recommend the adoption of an enforcement protocol that seeks to co-ordinate the regulatory activities associated with the Licensing Act 2003 undertaken by a range of enforcement agencies in Hertfordshire.

2. BACKGROUND

- 2.1 Section 5 of the Licensing Act 2003 requires the Council to produce a Statement of Licensing Policy.
- 2.2 North Hertfordshire District Council's Statement of Licensing Policy was adopted by Full Council on 18 November 2004 and became effective from 7 January 2005.
- 2.3 North Hertfordshire District Council's Statement of Licensing Policy states at paragraph 14.1:

Enforcement

14.1 The Council intends to establish enforcement protocols with the police and other enforcing authorities. The Enforcement Protocol will focus upon agreed problem and high risk premises that fall short of the Licensing Objectives while providing a lighter touch with premises that are shown to be well managed and maintained.

14.2 Enforcement action will be taken in accordance with the Council's Environmental Health Enforcement Policy. Enforcement action will follow the five guiding principles of consistency, transparency, proportionality, fairness and objectivity. A copy of the Environmental Health Enforcement Policy can be found on the Council's website www.north-herts.gov.uk.

3. CONSIDERATIONS

- 3.1 The draft enforcement protocol, contained within Appendix 1, seeks to formalise the arrangements for licensing enforcement in respect of Responsible Authorities and Licensing Authorities in Hertfordshire. It has been drafted in collaboration with the regulatory bodies within the county and will be reviewed on an annual basis. In addition it provides guidance to stakeholders regarding the legal requirements and operational procedures relevant to the Licensing Act 2003. The committee is asked to review the protocol and decide if North Hertfordshire District Council should agree to abide by the terms of the protocol and become a signatory to it.
- 3.2 Hertfordshire Constabulary has indicated their intention to review the protocol on a regular basis. The review procedure will allow the stakeholders to ensure that the protocol consistently meets the changing demands of enforcement action within the region.

4. LEGAL IMPLICATIONS

4.1 Guidance issued under section 182 of the Licensing Act 2003 states:-

Enforcement

3.56 *As part of their statement of policy, the Government **strongly** recommends that licensing authorities should express the intention to establish protocols with the local police on enforcement issues. This would provide for a more efficient deployment of licensing authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises.*

3.57 *In particular, these protocols should also provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.*

4.2 Whilst carrying out their functions under the Licensing Act 2003 the Authority is obliged to fulfil their obligations under section 17 of the Crime and Disorder Act 1998. Section 17 places a duty on the Authority to do all that they reasonably can to prevent crime and disorder in their area. The adoption of the protocol will be complementary to this obligation.

4.3 The protocol is ultimately an agreement of co-operation between the key stakeholders under the new licensing regime. The protocol will underpin their existing relationships. It is proposed that the adoption of the protocol will also enhance these relationships in a three fold approach, firstly by encouraging high levels of open communication between agencies, secondly by establishing clear areas of responsibility regarding enforcement of the law and thirdly the sharing intelligence, where appropriate to enable effective enforcement of the law.

4.4 The protocol in its current form is relatively general regarding the responsibilities of each signatory. It is envisaged that the scope of these obligations will be clarified at the first review of the protocol when all of the agencies have a better understanding of the enforcement demands under the new regime.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

5.1 Under the new licensing regime Authorised Officers of the Authority have new and additional enforcement responsibilities and powers. These obligations will create ongoing financial and human resource implications for the Authority. It is not envisaged that the adoption of the enforcement protocol

will increase this expenditure but it may provide a framework by which the allocation of staff and resources may be better assessed.

6. CONSULTATION WITH EXTERNAL ORGANISATIONS AND MEMBERS

6.1 Responsible Authorities and Licensing Authorities within Hertfordshire have been consulted.

6.2 The Portfolio holder for Housing and Environmental Health has been consulted.

7. RECOMMENDATIONS

7.1 That Cabinet be requested to recommend to Council the adoption of the Hertfordshire Licensing Enforcement Protocol, Version 5, as attached at Appendix A to the report.

8. REASONS FOR THE RECOMMENDATIONS

8.1 The aforementioned Enforcement Protocol aims to co-ordinate the enforcement activities of a number of relevant regulatory bodies in Hertfordshire. Effective co-ordination will reduce potential enforcement inconsistencies and promote the transparent regulation of licensed premises.

8.2 The publication and adoption of such an enforcement protocol is strongly encouraged by the Department for Culture, Media and Sport.

8.3 The Council's Statement of Licensing Policy clearly indicates that such an enforcement protocol will be forthcoming.

8.4 To effectively exercise the duties and responsibilities contained within the Licensing Act 2003.

9. APPENDICES

9.1 Hertfordshire Licensing Enforcement Protocol Draft v.5 – Appendix A

10. CONTACT OFFICERS

10.1 Andy Godman, Head of Housing and Environmental Health, tel. no. 474293

10.2 Melinka Berridge, Solicitor, (Planning & Litigation), tel. no. 474538

10.3 Giovanna Silverio, Licensing and Enforcement Manager, tel no. 474478

11. BACKGROUND PAPERS

11.1 Licensing Act 2003 and Guidance issued under section 182 of the Licensing Act 2003

11.2 North Hertfordshire District Council's Statement of Licensing Policy

11.3 North Hertfordshire District Council's Environmental Health Enforcement Policy

APPENDIX A

**HERTFORDSHIRE
LICENSING ENFORCEMENT PROTOCOL
DRAFT V5.**

This protocol formalises the arrangements for licensing enforcement, in respect of Responsible Authorities and Licensing Authorities in Hertfordshire. In addition it provides guidance regarding the legal requirements and operational procedures.

The undersigned agencies agree to abide by the terms of this Protocol.

SIGNATORIES TO THIS AGREEMENT *Add/Amend as appropriate

..... Date
[NAME]
For & on behalf of xxxx Borough/District Council

..... Date
[NAME]
For & on behalf of xxxx Borough/District Council Licensing Authority

..... Date
[NAME]
For & on behalf of Hertfordshire Constabulary

..... Date
[NAME]
For & on behalf of Hertfordshire Fire and Rescue Service

..... Date
[NAME]
For & on behalf of Weights & Measures Authority

..... Date
[NAME]
For & on behalf of xxxx Local Authority Environmental Services

..... Date
[NAME]
For & on behalf of xxxx Local Authority Planning & building Control services

..... Date
[NAME]
For & on behalf of Children, Schools & families and Adult Care Services

Hertfordshire Enforcement Protocol

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Introduction

The purpose of this protocol is to facilitate co-operation & co-ordination between enforcement agencies in pursuance of the Licensing Act 2003. It underpins the mutual support required to tackle licensing issues.

Under the Licensing Act 2003, the licensing authority and the responsible authorities, as defined in the Act, are required to promote the following objectives:

- Preventing crime and disorder
- Protecting public safety
- Preventing nuisance
- Protecting children from harm

Within this protocol the terms Local Authority and Licensing Authority are carefully selected as there is a clear distinction in the Licensing Act between the role of the Licensing Authority and that of the Local Authority, which has the responsibility for the enforcement of offences relating to pollution, health and safety and trading standards etc.

Review of this Protocol

The application of this protocol will be kept under regular review through ongoing discussion & will be the subject of formal review annually, such review to be co-ordinated by Hertfordshire Constabulary, with regard to:-

- Changes in legislation;
- Changes in Government, LACORS or other authoritative guidance;
- National court rulings;
- Any challenges made concerning the content or direction of the protocol.

Each local authority is encouraged to hold a formal review with the officers involved, on an annual basis, the results of which should be passed to the Constabulary for consideration as part of the review of this framework.

A joint annual report should be completed in November each year for submission to the relevant Licensing Committee

Aim of Protocol:

The aim of this protocol is to establish a model upon which all local authorities in Hertfordshire can base their individual enforcement with Hertfordshire Constabulary, Hertfordshire Fire and Rescue Service, Hertfordshire County Council & Trading Standards and the Child Protection Agency, as appropriate.

The aim of an enforcement protocol is to establish the roles played by each enforcement agency, that is:-

- Licensing Authority
- Hertfordshire Constabulary
- Hertfordshire Fire and Rescue Service
- Local Authority Environmental Health Services
- Local Authority Occupational Health and Safety Enforcement Service
- Health and Safety Executive
- Hertfordshire County Council Trading Standards Department
- Hertfordshire Child Protection Committees (or local child protection representative, as appropriate)
- Other enforcement agencies as appropriate (e.g. Customs and Excise, SIA)

The protocol, whilst acknowledging that CDRP's are not an enforcement body or signatory recognises the vital role of the CDRP in respect of local co-ordinated crime reduction, public safety and public nuisance initiatives.

The protocol seeks to establish the roles of the agencies detailed above in relation to:-

- Inspecting premises for compliance with a relevant licence,
- Investigating complaints regarding non-compliance,
- Initiating reviews under the Licensing Act 2003,
- Initiating proceedings for offences under the Licensing & Entertainment Acts.

This protocol seeks to build upon the good working relationships, which currently exists between the enforcement agencies. All parties recognise the importance of effective co-operation and liaison to ensure those with responsibilities under legislation understand and comply with the law.

The aim of this protocol will also be to comply with the Secretary of State's guidance to local authorities:-

'As part of their statement of policy, the Government strongly recommends that licensing authorities should express the intention to establish protocols with the local police on enforcement issues. This would provide for a more efficient deployment of licensing authority staff and police officers that are commonly engaged in enforcing licensing law and the inspection of licensed premises.'

In particular, this protocol provides for joined up, local, intelligence led enforcement in dealing with problem and high-risk premises, while providing a lighter touch in respect of low risk premises that are well run. Each Licensing Authority should work closely with other relevant bodies to ensure that effective risk based activity is undertaken that is as closely aligned as practicable to the enforcement criteria of their partners.

However, the visiting regime for premises will not be decided solely on a risk assessment basis. The Local Authority will, as part of its' proactive stance, make regular visits to and in the vicinity of licensed premises in order to assess the impact of their operation on residents and other businesses in the area.

There will be a presumption that visits will take place when various crime and disorder and other indicators show that there are problems developing in relation to specific premises or areas.

Enforcement Action

The purpose of enforcement is to create a safe environment for all.

Enforcement action can include the following progressive approach to achieve compliance.

- Verbal advice- which may be documented
- Written advice
- Verbal warning-which will be documented
- Written warning
- Statutory Notice
- Formal Caution (cross ref to Home Office circular 18/1994)
- Conditional Cautions under the Criminal Justice Act 2003
- Applications by responsible authorities for reviews of licences or club premises certificates
- Issue of Penalty Notices for Disorder (PND's)*
- Prosecution

*The signatories to this protocol broadly support the accreditation (with appropriate training and support) of non-police bodies with the power to deal with relevant offences through PND's.

The individual circumstances of the breach of the legislation will determine the level of enforcement. All actions will be considered in accordance with the Human Rights Act 1998 and, where appropriate, the Local Authority Enforcement Protocol or policy.

General Principles

The parties to this protocol recognise that voluntary disclosure of information, on a case-by-case basis, will be made provided there is a lawful basis for disclosure where there are reasonable grounds to believe that a relevant offence has been committed or one of the Licensing objectives has been compromised.

The Signatories, in signing this document agree to:

- Take note of the spirit of cooperation and goodwill that exists between their organisations.
- Recognise the benefits to be derived from close working relationships.
- Seek to enhance the understanding of the advantages and opportunities which joint activity can bring to effective law enforcement and community safety.
- Promote & improve the legitimate exchange of information & operational co-operation in support of shared objectives.

Each party to this protocol undertakes to;

- Ensure that it complies with relevant legislation, internal policies and protocols on disclosure,
- Regularly consult with each other upon matters of relevant policy and strategy,
- Ensure that the data it holds is accurate and as up to date as possible

Partners are expected to draw upon their own legal advice, wherever necessary.

Information disclosed by any party must be kept secure by the partner to whom it has been provided. Each party must be satisfied that adequate arrangements are in place to protect the confidentiality of the information requested prior to a disclosure being made.

We agree when handling the media:-

- To be fair to our fellow partners, and maintain their integrity.
- When providing information to the public, to do so honestly and fairly.
- Statements must reflect the multi-agency decision process.
- Consent of the data owner will be sought prior to release to the media.

Each party to this protocol is aware of and embraces the principles of The National Intelligence Model (NIM) which is 'A Model for Policing' that ensures information is fully researched, developed and analysed to provide intelligence which enables senior managers to:-

- Provide strategic direction
- Make tactical resourcing decisions about operational policing and
- Manage risk

It is important to note that the NIM is NOT just about crime and NOT just about intelligence - it is a model that can be used for most areas of enforcement. It offers the realisable goal of integrated intelligence in which all enforcement agencies play a part.

Liaison Arrangements:

It is expected that regular contact will be established between the agencies. This contact is expected and encouraged to be regular and on occasion formalised.

All parties to this protocol should nominate a liaison officer to initially be the contact point regarding any matters relating to licensing. The role of these officers will be:

- To ensure the effective exchange of information between and within the agencies
- The consideration of the necessity for joint visits
- The implementation of co-ordinated actions, as necessary and as agreed between the agencies
- To co-ordinate the supply of evidence and information to another agency taking formal action
- In the first instance, the recipient of complaints, evidence or information, from other agencies, who believe that agency is the most appropriate agency to take action
- The initial contact to discuss and liaise in the event of uncertainty over lead agency roles

Where a responsible authority becomes aware of alleged offences and would like another more appropriate responsible authority or Licensing Authority to investigate, it will:

- Undertake early discussions with the appropriate responsible authority or Licensing Authority, including (unless in cases of extreme urgency), the Licensing Authority
- Supply the relevant responsible authority in a timely manner all of the relevant evidence obtained to that point (whether subsequently used or unused)
- In order to provide an audit trail, set out in writing details of the offence and request action be taken.

Upon receipt of a request, the relevant authority will, unless urgent action is required, undertake to act in line with their BVPI time limit. The investigating authority will inform the initiating authority of the action taken, the enforcement action taken and the reasons why.

Joint Enforcement Activities

There is a clear need for good communication. In particular, where the lead authority dealing with the premises identifies the need for a 'case conference', other responsible authorities will support the lead authority to gather all views in preparation for enforcement. The lead authority will be expected to co-ordinate such case conferences.

There may be occasions where a partners' assistance is sought in respect of the investigation of an offence, or future targeted action. By working together on such occasions partners should be able to achieve more wide reaching results.

In the case of joint operations, the following points should be agreed:-

- Identify the roles and responsibilities of each partner.
- Detail the resources required.
- Explain the objectives and expected outcomes.
- Comment on the timescale to achieve them.
- Identify the central point for coordination.

In undertaking joint operations parties must ensure that they are compliant with current legislation.

Parties understand that there may be other organisations involved in an operation that have not signed this protocol. In these instances the principles of the protocol should be followed as far as practicable.

Exchange and Handling of Information

The purpose of this document is to assist the exchange of information whilst not overriding existing legal safeguards on personal information. The manner in which information can be exchanged takes into account the following legislation;

- The Data Protection Act 1998 - for the processing of personal information.
- The Human Rights Act 1998 - for the rights of the individual's privacy.
- The Freedom of Information Act 2000
- The Crime & Disorder Act 1998 (S.155)
- The Common Law Duty of Confidence.

Exchange of information should be conducted in a timely and accurate fashion and confirmed in writing, (written confirmation includes in electronic form) in line with any information sharing protocols.

There are a variety of data types to consider when exchanging information, all have legal implications for the parties. The parties agree to comply with their legal obligations in respect of all disclosures.

Risk Based Approach

This protocol provides for targeting of resources towards high-risk or problem premises & activities that require greater attention, while providing a lighter touch in respect of low risk well operated premises.

Each Local Authority will have their own local risk based enforcement criteria and through local negotiation with relevant partners will develop a joined up approach to address premises and activities that compromise the Licensing objectives.

Guiding Principles for Decision Making

The relevant enforcement authority using the most appropriate legislation may pursue offences committed by perpetrators on licensed premises.

Close liaison is essential to ensure consistent and transparent action by the relevant agencies as well as to ensure effective use of resources. However, nothing in this protocol will preclude representation by more than one responsible authority in respect of the same or different licensing objectives, relevant to the same licensed premises. Indeed, in some circumstances it would be advantageous for responsible authorities to support each other towards the common aim of promoting the licensing objectives.

As a guiding principle, the lead authority for both enforcement action and for making representation should be based on the impact the contravention or action has on the promotion of the licensing objectives, and in most cases common sense will dictate the lead authority.

The table attached (*Appendix 1*) seeks to indicate further examples of the likely split of responsibilities and indicates which authority might lead under different situations in relation to the Licensing Act 2003.

Application for Licence reviews

Except in extreme or urgent cases, a responsible authority seeking a review of a premises licence or club premises certificate will:-

- Give an early indication to the Licensing Authority of the events requiring an application.
- Be able to demonstrate to the Licensing Committee that alternative approaches to dealing with the situation leading to the application have first been attempted where proportionate.

Provision of Advice and Investigation of Complaints

The signatories to this protocol recognise the value of advice and guidance to applicants and holders of licences, certificates and permissions under the Licensing Act and encourage them to seek advice, particularly before submitting applications for variations to existing permissions or prior to submitting a temporary event notice.

Each agency will endeavour to provide advice and guidance on those matters within the remit of that agency. Where information is requested on a matter outside of any agency's remit, then the contact details of the relevant agency will be passed to the applicant/licence holder.

On receipt of a complaint or concerns over licensed premises, club premises or personal licence holder, the receiving agency will:-

- Action, as appropriate, if the matter is within that agency's remit
- Pass to the relevant agency, in accordance with liaison arrangements.
- Liase with the other agencies to establish lead responsibility.

Dealing with Underage Sales

Research has shown that the illegal purchase and consumption of alcoholic drinks by persons under 18 has a significant impact on crime, disorder and anti-social behaviour. The Licensing Act 2003 gives both Trading Standards and the Police the power to conduct Test Purchase operations. Both parties are committed to using this tactic as an effective deterrent and an effective means of enforcement. Other responsible authorities, where they have information concerning under-age purchase, sale or supply which may assist will ensure that this information is shared appropriately. A separate protocol exists between Hertfordshire Constabulary and Hertfordshire Trading Standards on the conduct and principles of joint test purchasing activity.

Dealing with Disorderly Premises

This section describes action to be taken where activities on, or in the vicinity of and related to premises are disorderly or excessive noise is emitted from premises and it is necessary to close the premises to: -

- Ensure public safety and prevent crime and disorder
- Abate the disturbance

The intention, wherever possible, is to prevent such an activity taking place, by using a multi-agency approach at an early stage whenever the potential of such an event is raised. There is an expectation that appropriate agencies will work together to achieve a positive outcome that will enable us to identify and target premises to obtain evidence and prosecute where appropriate.

The enforcement partners will:-

- As a priority; gather, collate and share information concerning identified premises with our partners and other relevant agencies (permitted under Section 115 Crime & Disorder Act 1998.) at the appropriate operational level.
- Encourage and support licence holders in taking action to prevent or curtail disorder or nuisance from taking place, ensuring we do not recommend action which gives rise to personal/organisational liability.
- Carry out an operational review of the information and, when appropriate, take action to prevent or curtail any disorder or nuisance.
- As far as practicable attend all disorder or nuisance discovered or brought to our attention, and, when resources and legislation permit, seek to prevent them from continuing and gather evidence with a view to prosecuting offenders as appropriate.

- Hertfordshire Constabulary will provide a presence to reassure local communities. Agencies will gather evidence and intelligence to support proceedings against persons identified as being in breach of legislation or for use in preventing future activities.
- Share information, taking into account timescales in relation to prosecution.
- Pursue a policy of openness with the media to highlight the dangers of disorder and nuisance and the resolve of multi-agency co-operation to prevent them. Whenever possible joint press releases should be issued and should seek to assure local communities.

Closures - Section 161 of the Licensing Act 2003

Provides that a police officer of the rank of inspector or above may make an order closing individual premises covered by premises licences or a temporary event notice for up to 24 hours where disorder is taking place, or is likely to take place or a nuisance is being caused by noise emanating from the premises. Such orders may only be made where it is necessary in the interests of public safety or to prevent the nuisance caused by noise coming from the premises. These powers should not be used where it has been possible to anticipate the disorder arising, for example, in connection with intelligence about likely future disorder at a football fixture or in connection with a demonstration.

As a matter of good practice and where possible, the police shall liaise with the Licensing Authority before making a closure order. The police shall notify the Licensing Authority in any event where an application has been made to the court.

Other responsible authorities will, as soon as possible, be notified when a section 161 notice has been served, in order that they can consider making representations to the Licensing Authority when a review is conducted under section 167 of the Act.

Closures - Section 160 of the Licensing Act 2003

Provides that a police officer of the rank of superintendent or above may ask a magistrates' court to make an order requiring all premises holding premises licences or subject to a temporary event notice which are situated at or near the place of the disorder or anticipated disorder to be closed for a period up to 24 hours. The court may not make such an order unless it is satisfied that it is necessary to prevent disorder. A constable may use necessary force to close any premises covered by such an order.

As a matter of good practice and where possible, the police shall liaise with the Licensing Authority before applying for a closure order. The police shall notify the Licensing Authority in any event where an application has been made to the court.

Dealing with unauthorised licensable activity

This section describes action to be taken where activities are suspected or discovered but for which a licence has not been issued or has otherwise been covered by a Temporary Event Notice (TEN), to;

- Prevent the unauthorised activity
- Ensure public safety and prevent crime and disorder.
- Gather evidence with a view to prosecuting the organisers.

The intention, wherever possible, is to prevent unlicensed events taking place, by using a Multi-agency approach at an early stage whenever the likelihood of such an event has been established. There will be an expectation that enforcement agencies will work together to achieve a positive outcome that will enable us to identify & target such events to obtain evidence & take appropriate action.

The enforcement partners will:-

- As a priority; gather, collate and share information concerning unauthorised licensable activity with our partners, landowners and other relevant agencies as permitted under Section 115 Crime & Disorder Act 1998.
- Encourage and as far as is practical, support landowners in taking action to prevent or curtail unauthorised licensable activity from taking place, ensuring we do not recommend action which gives rise to personal/organisational liability.
- Carry out an operational review of the information available and, whenever appropriate, take action to prevent or curtail any unauthorised licensable activity from taking place.
- As far as practicable attend all unauthorised licensable activity discovered or brought to our attention, and, when resources and legislation permit, seek to prevent them being established, seize property as permitted by legislation, and gather evidence with a view to taking appropriate enforcement action.
- When intervention is inappropriate Hertfordshire Constabulary will provide a presence to reassure local communities. Agencies will gather evidence and intelligence to support proceedings against persons identified as being in breach of legislation or for use in preventing future unauthorised licensable activity.
- Share information and evidence between Hertfordshire Constabulary and the local authority taking into account timescales in relation to prosecution.
- Pursue a policy of openness with the media to highlight the dangers of unlawful events. Whenever possible joint press releases should be issued to assure local communities.

Unauthorised licensable activity tends to fall into two categories - those in respect of which the authorities have received prior information or intelligence regarding the event, and those where they have not. The former enables a pre-planned multi-agency response and the latter would require a spontaneous response that would normally be initiated by police as a result of information received. A measured response will be taken by enforcement agencies to such information and the risk such unauthorised licensable activity may be deemed to pose. The following responses relate to those events, which by their nature, size, location, etc. are deemed 'high risk'.

Pre-Planned Response

Enforcement agencies will apply the declared strategy of sharing 'information and intelligence, with a view to preventing the event through early intervention where the law and resources permit.

Enforcement agencies will work together to ensure that both permissive landowners, and organisers are aware of their obligations.

Owners of land adjacent to proposed sites will be advised, allowing sufficient time to apply preventative measures where possible.

Where time permits, enforcement agencies will make contact with the community likely to be affected. Where resources permit, high visibility policing will be used to provide reassurance.

Local Authority Officers will be expected to attend wherever possible to support Hertfordshire Constabulary at the site of such an event.

Spontaneous Response

Enforcement agencies will apply the declared strategy of sharing 'information and intelligence, with a view to preventing the event through early intervention where the law and resources permit.

Hertfordshire Constabulary officers together with Local Authority Officers will seek, where practicable, to attend all unlawful events brought to their attention to gather and secure evidence with a view to prosecuting organisers and or landowners.

The decision to stop a large unlicensed event from continuing has resource and serious safety implications for the officers implementing the decision and for persons attending the event. The decision to stop the event will normally be made by the police Silver Commander (or senior officer present) following full review and risk assessment. If, taking into account the ongoing risk to public safety, the event is allowed to continue, a full audit trail of decisions and risk assessments MUST be made.

Local Authority Officers will be expected to attend wherever possible to support Hertfordshire Constabulary at the site of such an event.

When intervention is considered inappropriate the police will seek to provide a continuing presence to reassure local communities. Both Agencies when possible will seek to gather evidence and/or intelligence to support proceedings in future and to prevent re-occurrences.

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or appropriately authorised local authority delegated officer to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a liquor licence. Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed. PREMISES include any land or other place (whether enclosed or otherwise);

Post Event

Following any serious incident involving an unauthorised licensable activity, the relevant enforcement agencies will participate in a de-brief. Information on preventative operations will be discussed and best practice and areas of weakness identified, All relevant information/evidence surrounding an event will be shared with a view to taking decisions on prosecution or future licensing applications.

Section 20 of the Criminal Justice and Police Act 2001 enables a constable or local authority to apply for a closure order by complaint from magistrates (between 7 days and six months after the service of the closure notice) in relation to premises on which a closure notice has been served. A complaint cannot be laid where the police or local authority is satisfied that the unlicensed sale of alcohol has ceased and there is no reasonable prospect of it re-starting.

Responsibility for Prosecutions:

It is expected that the decision of who will instigate legal proceedings will be taken in accordance with the guiding principles for decision-making, irrespective of which authority obtained the evidence.

In the event of any party to this protocol instigating proceedings on the evidence of another body, all involved bodies will nominate a single point of contact to oversee the collection of all used and unused material, in accordance with the Police & Criminal Evidence Act and to liaise on availability of officers for court, etc.

The responsible authority should specify in its evidence why other more specific legislation was inappropriate in the circumstances.

Register of Prosecutions and Cautions

Responsibility for this function will transfer to the Licensing Authority upon implementation of the Licensing Act 2003, although each responsible authority may maintain its own records.

Responsible authorities will notify the Licensing Authority of any prosecution they bring under the Licensing Act 2003 and will notify them of the result within 5 working days of the conclusion of any proceedings. This is in addition to the duty on the court under section 131 of the Act to notify the Licensing Authority of a conviction.

The notification will be in writing and state

- The name, address and date of birth of the person(s) convicted or cautioned or the full business address and trading name of the organisation convicted or cautioned.
- The nature and date of the conviction and caution, including the legislation contravened.
- Details of any order made under section 129 of the Act
- Any relevant Licence number.

Media Relations

The lead agency will be responsible for liaison with the media, ensuring that any other agency with an interest is kept informed of the media attention and that the response to such interest is discussed, where appropriate, prior to the issue of formal press statements.

Resolution of Disputes

As a consequence of strong existing partnerships, disputes are expected to be a rare occurrence. However, in the event of a dispute and in the first instance, the relevant agencies involved should call a formal meeting and try to resolve the dispute by agreement. In the most unlikely event that a satisfactory resolution cannot be achieved, the local Responsible Authorities Group may be asked to provide an opinion on the matter.

Licensing Act 2003 Offences, Lead Authority

SECT.	LEAD	DESCRIPTION OF OFFENCE	OFFENDER(S)
32 (6)	Licensing Authority	Failure to notify licensing authority of change in name or address of premises licence holder or designated premises supervisor	Premises licence holder
39 (2)	Licensing Authority	Failure to notify existing premises supervisor that premises licence has been varied to replace them, or that such application has been refused	Premises licence holder
40 (5)	Licensing Authority	Failure to provide premises licence (or statement of reasons for failure to do so) to licensing authority within 14 days of direction following premises supervisor giving notice of intention to cease	Premises licence holder
45 (4)	Licensing Authority	Failure to notify designated premises supervisor of application for transfer of premises licence with interim effect or of actual transfer (where applicant and premises supervisor not same person)	Applicant for transfer of premises licence
48 (5)	Licensing Authority	Failure to notify premises supervisor of interim authority notice	Interim authority holder
55 (3)	Licensing Authority	Failure to produce premises licence at request of licensing authority for amendment	Premises licence holder
56 (4)	Licensing Authority	Failure to keep premises licence or certified copy at premises	Premises licence holder
56 (4)	Licensing Authority	Failure to display summary of premises licence or certified copy and notice specifying nominated person	Premises licence holder
56 (5)	Licensing Authority & Police	Failure to produce premises licence or certified copy to constable or authorised person for examination	Premises licence holder Nominated Person
58 (5)	Licensing Authority & Police	Obstruction of authorised person entering premises to inspect premises re: grant of licence, provisional statement, variation or review	Any person
80 (6)	Licensing Authority	Failure to give notice of change of name or alteration of rules of club	Secretary of club
81 (6)	Licensing Authority	Failure to give notice of change of registered address of club	Secretary of club
91 (3)	Licensing Authority	Failure to produce club premises certificate for amendment within 14 days of request from licensing authority	Secretary of club
92 (5)	Licensing Authority	Failure to produce club premises certificate (or certified copy) at premises in custody or control of nominated person	Secretary
92 (6)	Licensing Authority	Failure to display at premises summary of club premises certificate (or certified copy) and a notice stating position held by nominated person	Nominated person
92 (9)	Licensing Authority & Police	Failure to produce club premises certificate (or certified copy) to constable or authorised person for examination	Nominated person
94 (6)	Licensing Authority & Police	Obstruction of authorised person trying to enter premises for purposes of inspection prior to grant, variation or review of CPC	Any person
106 (3)	Licensing Authority & Police	Obstruction of authorised officer from inspecting temporary event premises to assess impact upon crime prevention objective	Any person
107 (4)	Licensing Authority	Failure to display copy of temporary event notice; keep notice in custody of premises user (or nominated person at premises); or display notice of who nominated person is	Premises user
107 (8)	Licensing Authority & Police	Failure to produce temporary event notice to authorised officer	Premises user Nominated person

121 (2)	Licensing Authority	Failure to notify licensing authority of conviction for relevant offence or foreign offence as soon as reasonably practicable during grant or renewal application period	Applicant for personal licence
125 (4)	Licensing Authority	Failure to notify licensing authority of change of name or address of personal licence holder	Personal licence holder
126 (6)	Licensing Authority	Failure to notify court of personal licence or 'notifiable event' when being dealt with for relevant offence	Personal licence holder
130 (4)	Licensing Authority	Failure to notify licensing authority of conviction for relevant or foreign offence	Personal licence holder
132 (5)	Licensing Authority	Failure to produce personal licence within 14 days to licensing authority to be updated	Personal licence holder
133 (4)	Licensing Authority & Police	Failure to produce personal licence to authorised person or a constable whilst on premises to make or authorise sale or supply of alcohol	Personal licence holder
134 (1)	Licensing Authority & Police	Knowingly allow or carry on or attempt to carry on unauthorised licensable activity	Any person (but exceptions – see s134(2))
135 (1)	Licensing Authority	Unauthorised exposure for sale by retail of alcohol	Any person
136 (1)	Police	Unauthorised possession of alcohol with intent to sell or supply in club (Consider PND)	Any person
138 (1)	Police	Allowing disorderly conduct on licensed premises	Any person authorised to prevent conduct
139 (1)	Police	Sale or supply (or attempt) or allow sale or supply of alcohol to person who is drunk (Consider PND)	Any person in capacity to prevent
140 (1)	Police	Obtain or attempt to obtain alcohol for consumption on relevant premises by drunk person (Consider PND)	Any person
141 (1)	Police	Failure to leave licensed premises or attempt to enter premises following request from constable or authorised person	Any drunk or disorderly person
142 (1)	Police	Keeping unlawfully imported goods on relevant premises	Any person authorised to prevent
143 (1) (2) (3)	Police	Sale/supply of alcohol to under 18 (Consider PND)	Any person or a club
144 (1) (3)	Licensing Authority & Police	Allowing sale/supply of alcohol to under 18 (Consider PND)	Any person authorised to prevent
145 (1) (2)	Licensing Authority & Police	Sale/supply of liquor confectionary to under 16	Any person or a club
146 (1) (3) (4)	Weights & Measures Authority and Police	Purchase/supply (or attempt purchase/supply) of alcohol on behalf of under 18 Purchase/supply (or attempt purchase/supply) of alcohol for consumption on relevant premises by under 18 (Consider PND) (Excl. those participating in lawful test purchase operations)	Under 18 or person purchasing on behalf of
147 (1) (2)	Weights & Measures Authority & Police	Consumption on relevant premises of alcohol by under 18 or knowingly allowing the consumption to occur	Under 18 or person in capacity to prevent
148 (1)	Police	Delivering alcohol sold or supplied on relevant premises to under 18 (Consider PND)	Person working on premises

148 (2) (4)	Police	Allowing anybody else to deliver alcohol sold or supplied on relevant premises to under 18 (Consider PND)	Person working on premises in capacity to prevent delivery
149 (1)	Police	Sending an under 18 to obtain alcohol sold or supplied on relevant premises for consumption off the premises	Any person
150 (1)	Licensing Authority & Police	Allowing on relevant premises an -18 to sell or supply alcohol	'Responsible person' – see 150(4)
153 (1)	Police	Sale of alcohol in or from moving vehicle	Any person
154 (5)	Police	Sell or attempt to sell or allow sale of alcohol on train contrary to prohibition order	Any person
155 (1)	Licensing Authority	False statement in connection with licensing application	Any person
157 (4)	Licensing Authority & Police	Keeping premises open, or allowing premises to be kept open in breach of a closure order in respect of an identified area	Manager, prem. licence holder, DPS or prem. user (temp event)
158 (6)	Licensing Authority & Police	Permit premises to be open in contravention of a closure order for specified premises	Any person
162 (7)	Police	Permit premises to be open in contravention of magistrates' closure order	Any person
165 (8)	Police	Permit premises to open in contravention of magistrates' closure order pending reconsideration of conditions	Any person
174 (4)	Licensing Authority & Police	Obstructing entry of a constable or authorised person entering premises to investigate whether licensable activity is being carried out in accordance with an authorisation	Any person
Sch 8, para 10 (1)	Licensing Authority	(Transitional offence) – false statement in connection with application for conversion of existing licence under para 2	Any person
Sch 8, para 22 (1)	Licensing Authority	(Transitional offence) – false statement in connection with application for conversion of existing club certificate under para 14	Any person

ITEM REFERRED FROM JOINT STAFF CONSULTATIVE COMMITTEE – 8 JUNE 2006 – STRATEGIC HUMAN RESOURCES FORUM

The following is an extract from the Draft Minutes of the Joint Staff Consultative Committee meeting held on 8 June 2006:

7. STRATEGIC HUMAN RESOURCES FORUM

The Head of Human Resources (HHR) reminded the JSCC that in 2004 the Employers Organisation had approached NHDC to join in a project that would develop the role of Members in HR issues. The JSCC noted that following consultation with other local authorities NHDC had chosen to develop the concept of a Strategic HR Forum, and the HHR referred the Committee to Appendix A which included details about the forum and how the Forum should work in practice.

The HHR advised the Committee of the following proposals for NHDC:

- Forum membership should be cross party and include the HR Portfolio holder;
- The Strategic Director of Customer Services should attend each meeting of the Forum;
- The Head of Human Resources and HR team members would attend as required;
- The focus of the group would be strategic and the NHDC People Strategy should provide topics for discussion.

The HHR proposed that the first meeting of the NHDC Strategic Forum should be convened to prepare a topic and work timetable.

It was agreed:

- (1) That the updating information on the Strategic HR forum be noted;
- (2) That the details provided in Appendix A – Setting up a Strategic HR Forum be noted.

RECOMMENDED TO COUNCIL: That at the meeting of Council to be held on 27 July 2006 the Terms of Reference for the JSCC be amended to include the establishment of a Strategic HR Forum.

The following is the report considered by the Joint Staff Consultative Committee at its meeting held on 8 June 2006.

TITLE OF REPORT: STRATEGIC HUMAN RESOURCES FORUM

REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES

1. PURPOSE OF REPORT

- 1.1 To propose to JSCC that the structure of the JSCC meeting is amended to incorporate the role of a strategic HR forum.

2. FORWARD PLAN

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

3. BACKGROUND

- 3.1 In the Autumn of 2004 the Employers Organisation approached North Hertfordshire District Council to engage them in a project to develop a tool kit for improving Member involvement in HR issues.
- 3.2 The former Head of Human Resources and Learning and Development Manager worked with the Employers Organisation and Carlisle Borough Council and Hounslow Borough Council to develop ways in which Members could effectively be involved in HR matters. Each of the Councils chose one element to develop in detail. NHDC chose to develop the concept of a Strategic HR Forum.
- 3.3 The former Head of HR and Learning and Development Manager ran a focus group of members to ascertain their views on the structure and role of a strategic forum. Attendance at this meeting was poor which confirmed it was important to invite members to become more involved in HR issues. Significantly JSCC have a role in endorsing new HR policy but are not involved in it's creation.

4. SETTING UP A STRATEGIC HR FORUM

- 4.1 Attached at Appendix 1 is a general background document to the Strategic HR Forum which explains the background to the Forum and how the Forum is intended to work.
- 4.2 At NHDC the following is proposed:-
 - Membership of the Forum should be cross party and include the HR portfolio holder. The JSCC is therefore suited to this.
 - From the Officers side, the Strategic Director of Customer Services must attend the meeting. The Head of HR will attend with any other members of the HR team, as required by the topic matter under discussion.

- The focus of the group should be strategic and the people strategy will help determine topics for discussion. The first meeting would be an ideal opportunity to determine what topic to cover first.

5. LEGAL IMPLICATIONS

- 5.1 Any subject discussed by Strategic HR Forum that has legal implications will either have the implications advised at the time or implications will be sought before any policies are implemented.
- 5.2 Amendments to the Terms of Reference for the Committee will need to be approved by Council.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 The Strategic HR Forum will not require any additional budget to be made available.
- 6.2 The HR implications are included in the Report and Appendix A.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 7.1 A meeting was held in early 2005 and all Members were invited to participate in the discussion about the project. Three Members attended this and their input was incorporated into the proposal.

8. RECOMMENDATIONS

- 8.1 That the JSCC recommend to Council that the terms of reference for the committee be amended to establish a strategic HR Forum as part of the JSCC.

9. REASONS FOR RECOMMENDATIONS

- 9.1 A Strategic HR Forum will enable members to get involved with HR policies at a strategic level and give them input at the beginning of the development of policies.

10. APPENDICES

- 10.1 Appendix A - Setting up a Strategic HR Forum

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SETTING UP A STRATEGIC HR FORUM**What is a Strategic HR Forum?**

A Strategic HR Forum is a meeting of minds to discuss issues that will affect the authority and proactively decide which policy areas are most important for Member involvement. The Forum then guides the formation of new policies, evaluates them and reviews them as necessary. It will be added to the JSCC agenda as and when required – e.g. A particular topic may be discussed over a couple of meetings and then it may not need to be included until another topic needs to be considered.

Once policies have been developed they will be implemented via the usual means e.g. consultation followed by approval at CMT and endorsement at JSCC. The outcomes of the Forum should be shared with all Members via usual communication channels in the authority.

It is not about HR management – this is the officers' responsibility and requires technical knowledge that many Members will not possess. It is also very separate to any role Members may play in operational HR e.g. recruitment or leading formal responses to major central issues e.g. pensions.

Why might a Strategic HR Forum be useful?

One way of engaging Members in HR is to introduce a Strategic HR Forum. It gives Members and officers a chance to discuss HR issues at a strategic level. Officers can benefit by really understanding the political aspirations of the Council and by working with the Members to translate these into people practices. Members can benefit by gaining a better understanding of a particular topic e.g. diversity which can then be useful in their community role.

What are the benefits?

By gaining a greater understanding of HR issues and being more involved with policy formation, Members will be able to ensure that all officers at the authority are best placed to deliver their strategic objectives. The regular interaction will also raise the profile of HR within the Council and possibly enable HR to extend their influence to other relevant areas.

This will support a positive CPA inspection and may produce cashable or non-cashable savings to support the targets set following the Gershon review.

Who attends a Strategic HR Forum?

Officers in attendance should be kept to a minimum. The Head of HR and the L&D manager should attend and possibly one of their team depending on the subject being discussed. Minutes will also need to be taken.

Do the Strategic HR Forum representatives need any training?

HR will provide members with relevant information to inform the subject under debate and any specialist training for the topics to be discussed will be given at the beginning of each topic. It is likely to comprise of some background and authority specific information from the Head of HR and the information that any invited specialists can add. Members may feel they need additional information and it would be the responsibility of the Head of HR to provide this.

What sort of topics would a HR Strategy Forum discuss?

The People Strategy or equivalent, is an ideal document to source suggestions for forthcoming projects. Projects that are very reliant on legislation or areas that Members need to know about but cannot influence at a local level e.g. pensions will not be a good use of their time. It is proposed to form a list of possible topics, and allow the Forum to prioritise them and decide which one they will tackle first. Generally the people strategy will be used to determine appropriate topics but some possible topics are suggested below.

Policy Development

- Drug and alcohol abuse
- Smoking

New Employment Legislation

- Age Discrimination

Learning and Development

- Knowledge Management

Employee Relations

- Green travel to work
- Non financial rewards
- Retirement recognition

ITEM REFERRED FROM CABINET – 27 JUNE 2006 – HITCHIN MARKET TRADERS ASSOCIATION BUSINESS PLAN

The following is an extract from the Minutes of the Cabinet meeting held on 27 June 2006:

17. URGENT ITEM - HITCHIN MARKET TRADERS ASSOCIATION (HMTA) BUSINESS PLAN

Reason for urgency: The Chairman had accepted that this matter be considered as a matter of urgency because a decision could not reasonably have been deferred because the business plan urgently needed to be considered and resolved prior to the next meeting of Cabinet on 25 July.

This item was taken in conjunction with agenda item 14, Review of Usage and Promotion of Markets Task and Finish Group.

The Portfolio Holder for Leisure and E-Government presented a report of the Strategic Director of Customer Services that asked if Cabinet wished to underwrite the financial risks arising from implementation of the Hitchin Market Traders Association (HMTA) business plan and made the following points:

- The Council was fully committed and best placed to run the markets;
- Markets make a net loss to the Council;
- Need to balance financial risk with vitality of the markets;
- Churchgate development would have an impact on the market in Hitchin;
- Income was declining;
- Need to act swiftly.

The Portfolio Holder for Leisure and E-Government added that at paragraph 3.5 of the report, the suggested decrease in charges to £10 for any stall on Tuesday market and £15 for any stall on Saturday market could potentially generate additional traders. He further added that there was an amount of £14,000 that could be made available if needed. He suggested that a trial period of six months be agreed and the results analysed using set criteria.

Councillor David Billing (Hitchin Committee) addressed Cabinet. He urged Members to support the proposal to help halt the decline of the market. He added that an advertising and general promotion of the market would be beneficial.

It was suggested that the Hitchin Area Committee may wish to assist in funding advertising.

The Strategic Director of Financial Services advised Cabinet that should they decide to underwrite the potential loss, the resolution would have to be referred to Council for approval as this would be a change to accepted policy.

RESOLVED:

- (1) That a £10 charge for any stall on a Tuesday market, £15 for any stall on a Saturday market and casual traders to pay the same as licensed traders be put in place for a trial period of six months to be determined in conjunction with the Market Traders Association;
- (2) That, in principle, the potential loss of c£31k be underwritten for the same period of six months;

- (3) That the Hitchin Area Committee be advised about the above decisions and be requested to continue to review the actions taken to support Hitchin market;
- (4) That it be noted that a report on an options appraisal for the Council markets would be presented to the next meeting of Cabinet on 27 July 2006.

REASONS FOR DECISIONS:

- (1) To ensure consistency with the Council's agreed budget strategy;
- (2) To provide HMTA, customers and other stakeholders with a direct response to the request for additional financial backing;
- (3) To ensure local oversight of market operations continue to be provided.

RECOMMENDED TO COUNCIL:

- (1) That a £10 charge for any stall on a Tuesday market, £15 for any stall on a Saturday market and casual traders to pay the same as licensed traders for a trial period of six months be approved at the next meeting of Council on 27 July 2006;
- (2) That, in principle, the potential loss of c£31k be underwritten for the same period of six months.

REASON FOR DECISIONS: To enable Council to review the agreed Council policy of aiming to reduce subsidies.

The following is the report presented to Cabinet on 27 June 2006.

TITLE OF REPORT: HITCHIN MARKET TRADERS ASSOCIATION BUSINESS PLAN

REPORT OF THE STRATEGIC DIRECTOR CUSTOMER SERVICES
PORTFOLIO HOLDER COUNCILLOR: IAN KNIGHTON

1. SUMMARY

1.1 For Cabinet to determine whether it wishes to underwrite the financial risks arising from implementation of the Hitchin Market Traders Association (HMTA) business plan.

1.2 Reason for urgency

1.2.1 This decision cannot be reasonably be deferred because this business plan urgently needs to be considered and resolved prior to the next meeting of Cabinet on the 25th July 06.

2. FORWARD PLAN

2.1 This report contains a key decision that is required following a meeting held with representatives from HMTA on 21st June 06, in relation to the introduction of their business plan and did not appear on the Forward Plan. The Chairman of Scrutiny Committee has confirmed he has no objections to the decision being made.

3. BACKGROUND

3.1 The Council currently operates five outdoor markets, these are located at Royston a Wednesday and Saturday and Hitchin on Tuesday, Friday and Saturday. The table below shows the income and expenditure for the markets operation over the last three years and the budget for this year.

	2003/04	2004/05	2005/06	Budget 2006/07
Income	£596,208	£542,367	£533,356	£559,880
Expenditure	£580,543	£622,224	£557,762	£596,730
Total	£15,665	-£79,857	-£24,406	-£36,850

3.2 An additional £70,000 was included in the budget for markets from 2004/5 onwards to cover the shortfall income from projected targets. However, despite active promotion of the markets, this under recovery of income has continued.

3.3 The table shows that income has reduced each year, this is due to the utilisation of market stalls reducing. In 2003/04 the market made a profit, at that time the stall utilisation averaged 68%, now it is at 52%.

3.4 HMTA presented a Business Plan to the Council and this has been considered as part of Scrutiny Committee's Task and Finish Group during the early part of this year and during regular liaison meetings with the Traders representatives. The Task and Finish Group suggested some measures which could be introduced, and these are more fully detailed elsewhere on your agenda this evening. Many of the suggestions can be accommodated within existing operating procedures and budgets, including:

- Removal some of empty stalls
 - Abolish the requirement for a month in advanced payment
 - Market manager have greater control of the spreading policy
 - Open up Biggin Lane car park on Tuesday and Friday
- 3.5 Other aspects of the business plan, not recommended to be adopted by the Task and Finish Group, carry the potential risk of further eroding market income, in particular:
- £10 for any stall on a Tuesday market
 - £15 for any stall on a Saturday market
 - Casual traders pay the same as licensed traders
- 3.6 The Leisure Portfolio holder and the Hitchin Area Chair along with officers have met with the HMTA to discuss the business plan on several occasions. Following each meeting officers have analysed different aspects of the plan to see what sections are viable. The major financial implication is discussed in section four on this report.

4. BUSINESS PLAN

- 4.1 The business plan presented by HMTA did not contain quantifiable cost or usage projections. As a result, officers have been discussing with the Market Traders Association representatives the practicalities and affordability of implementing the business plan either in part or in full during the last few months.
- 4.2 One of the key sections that had to be analysed was the financial impact of reducing the market stall charges. Therefore, officers have undertaken a financial appraisal of the charging structure that has been suggested in the business plan. If the structure is implemented on both Tuesday and Saturday the financial risk to the Council, i.e. the potential loss of income if the utilisation does not increase as predicted but not quantified in the business plan would be in the region of £62k based on current Licensed Traders rents.
- 4.3 Officers met with representatives of the HMTA on 21st June 06 and recommended that the reduced stall charges be introduced on a Tuesday for a six-month trial, as the financial risk would be contained within existing budgets. If this was successful, the Council could introduce the similar scheme on a Saturday.
- 4.4 The representatives were dissatisfied with the suggested trial, as they believe the entire business plan needs to be adopted for it to work and that 'cherry picking' items would undermine the plan as a whole. The representatives were insistent that the business plan should be fully implemented to have a chance of success.
- 4.5 It is acknowledged that markets generally, and Hitchin market in particular, play an important part in the social, economic and cultural life of North Hertfordshire's towns. Notwithstanding these factors, existing operational policy, supported the Council's budget strategy is that NHDC's markets operate at nil net cost or by returning a surplus to the general fund.
- 4.6 In view of the declining profitability of NHDC's markets and their importance to local towns, officers will be bringing a paper to the next meeting of Cabinet seeking approval to undertake an options appraisal and, subsequently, market testing of the most appropriate management arrangements for NHDC's markets. The HMTA in their business plan referred to alternative management arrangements.

- 4.7 The options appraisal will consider measures which might be taken to improve the economic sustainability of markets and the best ways of ensuring that happens.

5. CONCLUSION

- 5.1 Whilst the Market Traders Association business plan has much to commend it, the financial the appraisal of its main proposals reveals this would subject the Council to the risk of significant financial loss.

- 5.2 If Cabinet were minded to accept this risk, specific financial provision would need to be made.

- 5.3 Officers do not consider that a risk of this magnitude would be justified.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 As mentioned is paragraph 3.1, the market currently makes a deficit of £24k, by introducing the options suggested by the traders, the deficit could increase to nearly £90k.

- 6.2 The Council is currently under significant pressure to control expenditure, having to make c. £1.5m savings year on year. The above would add additional pressure to this existing target and could have an impact on other Council Strategic Priorities.

7. CONSULTATION

- 7.1 The Chair of Scrutiny Committee has been contacted to explain the reason for this report, and has no objection for this being presented to Cabinet.

- 7.2 The Chair of the Hitchin Area Committee has requested that Hitchin Area Committee continues to provide local overview of Hitchin Market issues.

8. LEGAL IMPLICATIONS

- 8.1 None have been identified at this stage

9. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

- 9.1 None

10. RECOMMENDATIONS

- 10.1 That Cabinet determine whether, in principle, it would wish to underwrite the potential loss of c. £62k in 2006/7 and;

- 10.2 Cabinet refer this decision to the Hitchin Area Committee and requests that Committee continue to review the actions being taken to support Hitchin market.

- 10.3 To note that a report will be presented to the next meeting on an options appraisal for the Council markets.

11. REASON FOR RECOMMENDATIONS

- 11.1 To ensure consistency with the Council's agreed budget strategy

11.2 To provide HMTA, customers and other stakeholders with a direct response to the request for additional financial backing.

11.3 To ensure local oversight of market operations continue to be provided.

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ITEM REFERRED FROM CABINET – 25 JULY 2006 – THE FINANCIAL MANAGEMENT STRATEGY 2007-2012

The following is an extract from the Minutes of the Cabinet meeting held on 25 July 2006:

44. THE FINANCIAL MANAGEMENT STRATEGY 2007- 2012

The Portfolio Holder for Finance presented a report of the Strategic Director of Financial and Regulatory Services that reviewed the existing financial strategy and recommended changes to reflect new requirements. The report also provided the financial background to the Service and Financial Planning process for 2007-2008.

Appendix 1 - Financial Strategy 2007- 2012 was attached to the report.

A referral from the Scrutiny Finance Sub-Group meeting held on 20 July 2006 was distributed at the meeting and considered with this item.

RESOLVED:

- (1) That the comments from the Scrutiny Finance Sub-Group be noted;
- (2) That the Financial Strategy outlined in Appendix 1 to the report be agreed and communicated to officers as the medium term financial framework for the Service and Financial Planning process.

RECOMMENDED TO COUNCIL: That the Financial Strategy as outlined in Appendix 1 to the report be adopted and communicated to officers as the medium term financial framework for the Service and Financial Planning process.

REASON FOR DECISIONS: Adoption of a Financial Strategy and communication of the contents of the strategy will assist in the process of forward planning the use of Council resources and in budget setting for 2007/2008 to 2011/2012 culminating in the setting of the Council Tax precept in February 2007

The following is the report presented to Cabinet on 25 July 2006.

TITLE OF REPORT: THE FINANCIAL MANAGEMENT STRATEGY 2007-2012

REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL & REGULATORY SERVICES

PORTFOLIO HOLDER: COUNCILLOR T.W.HONE

1. PURPOSE OF REPORT

- 1.1 This report will
- Review the existing budget strategy and recommend changes to reflect new requirements
 - Provide the financial background to the Service and Financial Planning process for 2007-2008

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st April 2006.

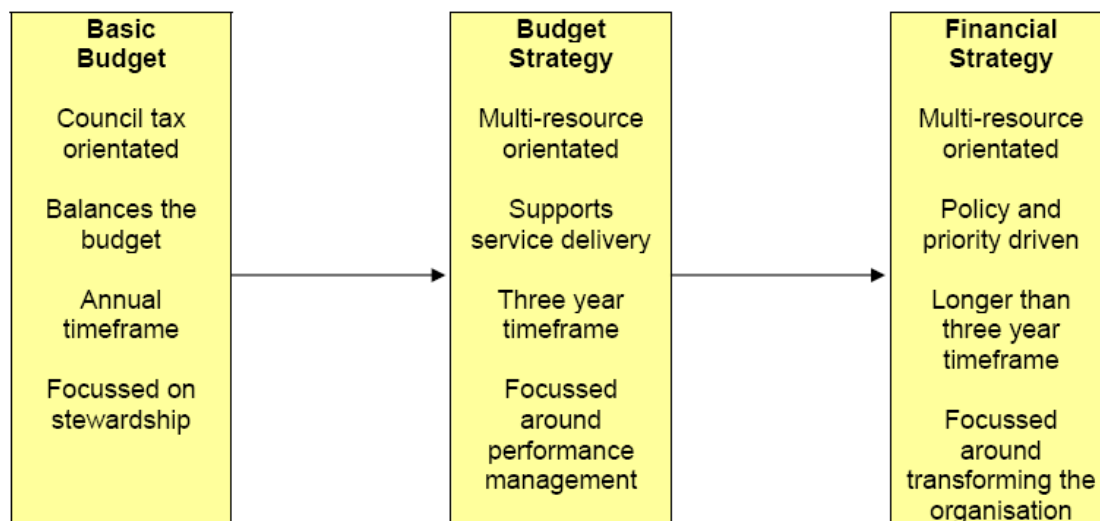
3. BACKGROUND

- 3.1 The Council has operated the current Service and Financial Planning process since 2001. As part of that process it has had a medium term (five year) financial management strategy which is rolled forward one year each July.
- 3.2 Cabinet last considered and approved the Financial Management Strategy at its meeting on 26 July 2005.
- 3.3 The Financial Management strategy is an integral part of the Service & Financial Planning process, providing the financial analysis to complement the objectives in the Corporate Plan.

4. ISSUES

- 4.1 The budget element of the Service & Financial Planning system starts from the premise that Central Government (whatever its political persuasion) will wish to avoid increasing the Public Sector Borrowing Requirement (PSBR) and therefore will seek to control local government spending. Consequently there is unlikely to be any real increase in the amount of money Councils can spend. The effect of this is that if we are to fund new projects the cost must be met from reductions elsewhere or by generating additional income/precept subject to any capping or other restrictions.
- 4.2 For 2006/07 we identified that best practice guidance suggested that we should move from a budget strategy to a Financial Strategy and steps were taken to strengthen the links between the Corporate Planning process where we identify our Strategic Objectives and the Service and Financial Planning process where we allocate the resources to those priorities.

Figure 1



At all stages it is critical that the budget / financial strategy is not just a financial process or document. It is also the way that the finance function engages with service planning activities; and the way that the local authority uses its finances to effect real change in services.

- 4.3 The proposed Financial Strategy at Appendix 1 builds on the current strategy and proposes the following changes:
- Identification of how much the Council spends against each strategic objective
 - Identification of the areas that are lower or non-priority for allocation of resources
- 4.4 The Strategy at Appendix 1 lays out the background for the Service and Financial Planning process for 2007/08 and onwards.

5. LEGAL IMPLICATIONS

- 5.1 The purpose of the report is to outline a financial strategy for 2007 to 2012. The Use of Resources assessment carried out annually by the Audit Commission assesses that authority against a range of requirements, one of which is that the authority has a financial strategy. There are no legal consequences at this stage in the process although Members are reminded of the duty to set a balanced budget.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 There are no direct financial or human resource implications at this stage. Given the pressures identified in this report, in order to balance the budget and achieve a Council Tax figure in accordance with the agreed strategy, it will be necessary to find savings of £1.267 million and an acceptable balance between reducing expenditure, increasing income from fees and charges, using balances and increasing the Council tax. The final decision on the District Council Tax level for 2006/2007 will be made at Council on 8 February 2007.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 7.1 The approved Financial Strategy will be communicated to members, staff and key stakeholders.
- 7.2 As part of the Service and Financial Planning process, Members will be consulted on the detailed budget proposals in the Member workshops in October/November.

8. RECOMMENDATIONS

- 8.1 That Cabinet recommend to Council that the Financial Strategy outlined in Appendix 1 be adopted and communicated to officers as the medium term financial framework for the Service and Financial Planning process.

9 REASONS FOR RECOMMENDATIONS

- 9.1 Adoption of a Financial Strategy and communication of the contents of the strategy will assist in the process of forward planning the use of Council resources and in budget setting for 2007/2008 to 2011/2012 culminating in the setting of the Council Tax precept in February 2006.

10. APPENDICES

Appendix 1 Financial Strategy 2007- 2012

11. CONTACT OFFICERS

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12. BACKGROUND PAPERS

- 12.1 Corporate Plan
Estimates 2006/2007
Outturn figures 2005/06
Capital Programme – 2006/07 onwards
Lyons Inquiry – National prosperity, local choice and civic engagement
LGA –Closer to People and Places: a new vision for local government

NORTH HERTFORDSHIRE DISTRICT COUNCIL

FINANCIAL STRATEGY 2007-2012

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5.0	Income Policy
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10.0	Risks inherent in the Assumptions
11.0	Recommended Financial Management Strategy 2007/2012

FINANCIAL STRATEGY 2007-2012

1.0 Why do we need a financial strategy?

- 1.1 The Financial Management strategy is a key element of the Council's Service & Financial Planning process. Having identified our strategic objectives and actions through the Corporate Plan, the Financial Management Strategy then ensures we allocate funds in accordance with our objectives.
- 1.2 A financial strategy provides guidance for officers in building the short, medium and longer term picture of financial requirements facing the Authority and enables planning to be carried out in advance to help the Authority meet future demands. The financial strategy is a statement of how the Council wants to structure and manage its finances to ensure it fits with and supports the direction of council objectives.
- 1.3 A financial strategy will naturally focus on the year ahead to ensure we are able to set a balanced budget. It must also look to the medium/longer term to ensure that actions are put in place now to prepare for known future demands. Planning for the future will mean that the Authority can ensure sufficient funds are held in balances to be in a position to react swiftly to changing demands and emergencies. Planning now to meet known changes in the future provides greater opportunity to phase in the impact of the changes.
- 1.4 The Authority has over recent years aimed to ensure that the Revenue and Capital strategies are integrated. Decisions taken in one area impact on the other and it makes sense to review both revenue and capital funds at the same time, set guidelines for the use of each fund and seek to ensure that the impact of decisions is reflected in the appropriate fund.

2.0 The Context for our strategy – the national picture

- 2.1 The Authority faces increasing pressures to spend more each year, either on maintaining the services it already provides or in developing new services as a result of statutory requirement or changed political and public priorities
- 2.2 The budget element of the Service & Financial Planning system starts from the premise that Central Government (whatever its political persuasion) will wish to avoid increasing the Public Sector Borrowing Requirement (PSBR) and therefore will seek to control local government spending. Consequently there is unlikely to be any real increase in the amount of money Councils can spend. The effect of this is that if we are to fund new projects the cost must be met from reductions elsewhere or by generating additional income/precept subject to any capping or other restrictions.
- 2.3 In recent years, funding has switched from Revenue Support Grant (RSG) to specific grants for some areas of our expenditure eg:- Benefits administration. Other areas targeted for improvement by the Government have benefited from earmarked funding eg:- Planning Delivery Grant.
- 2.4 Often the earmarked funding is time-limited and in the case of Planning Delivery Grant, Members have taken the decision that it should not be used to

support ongoing expenditure and have identified a series of one-off or invest to save projects which will improve performance without adding to on-going costs. This is in line with government recommendations when the funding was introduced and is a sound strategy which is followed for any performance related grant funding.

- 2.5 Other ear-marked funding is awarded on the basis of bids and the authority strategy is to focus on bidding for external funding which assists it in achieving its objectives rather than bid for funding just because it is available. Coupled with this the authority has developed its exit strategy approach for time-limited external funding so that services to the public do not suffer at the end of the funding period.
- 2.6 As part of the ongoing review into how local government is funded, the Government has indicated that it will move to three-year settlements for Local Government which will assist in the financial planning. The 2006/07 settlement included indicative figures for the grant level for 2007/08 and this figure has been built in to the financial model at Appendix 1. The impact of the RSG proposals will be included in the draft budget proposals to be made in December.
- 2.7 Targeted capping was reintroduced in 2004/05. In the budget setting round for 2006/07, the government indicated that they would cap authorities who increased their Council tax by more than 5% over the 2005/06 levels and this has resulted in 2 authorities being capped. The Government has already indicated that it expects an average council tax increase in England of less than 5 per cent in 2007/08. The strategy adopted by North Hertfordshire District Council is to stay within the capping limits.
- 2.8 The Lyons Inquiry into Local Government Funding, commissioned in July 2004 is now expected to report in December 2006. In May 2006, Sir Michael Lyons published his latest thinking in a paper entitled "National prosperity, local choice and civic engagement." The report argues for greater local choice, not more central control and challenges both central and local government to recognise the importance of "place-shaping" where local government would take the responsibility for the well-being of an area and the people who live there. The implications for the Financial Management strategy will be reviewed when the final report is available.
- 2.9 The Local Government Association (LGA) has also recently published "Closer to People and Places: a new vision for local government" which contains a number of proposals to change the relationship between central and local government. It suggests a move away from PIs, specific grants, ring-fenced funding and financial bid systems, encourages greater partnership working, strengthening of neighbourhoods, the development of national outcomes and a re-balancing of local government funding.
- 2.10 It is expected that the Comprehensive Spending Review (CSR) in 2007 will be announced in summer 2007. This will enable us to review our model for 2008/09 onwards. At present, indications suggest that it will effectively freeze the amount of funding available to Local Government and rely on the Gershon efficiencies to bridge any gap between available and needed funding. Allowance may also be made for specific growth related to new government initiatives negotiated between the LGA and Government.

- 2.11 The financial year 2005/06 saw the introduction of the Gershon efficiency Savings targets covering the years 2005-2008.. For North Hertfordshire, this is £2.1 million (50% cash and 50% non-cash). This is less than the cash targets identified in the financial strategy 2005–2008 where we had set ourselves a target of reducing expenditure by £4.5 million over the three year period.
- 2.12 The Gershon efficiency savings exercise means that savings are being sought across all Government Departments and we are participating in the work of the Centre of Excellence looking at potential efficiency gains in
- Transactions e.g.- Business Rates, Council Tax, Benefits
 - Procurement :- the Regional Centres of Procurement Excellence
 - Back Office e.g.- Councils working more closely to deliver services in partnership
 - Productivity: - improvements in the priorities identified in the Implementing Electronic Government, no. 4 statement (IEG4) including Planning on line and NLIS and work on business process reengineering.
- 2.13 In line with previous years, it is anticipated that the provisional grant distribution figures will be made available in November/December 2006 with final figures confirmed in January/February 2007.

3.0 Service and Financial Planning – Review of past performance

- 3.1 The Service & Financial Planning system starts with the Vision for North Hertfordshire as detailed in the Corporate Plan – “Making North Hertfordshire a vibrant place to live, work and prosper”. This vision was developed with our many partners in the Local Strategic Partnership.
- 3.2 Alongside the vision for the area, the Council has developed its own mission statement - “to work collaboratively with our partners and communities to deliver the vision for the district of North Hertfordshire.” This statement recognises that in order to achieve the overarching vision, the council must work with many partners. Collaboration and joint working provides the only effective mechanism to tackle the multi-faceted, cross-cutting issues that impact on the quality of life for residents in the district.
- 3.3 The Corporate Plan sits at the centre of our corporate planning framework which integrates Service and Financial Planning to ensure resources are allocated to priorities. Six strategic objectives are supported by a number of short, medium and longer term actions.
- 3.4 The Service and Financial Planning system facilitates a critical review of existing expenditure through the work of the officer Challenge Board led by the Chief Executive. It creates the ability to reallocate money to strategic objectives. Over recent years, we have been successful in identifying efficiencies which have enabled funds to be reallocated to help meet Council objectives and our work with the Centre of Excellence on the Gershon efficiency agenda continues this focus on efficiency.
- 3.5 The annual review of the financial strategy considers the influences on the Council’s spending decisions in the short and medium term – environmental/demographic, statutory, political and service. These influences are informed by our consultation strategy which ensures that the views of the public are also taken into consideration. The review identifies the savings

target required if we are to stay within our overall financial management target of increasing the Council Tax by no more than RPI plus two percentage points. The focus of the Service and Financial Planning process then turns to achieving the savings target and at the same time ensuring funds are allocated to enable completion of the actions to deliver the strategic objectives.

3.6 The budget can be seen as a statement of the financial consequences of political priorities to be implemented by managers with budget estimates being seen as managerial performance targets.

3.7 The role of Members in the Service and Financial Planning process is to

- set strategic objectives
- agree short, medium and longer term actions
- agree the rolling financial strategy including decisions on the time-frame to be covered, external influences to be included, strategy for use of balances, assumptions regarding government support and the implications of doing so, income policy, capital strategy and setting indicative council tax levels for future years.
- scrutinise proposals for growth and savings as set out by managers.
- decide between options for growth and savings.
- decide on options for increasing charges through the income policy.
- decide on the areas of lower or non-priority
- take a corporate overview of the budget position once decisions on individual growth and savings have been taken.
- set the level of Council Tax each year.

3.8 The Authority operates a system of priority-led budgeting. This ensures that resources are directed and/or redirected to the achievement of the strategic objectives. In the 2005/06 budget, the Authority redirected £1.5 million and used £1.3 million from balances to help achieve statutory and strategic priorities and contribute to inflationary and contractual growth pressures. In 2006/07 we have budgeted to redirect £1.4 million and use £1.4 million from balances.

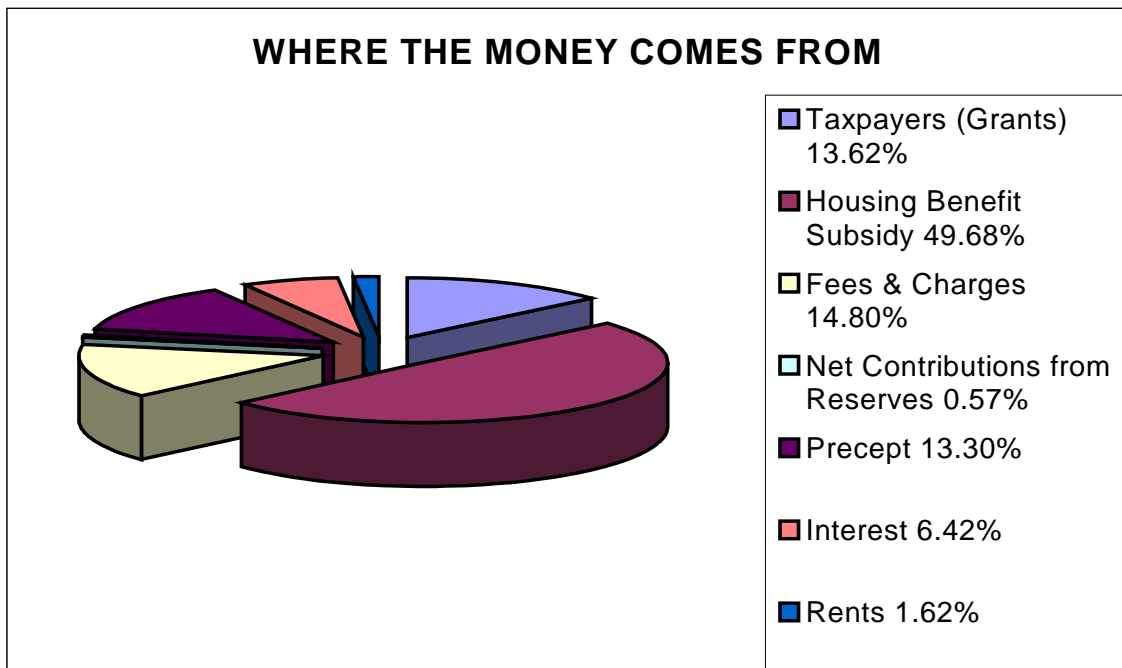
3.9 All projects undertaken by officers across the authority should link to one of the strategic objectives. If a link cannot be demonstrated, the project should not be prioritised and supported with financial resources and should not proceed. Examples of the types of detailed project work undertaken in 2004/05 and 2005/06 and supported by redirected funds include work on the Local Development Framework, work with our partners on the Crime and Reduction partnership, introduction of the new parking attendant service, taking over responsibility for alcohol licensing, looking at ways the Area Committees can be provided with more powers to bring decision making closer to the people, provision of a Leisure Centre in Royston, evaluation of the need for investment in village and other community halls, achievement of

level 3 of the Equality Standard for Local Government, agreeing proposals for Hitchin Town Centre, implementing the Access to Services improvement plan, further development of waste recycling and working with our partners on the Local Strategic Partnership to deliver the Community Strategy.

3.10 The revenue outturn position for 2005/06 shows that the Council's net expenditure in the year was £14.7 million compared to a working budget of £16.6 million. The £14.7 million excludes £772,000 of partially spent budgets which are to be carried forward to enable projects to be completed in 2006/07 financial year. This is a similar figure to that included as carry forwards from the 2004/05 budget (£706,000) in the original 2005/06 working budget of £16.6 million. If we exclude the impact of carry forwards, the outturn budget is just over £1 million under the original estimate. Of that £1 million, however, some £844,000 relates to one-off savings which could not be budgeted for and the remainder relates to underspends which have now been adjusted for in the 2006/07 base budget. Regular budget monitoring and reporting on progress against carry forward budgets, budgets where savings are to be made and those where growth has been permitted ensures that Members and officers are actively managing the financial position. Through the monitoring process, we are able to use the lessons learned to update the rolling financial strategy and this is done in July each year.

4.0 North Hertfordshire Revenue Budget - the current picture

4.1 The following chart indicates the main sources of income to the Authority.



4.2 The Authority can decide how much income it will raise from fees and charges and through the precept on the Council Taxpayer (subject to any capping restrictions). The National Non Domestic Rate is set nationally. Government grant is based on a formula.

4.3 Over the last five years, the proportion of the Council's expenditure met by Government grant has fallen and Members will have heard the term "gearing"

used to describe the impact of this on the level of Council tax increase required. For example:-

	Year One	Year Two	% increase
	£	£	
Expenditure	100,000	120,000	20%
Government Grant	60,000	60,000	0
Council Tax	40,000	60,000	50%
Council tax as % of Expenditure	40%	50%	

5.0 Income Policy

5.1 The Council increases fees and charges annually in line with inflation and any deviation from this strategy has to be explained. Generally speaking, charges are maximised to a level where we are reasonably confident they will not deter use of the service or impact on achievement of the policy objectives the Council is pursuing. This does mean that often, charges may be in the upper quartile.

5.2 As part of further developing the financial management strategy, we continue to investigate the continuing appropriateness of service subsidies and the funding of functions which are the responsibility of the County Council. We recognise that we should give careful consideration to each individual case before reaching a decision and should apply the test should the Council Tax payer pay for all or part of a service or should it be the service user? Many of the services we provide are subsidised and during the budget setting process, service managers are now asked to review the extent of the subsidies and are asked the following questions:-

- Does the service support the authority's strategic objectives?
- What proportion or sections of the population use the service?
- What is the level of subsidy?
- Why is the service subsidised?
- What impact would a reduction in the level of subsidy have on the service?
- How much income could be generated by a removal of the subsidy?
- Should any removal be subject to a phasing in process and if so over how many years?

5.3 This forms part of the on-going work of the Challenge Board when questioning individual budget holders on the scope for savings and/or income generation options in the areas for which they have responsibility. In the 2006/07 budget setting process, this challenge process generated over £1.4 million of funds for redirection through a mixture of increased income and expenditure efficiency savings. In 2005/06, it generated over £1.5 million. Such a financial service review exercise complements the whole service reviews carried out through the Best Value FSR process but concentrates solely on the opportunity for making efficiency savings.

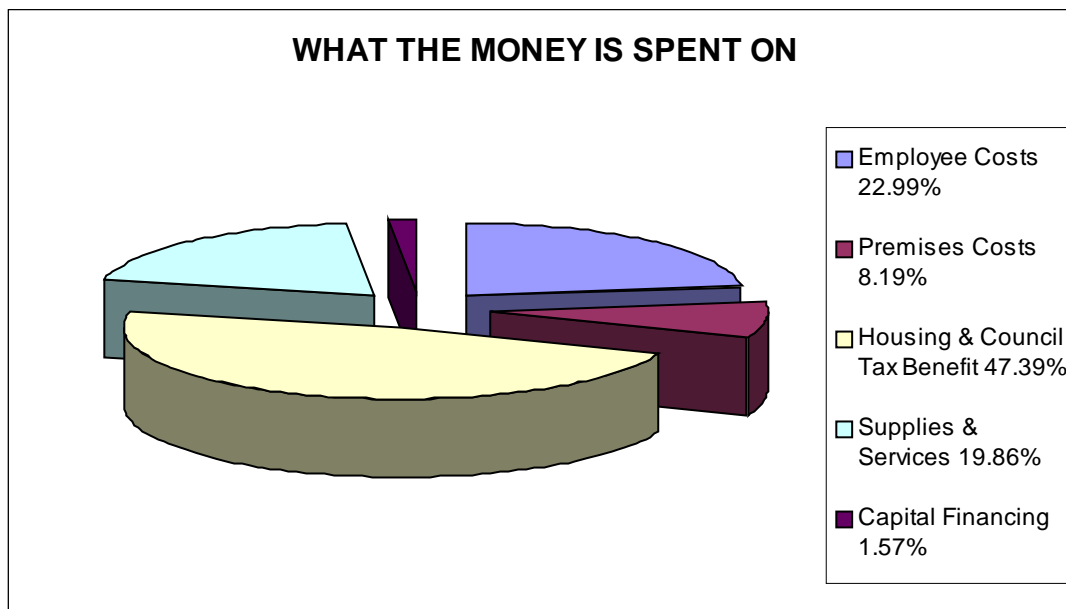
6.0 Capital Finance arrangements.

6.1 The Prudential Code for Capital Finance in local Authorities came into operation in April 2004. Under the code, authorities are free to borrow and invest so long as their capital spending plans are affordable, prudent and sustainable.

- 6.2 Local Authority capital spending improves services and replaces existing assets as they reach the end of their useful lives. Capital investment is not a luxury since without it, local authorities would become unable to deliver even their existing services let alone respond to new demands.
- 6.3 The code requires authorities to set the prudential indicators specified in the code and to base borrowing decisions on sound treasury management strategy. The Authority has a separate treasury management strategy which complies with the requirements of the code.
- 6.4 The code requires Authorities to estimate their borrowing requirement year on year with the unfunded element of the capital programme determining the borrowing limit. Having established the borrowing limit, authorities must then determine whether it is affordable.
- 6.5 If we follow the principles of priority led budgeting, we should seek to ensure that we can demonstrate how all capital schemes in the programme link to the Council's vision and strategic objectives. This requires an annual reappraisal of all schemes not yet commenced to ensure they are still relevant and to ensure scarce resources are prioritised to the Council's main objectives in any one-year. This will mean that inclusion in the future capital programme will not automatically guarantee that a scheme will be undertaken. Due to the nature of the schemes included in the Capital Programme and the long lead-in times for some projects, the Council has adopted an approach of giving a firm commitment to schemes in the next two financial years and outline commitment to those from year three onwards. Firm commitment requires the full revenue implications to be included in the revenue budget.

7.0 Where the money goes

7.1 The following chart indicates where the authority spends its money.



7.2 In recent years funds have been redirected into areas such as recycling, leisure projects, green belt issues, equalities and emergency planning preparations in pursuit of our strategic objectives.

8.0 Balances position - General Fund

8.1 Best Practice guidance issued by CIPFA (Chartered Institute of Public Finance and Accountancy) states that the balance may be between 5 and 100% of net expenditure. The CPA process requires the balance to be set at between 5 and 100% of net revenue expenditure plus the authority's Bellwin Threshold. With a net revenue expenditure of just over £18 million (including carry forwards) and a Bellwin Threshold of £28,000, the minimum 5% balance remains in the region of £900,000.

8.2 When setting the budget each year, the Council considers the potential impact of the risks in the assumptions made and adjusts the minimum 5% figure accordingly.

8.3 For 2006/07 a number of risks were identified as follows:-

- Potential of not meeting the savings target, in particular those relating to:
- the control of staff vacancies for the full year – medium risk
- the increase in car parking charges and the need to approve them on a district –wide basis – high risk
- service reductions on cost of democracy and engineering – medium risk
- The vulnerability of the authority to interest rate changes – the net expenditure figure quoted for the general fund includes an assumed £3.4 million from interest receipts - a 0.25% change in interest rates would result in £220,000 more or less – high risk
- Higher contribution towards the full fare Concessionary Fare scheme than the £479,000 budgeted increase – medium risk
- The uncertainty over the time span of Local Development Framework preparation suggest that it would be prudent to hold additional funds in reserves which could be called upon if necessary. A budget for costs of specialist consultants and overheads relating to Local Development Framework preparation had been included in the 2005/06 base budget – medium risk
- The ongoing impact of Regional and Strategic Planning issues suggest that it would be prudent to hold additional funds in reserves that could be called upon if necessary. A budget for costs of specialist consultants has not been included in the base estimate – medium risk
- The impact of not adequately resourcing the Elections Service to fulfil its functions during the year suggest that it would be prudent to hold additional funds in reserves that could be called upon if necessary. A budget for additional staffing or costs of specialist support has not been included in the base estimate – medium risk
- The impact of losing the legal services contract with North Hertfordshire Homes suggest that it would be prudent to hold additional funds in reserves that could be called upon if necessary. A budget for loss if income has not been included in the base estimate – High risk

It was assessed that the total of all these items was in the region of £700,000. It was therefore prudent to increase balances by at least £400,000 above the minimum level giving a General Fund balance in the region of £1.2 million for 2006/07.

- 8.4 The provisional outturn figures show an anticipated General Fund Balance at 31st March 2006 of £3.882 million. This includes carry forward requests of £772,000. After other adjustments, it is now anticipated that the General Fund Balance at 31st March 2007 will be of £2.235 million, an increase of £1.035 million over the original budget. In addition to the General fund balance, the Authority maintains a number of earmarked reserves and provisions, the largest of which is the HRA reserve which is £2.890 million at March 2006. Members have agreed that this fund will be used on a phased basis as the authority adjusts its fixed and variable costs following stock transfer in March 2003.
- 8.5 Other reserves and provisions include the Collection Fund Reserve (£60,000 deficit), a Planning Delivery Grant reserve (£411,000), an I.E.G Grant Reserve (£422,000), an Insurance Fund (£173,000) used to finance potential claims for risks covered by external policies together with higher excesses currently being borne by the Council, an Information Technology Reserve (£29,000) for the purchase of hardware and software items, and an Environmental Warranty reserve (£209,000).

9.0 The Financial Strategy 2007-12

- 9.1 The existing strategy has been reviewed and it is recommended that they are endorsed for carry forward into 2007-12
- 9.2 A number of changes are proposed to further improve our financial management strategy, namely:
- Identify how much the Council spends against each strategic objective.
 - Identify the areas that are lower or non priority for allocation of resources.

Identifying the Savings target for 2007/08 onwards

- 9.3 Officers across the Authority have been asked to provide estimates for major changes to the base budget for the next five years. These are changes brought about by environmental issues, changes to demography which will impact on service provision, new statutory requirements, actions to support the strategic objectives and service pressures. The estimates provided will be subject to robust scrutiny by Corporate Management Team and the Challenge Board over the coming months before the final growth lists are presented to Members in the autumn.
- 9.4 At this stage in the process, the identified pressures relate to the following areas:-

Identified pressure	2007/08	2008/09	2009/10	2010/11	2011/12
Customer Services Directorate					
• <i>Service @north-herts</i>	✓	✓	✓	✓	✓
• <i>Play Strategy</i>	✓	✓	✓	✓	✓
• <i>Civil Contingencies Act implications</i>	✓	✓	✓	✓	✓
• <i>Waste & Recycling strategy</i>	✓	✓	✓	✓	✓
• <i>Museums FSR Action Plan</i>	✓	✓	✓	✓	✓
• <i>Public Conveniences</i>	✓	✓	✓	✓	✓
• <i>Grounds maintenance etc – Great Ashby</i>	✓	✓	✓	✓	✓
• <i>Green space strategy</i>	✓	✓	✓	✓	✓
• <i>Traffic Management Act implications</i>	✓	✓	✓	✓	✓
• <i>Markets</i>	✓	✓			
• <i>Meals Service</i>	✓	✓			
Financial & Regulatory Services					
• <i>Local Development Framework</i>	✓	✓	✓		
• <i>WA1M</i>	✓	✓	✓		
• <i>Regional Planning issues</i>	✓	✓			
• <i>Concessionary Fares</i>	✓	✓			
• <i>Gambling Act 2005</i>	✓	✓	✓	✓	✓
• <i>Prohibition of Smoking in public places</i>	✓	✓			
• <i>EU Food hygiene regulations</i>	✓	✓	✓		
• <i>Clean Neighbourhoods Act</i>	✓	✓	✓	✓	✓
• <i>National Procurement Strategy</i>	✓	✓			
• <i>Office Accommodation</i>	✓	✓	✓	✓	
Chief Executive's					
• <i>Change Management/Organisational Transformation</i>	✓	✓	✓	✓	✓
• <i>Electoral Administration Bill</i>	✓	✓			
• <i>Ward and Electoral Cycle Changes</i>	✓	✓			

9.5 The items identified relate to initiatives which support the six strategic objectives under the headings of

- Sustainable Communities
- Safer Communities
- Healthier Communities
- Equal Communities
- Prosperous Communities
- Satisfied Communities

9.6 Over the coming months, Officers will work up the bids in greater detail and Members will need to consider what they are prepared to fund and the risks

involved in not providing funding. In accordance with our existing strategy, we will consider

- a) Is the item fundamental to delivery of the vision for the area of North Hertfordshire and delivery of the Council's strategic objectives?
- b) Is there an absolute priority that we do this within the next twelve months?
- c) What are the risks involved in not spending the money?
- d) Will the growth result in quantifiable savings in future years?

9.7 As the more detailed work is done, the bids will be categorised into one of four categories, namely

1. Environmental/Demographic
2. Statutory
3. Political (as informed by public opinion survey work)
4. Service growth bids

Service Growth Bids

9.8 Bids in this category reflect changing working patterns within Directorates and investment needed to improve services to customers. All bids will be subject to further work and a robust scrutiny process as outlined above before inclusion in the draft budget in December. In accordance with the existing strategy, we will continue to seek compensating savings for any Directorate growth and will not therefore make any allowance within the strategy for growth in this category.

Inflation increases

9.9 Inflation indices are reviewed on an annual basis and the forward budget projections amended accordingly. At this stage in the budget planning process, it is prudent to take a cautious approach and in identifying the likely Council Tax requirement, the strategy focuses on the pressures on expenditure and assumes a neutral position with regard to income. The figures presented in Table 1 include the following assumptions in line with the current financial strategy

- Year on year spend is adjusted to take account of cyclical variations in expenditure
- Investment income falls by £250,000 per annum to take account of the reducing balance of capital receipts and assumptions regarding interest rates
- Assumed average base rate of 4.5% for 2007/08 and subsequent years
- Any approved one-off growth or carry-forward budgets for 2006/07 have been removed from the base figures in subsequent years
- Government support will not increase in real cash terms year on year
- Contract inflation at an average of 3%
- Pay inflation at 2.5%
- Pay increments due in 2006/07
- General inflation of 2.5% on expenditure and fees and charges income
- Use of the HRA earmarked reserve will happen on a phased basis to prevent erratic movements in Council Tax increase.
- The Council tax base figure will rise by 1% per annum.
- The minimum General Fund balance should be 5% of net expenditure, plus an allowance for identified risks.

- Allowance for Statutory Growth of £500,000 per annum
- Any growth in Area Committee budgets to reflect additional responsibilities will be offset by reductions in Directorate budgets.

Savings Target 2007/08 and onwards

9.10 **Council Tax Strategy**

Pattern of increases in recent years

The following table shows the average council tax levied for NHDC from 1995/96 to this current financial year:

Table 4 - General Fund Annual Position & Council Tax Increases:

Year	Amount	%
	£	Increase
		%
1995/96	64.68	-
1996/97	79.37	22.7
1997/98	92.95	17.1
1998/99	105.13	13.1
1999/00	109.95	4.6
2000/01	111.87	1.7
2001/02	120.26	7.5
2002/03	132.29	10.0
2003/04	150.75	14.0
2004/05	157.62	4.6
2005/06	162.73	4.9
2006/07	170.05	4.5

In accordance with our existing Financial Management Strategy, the Expected Council Tax increase for 2007/08 should be no higher than RPI plus two percentage points. RPI at the end of May was 3% and the position will be reviewed at the end of the calendar year. The Government has indicated that they will use their capping powers if increases exceed 5%. For the purposes of the financial strategy, therefore, we should seek to keep the Council tax increase under 5%.

- 9.11 The table at Appendix 1 shows the impact of this on the required savings target for 2007/08 and subsequent years and the planned phased use of balances. This means that a savings target of £1.267 million is required for 2007/08

10.0 Risks inherent in the Assumptions

- 10.1 At this stage in the budget cycle we are looking at key pressures in future years and those which will have a significant impact on the budget for 2007/08.
- 10.2 Figures quoted now may vary by the time the draft budget is set in December. Work will continue between now and then to further refine the figures and the assumptions used. Reports will be brought to cabinet at key stages in accordance with the Service and Financial Planning timetable.
- 10.3 With the increase in investment income as a result of stock transfer, the revenue budget is more susceptible to the impact of changes in interest rates.

The Authority has a treasury management strategy and the principles of that strategy are used to influence the assumptions made about likely interest receipts. Members should, however, be aware that a 0.25% change in interest rates means a £220,000 change in the base budget.

- 10.4 In considering the impact of potential variations to the figures presented, Members should be aware that a 1% increase in Council Tax in 2007/08 will generate approximately £86,000 income.
- 10.5 The Strategy focuses on the next five years and as it rolls forward each year, we will have an eye on the impact on the District, its infrastructure and its partners of the pressures to increase housing numbers.
- 11.0 Financial Management Strategy 2007/2012**
- 11.1 The Strategy will cover the five year period April 2007 to March 2012 and will be rolled forward one year as part of the July strategy review. The existing Revenue and Capital strategies are merged. Changes from the existing strategy are in italics.
- 11.2 We aim to use one-off grants for time-limited or invest to save projects which do not add to the base in the longer term.
- 11.3 We will build on our excellent Council Tax collection rates and continue to assume a 99% collection rate for the purposes of calculating the Council Tax base.
- 11.4 We aim to make best use of IT and changes to our work processes to ensure cost effective, economic and efficient services are provided at the level the customer requires. Where a business case identifies future savings, these should be built in to the base budgets to encourage managers to realise the anticipated efficiency savings.
- 11.5 The Corporate Management Team will review the services provided in the light of the outputs from the visioning exercises and Access to Services FSR and continue to explore alternative means of service delivery including partnering, enabling, outsourcing, shared services.
- 11.6 We will continue to review income and charges for services to ensure that any subsidies are targeted at areas which assist in meeting strategic objectives. We will seek to maximise income having regard to the impact on service take-up and will offer concessions as appropriate to encourage use by all members of our community in pursuit of our strategic objectives.
- 11.7 We will maintain a Strategic Priorities Fund of £100,000 to assist in demonstrating the shift in resources to meet key priorities. In-year underspends up to the £100,000 limit on the fund will be carried forward to provide the necessary finances. The fund, allocated by Corporate Management Team, will be utilised to encourage innovations/invest to save bids to be financed, to enable the outputs from Fundamental Service Reviews and continuous performance improvement strategies to be funded and to fund projects that facilitate the achievement of strategic objectives.
- 11.8 We will seek to hold the General Fund balance to a minimum of 5% of net expenditure and an assessment of known risks when annual budgets are set.

- 11.9 All growth bids will be subject to robust scrutiny from Challenge Board and Members and be subject to four questions
- Is the expenditure fundamental to delivery of the Council's objectives?
 - Is there an absolute priority that the expenditure is incurred in the next 12 months?
 - What are the risks involved in not spending the money?
 - Will the growth result in quantifiable savings in future years?
- 11.10 We will include an allowance for Statutory and Government led growth of a maximum of £500,000.
- 11.11 We will seek efficiency savings to compensate for any increase in Directorate expenditure subject to four questions
- Is the saving fundamental to delivery of the Council's priorities?
 - Will the saving impact on delivery of Council priorities and how?
 - What are the risks involved in making the saving?
 - Will the saving carry on in future years?
- 11.12 We will set a cashable efficiency savings target for 2007/08 at £1.267 million to enable the expenditure requirement to be managed with regard to anticipated capping constraints and the impact on balances and future years' council tax increases. Opportunities to make efficiency savings through the review of the Authority structure will be actively sought.
- 11.13 Challenge Board will continue to carry out the work started last year, focusing for 2007/08 on subsidised services and review of comparative costs with Hertfordshire districts and the Audit Commission near neighbour group.
- 11.14 We will maintain a vacancy savings target set at 3% of salary budget to yield in the region of £350,000 toward the savings target. Any proposed virement from salary budget will be subject to scrutiny and approval by Corporate Management Team.
- 11.15 We will establish a clear link between the budget strategy and the risk register to ensure that necessary funds are available to progress work to mitigate the top risks.
- 11.16 We will continue the strategy of setting the level of Council Tax increase year on year either in line with an inflationary increase or within 2% of inflation (RPI), as circumstances dictate.
- 11.17 We will continue the phased approach to the use of balances to ensure that the potential for erratic movements in Council Tax requirements is smoothed as far as possible.
- 11.18 We will give consideration to making a lump sum revenue contribution from balances to offset some of the deficit on the superannuation fund, thus improving the revenue position in future years subject to consideration of the advantages and disadvantages of such a payment following advice from the fund actuaries.
- 11.19 We recognise the risks inherent in the budget strategy and in particular the impact of a 0.25% change in interest rates on the investment income (£220,000) and note that the product of a 1% increase in Council Tax is £86,000.

- 11.20 We will recognise that the increase in Council tax base through new build impacts directly on service costs in some areas e.g:- Waste Management and will adjust our base budgets accordingly.
- 11.21 We will review the current section 106 Policy to ensure that we take account of the increased revenue costs associated with new development in the District.
- 11.22 We will allocate resources to support organisational transformation.
- 11.23 We will identify how much the Council spends against each strategic objective and monitor the impact of our financial resource allocation through the achievement of the anticipated outcomes set in the Corporate Plan.
- 11.24 We will identify the areas which are lower or non priority for resource allocation
- 11.25 We will communicate the revenue and capital strategy to all members, officers and stakeholders to act as the financial framework for the Service and Financial Planning process.
- 11.26 We will monitor the revenue and capital budgets on a quarterly basis and more frequently if monitoring raises issues of concern.
- 11.27 In view of the surplus funds from Stock Transfer, we will slow down the asset disposal programme for the next year, thus enabling the authority to benefit from rental income which currently provides a better rate of return on investment than cash investments. This strategy will be regularly reviewed in light of changing market circumstances.
- 11.28 Through the work of the Asset Management Group, we will investigate opportunities for generating funding from private sector sources, alternative forms of grant aid or PFI schemes.
- 11.29 The capital programme is funded until 2009/10 and has an uncommitted balance of only £24,000. We are aware that the authority has increasing calls on its capital programme and that current sources of funding cannot be guaranteed beyond 2009/10. Work is on-going through the Asset Management Strategy to identify assets for disposal to fund the on-going capital programme. Consideration will be given to using some of the interest receipts from investment of capital receipts to set up a Revenue Contribution to Capital fund. Should any increased income be received as a result of an improvement in interest rates in the year, we will consider making a contribution to such a fund.
- 11.30 We will ensure the level of planned capital spending in any one-year matches the capacity of the organisation to deliver the schemes to ensure that the impact on the revenue budget of loss of cash-flow investment income is minimised.
- 11.31 We recognise that as part of the Housing Stock Transfer agreement, the Council and North Hertfordshire Homes entered into a Community Benefit agreement. This will funnel future savings as a result of the VAT savings scheme and income from future Right to Buy sales into a Community Benefit fund which, in accordance with the agreement made at the point of transfer of

the housing stock, has been used initially to resolve the Letchworth leasehold problem resulting in a deficit of £12.4 million at the 31st March 2006. Further income from the VAT savings and Right to Buy sales over the coming years will continue to be paid into the fund. Once the fund is back in surplus, the Agreement indicates that the following categories of capital expenditure may be funded from this source: -

- Provision of additional social housing
- Community benefit such as enhancement of community centres, provision and enhancement of recreation areas such as children's play areas, provision and enhancement of landscaped areas(eg:- to deter anti-social behaviour), road safety and congestion initiatives.
- Any projects proposed by the Council which are within the Company's objects and powers.

11.32 The de minimis level for capital funding will remain at £28,000 for property and construction and £15,000 for vehicles, plant and equipment for 2007/08.

**Base budget 2005-06
Onwards**

	2005-06 Actual	2006-07 Estimate	2007-08 Estimate	2008-09 Estimate	2009-2010 Estimate	2010-2011 Estimate	2011-2012 Estimate
Area Committees							
District Net Expenditure	14,722,477	17,665,810	17,325,870	17,066,110	16,822,820	16,851,360	17,044,860
Base Adjustments for savings, growth & inflation				358,499	715,749	1,098,040	1,409,881
Base Adjustments identified in 2006/07			-47,730	-48,980	22,000	-48,450	0
Base movements			-47,730	309,519	737,749	1,049,590	1,409,881
Contract and other inflation			278,816	278,816	278,816	278,816	278,816
Pay inflation including increments and increase in superannuation			894,413	894,413	1,081,475	1,081,475	1,081,475
Inflation			1,173,229	1,173,229	1,360,291	1,360,291	1,360,291
Note 1 Savings identified in 2005/06 Statement of Accounts Report		-373,000	-233,000	-233,000	-233,000	-233,000	-233,000
Note 2 Savings Options Unlikely to be Achieved		162,780	42,780	13,390	13,390	13,390	13,390
Future Savings			-1,267,000	-1,267,000	-1,500,000	-1,500,000	-1,547,000
Savings		-210,220	-1,457,220	-1,486,610	-1,719,610	-1,719,610	-1,766,610
Future Statutory & Strategic Growth			500,000	500,000	500,000	500,000	500,000
Growth Allowance			500,000	500,000	500,000	500,000	500,000
Adjusted Net District Expenditure (Note 3)	14,722,477	17,455,590	17,494,149	17,562,248	17,701,250	18,041,631	18,548,422
Government Support	-6,663,787	-7,333,943	-7,559,423	-7,559,423	-7,559,423	-7,559,423	-7,559,423
Use of Balances	-880,235	-1,967,184	-1,328,473	-919,595	-555,130	-363,980	-309,661
District Precept	7,178,455	8,154,463	8,606,253	9,083,230	9,586,697	10,118,228	10,679,338
Average Band D Council Tax	162.73	170.05	177.70	185.69	194.04	202.77	211.90
		4.50%	4.50%	4.50%	4.50%	4.50%	4.50%

Revised Balances at 31 March each year:

GF Balance -cr	3,881,944	2,234,680	1,274,707	1,278,112	1,285,062	1,302,082	1,327,421
HRA Reserve -cr	2,889,500	2,569,580	2,201,080	1,278,080	716,000	335,000	0
Total Balances	6,771,444	4,804,260	3,475,787	2,556,192	2,001,062	1,637,082	1,327,421

Calculation of General Fund Balance:

5% Balance on General Fund net Expenditure		872,779	874,707	878,112	885,062	902,082	927,421
Risks		400,000	400,000	400,000	400,000	400,000	400,000
Total Recommended General Fund Balance		1,272,779	1,274,707	1,278,112	1,285,062	1,302,082	1,327,421

Note 1. Additional budget reductions were identified in the 2005/06 Statement of Accounts report to Cabinet on the 27th June 2006

Note 2. A number of savings are unlikely to be achieved in 2006/07 (Cost of Democracy £50k, Overnight Parking £13k). A number of savings options are likely to underachieve in 2006/07, (Parking income £70k, Hitchin Town Hall £29k)

Note 3. The original estimated expenditure for 2005-06 was £15.8 m. The outturn position was £14.7m., giving an underspend of approximately £1.1 million excluding the effects of carry forward budgets in the two years. Of this £1.1m, £845k related to one off savings in 2005/06 and the remainder to areas where it is prudent to adjust the base in 06./07 and future years. The appropriate adjustment has been made.

ITEM REFERRED FROM CABINET – 25 JULY 2006 – STATEMENT OF COMMUNITY INVOLVEMENT

The following is an extract from the Minutes of the Cabinet meeting held on 25 July 2006:

49. STATEMENT OF COMMUNITY INVOLVEMENT

The Head of Planning and Building Control presented a report that informed Members of receipt of the Inspector's binding report into the soundness of the Statement of Community Involvement.

The following documents were appended to the report:
Appendix 1 – Inspectors Report (including appendices A to D)
Appendix 2 – Amended SCI.

RESOLVED:

- (1) That the binding recommendations of the Inspectors report be agreed;
- (2) That the adoption of the amended Statement of Community Involvement be recommended to Council.

RECOMMENDED TO COUNCIL: That the amended Statement of Community Involvement be adopted by Council.

REASON FOR DECISION: The authority must accept the Inspector's binding report and adopt the SCI as amended.

The following is the report presented to Cabinet on 25 July 2006.

TITLE OF REPORT: STATEMENT OF COMMUNITY INVOLVEMENT

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL
PORTFOLIO HOLDER: COUNCILLOR R.A.C. THAKE

1. SUMMARY

- 1.1 To inform Members of receipt of the Inspector's binding report into the soundness of the Statement of Community Involvement.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st June 2006.

3. BACKGROUND

- 3.1 The Planning and Compulsory Purchase Act and the associated Town and Country Planning (Local Development) (England) Regulations 2004 (the Regulations) came into force on 28 September 2004. Together they set out how the system of Local Development Frameworks (LDFs) will operate and how they should be prepared.

- 3.2 The Statement of Community Involvement (SCI) is one of the documents which comprises the LDF. The SCI sets out how the Council will consult and involve the community in the development of the LDF and in the determination of planning applications.

- 3.3 There were several stages in the preparation of the SCI, these were:
- ◆ the preparation and limited public consultation on an options paper (completed March 2005);
 - ◆ consideration of the responses, the preparation and full public consultation on the preferred options paper (completed July 2005);
 - ◆ consideration of the responses and the preparation of the SCI Submission paper; and
 - ◆ the submission to the Secretary of State and formal consultation (submitted in November 2005 and completed December 2005);
 - ◆ independent examination by an Inspector into the soundness of the SCI (April – May 2006); and
 - ◆ the receipt of a binding report and adoption of the SCI.

- 3.4 Prior to the examination of the SCI, Cabinet (March 28th 2006) considered the schedules of representations received and approved the suggested changes to the SCI made by Officers, Minute 197 refers.

4. INDEPENDENT EXAMINATION OF THE STATEMENT OF COMMUNITY INVOLVEMENT

- 4.1 The submission draft of the Statement of Community Involvement was approved by Cabinet on 18 October 2005 and was formally submitted to the Secretary of State on 8 November 2005. At the same time there was also a period for public consultation, during which 36 individuals and organisations made representations, of these, 8 responses supported the SCI, 10 stated that they had no comments and the remaining 18 made objections.

4.2 An Inspector from the Planning Inspectorate was appointed to carry out an examination into the soundness of the SCI. It is assumed that the SCI is sound unless the evidence put forward in the objections shows otherwise. There are nine tests of soundness which the Inspector must consider:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

4.3 During the examination the Inspector considered the 18 objections and whether the SCI met the tests of soundness. In addition to considering the objections, the Council also requested the Inspector to consider a number of suggested changes to the SCI which were made in response to those objections. The Inspector's recommendations are set out in a binding report to the Council, which was received at the end of June. The report states that the SCI has met the nine tests of soundness subject to the recommended amendments being made. In addition to making his own recommendations, the Inspector has also stated that the changes put forward by the Council can also be made to the SCI to improve the clarity and the transparency of the SCI. All of the recommendations made are reasonable and do not give rise to any concerns. A copy of the report is attached as Appendix 1 to this report.

4.4 The Inspector's report is binding upon the Council. The Council must now accept the recommendations and adopt the SCI as amended. A copy of the amended SCI is attached as Appendix 2 to this report, showing the changes that have been made to it by the Inspector and those proposed by the Council at the examination stage.

5. LEGAL IMPLICATIONS

5.1 Once the SCI is adopted, all future Local Development Documents (LDDs) must be prepared in accordance with it to satisfy the Town and Country Planning (Local Development)(England) Regulations 2004.

6. FINANCIAL AND RISK IMPLICATIONS

6.1 The independent examination of the soundness of the SCI was undertaken by an Inspector appointed by the Planning Inspectorate. A fee has been

charged for this examination, the cost of which is contained within existing budgets allocated to the Local Development Framework.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

7.1 None arising

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 The SCI has been subject to three separate periods of public consultation during its preparation. All of the representations received during those consultation periods have been taken into consideration as the SCI has been prepared and amended.

9. RECOMMENDATIONS

9.1 That Cabinet accepts the binding recommendations of the Inspectors report and recommends to Full Council that the amended Statement of Community Involvement is adopted.

10. REASONS FOR RECOMMENDATIONS

10.1 The authority must accept the Inspector's binding report and adopt the SCI as amended.

11. APPENDICES

11.1 Appendix 1 – Inspectors Report (including appendices A to D)

11.2 Appendix 2 – Amended SCI

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13. BACKGROUND PAPERS

- 13.1 Planning Policy Statement 12 : Local Development Frameworks
- 13.2 NHDC – Local Development Scheme, 2005
NHDC – SCI Options Paper, February 2005
NHDC – SCI Preferred Options Paper, May 2005
NHDC – Submission SCI, November 2005
NHDC – Amended SCI, July 2006
- 13.3 The Planning Inspectorate – North Hertfordshire District Council Statement of Community Involvement (November 2005) - Inspector's Report

North Hertfordshire District Council Statement of Community Involvement (November 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the North Hertfordshire Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.2 A total of 35 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report. Further information was requested from the Council in relation to Test 7 and this information is contained in Appendix B to this Report.

Test 1

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004, as evidenced by the Council's Regulation 28 and Regulation 31 Statements and I am satisfied that this test is met.

Test 2

- 3.1 Paragraph 2.5 recognises the links between the LDF and the Community Strategy. The SCI explains in paragraph 2.3 the framework for consulting the community and voluntary sectors. However the SCI could be more explicit in stating that there may be links between consultation on the LDF and other strategies – where these links occur there may be some benefit in joining these consultation exercises.

Recommendation

(R1) Add the following text to the end of paragraph 2.5 "The Council will consider opportunities for joint consultation exercises with other strategies where relevant."

Test 3

- 4.1 The Council has set out in paragraph 2.2 and Appendix A of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at bullet point

number 18 of Appendix A of the SCI that the Council will consult with additional bodies "as considered appropriate". Furthermore, Appendix D of the SCI illustrates that it meets the minimum requirements of the Consultation Regulations. However the re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

Recommendation

(R2) Add the following text to the end of the list set out in Appendix A of the SCI.

"Please note this list relates to successor bodies where re-organisations occur."

Test 4

5.1 Paragraph 2.13 and Appendix D shows that the Council will involve and inform people from the early stages of DPD preparation and paragraphs 2.15, 2.21, 2.25, 2.26, 2.27 and 2.32 to 2.36, together with Appendix D set out the range of methods the Council will employ to do this. These paragraphs show that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.2 This test is met.

Test 5

6.1 Paragraphs 2.15, 2.21, 2.25, 2.26, 2.27 and 2.32 to 2.36, together with Appendix D set out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. Section 2 of SCI acknowledges that additional methods could also be employed and indicates at what stages of LDD preparation the various methods might be employed. The Council clarify in Section 2 the stages at which consultation will take place and who will be consulted at those stages.

6.2 However the SCI fails to assess the suitability of consultation techniques for specific DPDs and does not make sufficient reference to how the Council will try to engage hard to reach groups. These issues were also highlighted in representations by GOE. The Council, in its Regulation 31 Statement, has suggested amendments to the text to address GOE's concerns. I find that these amendments are necessary to allow the SCI to meet this test of soundness and I recommend that they be made.

Recommendations

(R3) Insert the following text as a new paragraph 2.3 into section 2 of the SCI. Re-number the remaining appendices in this section accordingly.

“Hard to Reach Groups. There are a number of groups that traditionally do not normally take part in the planning process. In North Hertfordshire these groups are considered to be:

- ◆ People with disabilities;
- ◆ Black and ethnic minority groups;
- ◆ Older people;
- ◆ Young people; and
- ◆ Gypsies and travellers.

The Community Development Team and the Equalities Officer have established links with “hard to reach groups” and in order to reach these groups during DPD preparation, the LDF team will endeavour to foster and create links with these groups. The Council has started to work with young people in particular for other planning related work through school councils and youth groups. The Council considers that setting up working relationships with hard to reach groups is vital in the preparation of the LDF and will pursue opportunities to increase the involvement of these groups.”

(R4) Insert the table set out in Appendix C to this report as a new Appendix B in the SCI. Re-number the remaining appendices accordingly.

Test 6

7.1 Section 4 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI. This test is met.

Test 7

8.1 Paragraphs 2.17, 2.23 and 2.36 explain how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council will make representations available to the community in both written and electronic form. However the SCI should be more specific in setting out how the results of consultation will be fed back. I have made an appropriate recommendation below to address this concern.

Recommendation

(R5) Replace paragraph 2.17 with the following text.

“After the consultation period has finished, all views and representations which are received will be acknowledged and considered formally by the Council and will be used in the development of the Preferred Options DPD. Both the comments made and the Council’s response to the

representations will be reported to Cabinet. The Council will make all representations, and its responses, available to the community, either as a paper copy or electronically on its web site. Copies will be sent to all those people and organisations who have made a representation, either by electronic means or as a hard copy."

Recommendation

(R6) replace paragraph 2.23 with the following text.

"All views and representations which are received in response to the Preferred Options stage consultations will be acknowledged and considered formally by the Council and will be used in the development of the Submission draft of the DPD. The Council will make all representations available to the community, either as a paper copy or electronically on its web site. Copies will be sent either by electronic means or as a hard copy to all those people and organisations who have made a representation. A "Report of Consultation" will be prepared after this stage of consultation and published to accompany each document to be formally submitted to the Secretary of State."

Test 8

9.1 Paragraph 4.5 of the SCI provides information on monitoring and review and confirms the Council's intent to review the SCI periodically through its Annual Monitoring Review. Furthermore the SCI states that a timetable for review will be identified as part of its LDS. This test is met.

Test 9

10.1 The SCI at Section 3 clearly describes the Council's policy for consultation on planning applications. Tables 1 and 2 meet the minimum requirements and provide an unambiguous statement about how the Council intends to carry out consultation. Tables 1 and 2, together with Appendix B distinguishes between procedures appropriate to different types and scale of application. Paragraphs 3.9 to 3.12 sets out how the consultation results will inform decisions and how the results of such decisions will be fed back. Paragraphs 3.3 and 3.4 together with Table 1 sets out the Council's approach to pre application consultations. However the SCI should contain a reference to circumstances where some statutory bodies have a longer period of time to comment on planning applications, such as when such applications affect SSSIs. I have suggested a suitable amendment to the SCI's text to meet this concern.

Recommendation

(R7) Insert the following text to the end of paragraph 3.6 "However bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation".

Conclusions

11.1 The Council have set out in its "Summary of Objections Received in Response to the Submission Draft Statement of Community Involvement (March 2006)" a number of proposed changes to the SCI in response to representations received on the submission document. A number of these changes do affect the soundness of the SCI and I have included parts of the Council's suggested text in recommendations R3 and R4 above. The remaining suggestions do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore agree that they be included.

Recommendation

(R8) Amend the SCI in accordance with the schedule of changes to the SCI set out in "Summary of Objections Received in Response to the Submission Draft Statement of Community Involvement (March 2006)." (Appendix D to this report)

11.2 Subject to amendment in accordance with the recommendations in this report the North Hertfordshire SCI (November 2005) is sound.

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

Keith Holland

APPENDIX A

TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

¹ The Town and Country Planning (Local Development) (England) Regulations, 2004.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

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FINANCIAL & REGULATORY SERVICES DIRECTORATE

26th May 2006

Mr Bartosz Bartkowiak
LDF Team
The Planning Inspectorate
Room 3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Our Ref: PN27.3
Your Ref:
E-mail : Clare.skeels@north-herts.gov.uk
Contact Officer: Clare Skeels
Direct Line: 01462 474424

Dear Bart

North Hertfordshire District Council – Statement of Community Involvement: Examination

Thank you for your e-mail - I have amended a couple of paragraphs (which have the numbers as set out in the submission version of the SCI) which I think should address how the Council will feedback the results of the consultations.

“What will we do with your comments?”

2.17 After the consultation period has finished, all views and representations which are received will be acknowledged and considered formally by the Council and will be used in the development of the Preferred Options DPD. Both the comments made and the Council’s response to the representations will be reported to Cabinet. The Council will make all representations available to the community, either as a paper copy or electronically on its web site, ~~and eCopies~~ will be sent to all those people and organisations who have made a representation, either by electronic means or as a hard copy.”

“What will we do with your comments?”

2.23 All views and representations which are received in response to the Preferred Options stage consultations will be acknowledged and considered formally by the Council and will be used in the development of the Submission draft of the DPD. The Council will make all representations available to the community, either as a paper copy or electronically on its web site. Copies will be sent either by electronic means or as a hard copy to all those people and organisations who have made a representation. A “Report of Consultation” will be prepared after this stage of consultation and published to accompany each document to be formally submitted to the Secretary of State.”

Yours sincerely

Clare Skeels
Planning Policy and Projects



THE PLANNING INSPECTORATE

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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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Clare Skeels
Senior Planning Officer
North Hertfordshire District Council
Council Offices, Gernon Road
Letchworth Garden City
SG6 3JF

Your Ref:
Our Ref: LDF310
Date: 25 May 2006

Hello Clare

Could you please help to solve the following query?:

Test 7 - Could the Council be more specific about how it will feedback the results of consultation - whilst the SCI sets out decisions will be made there is no mechanism in the SCI suggesting how the resulting decisions should be feedback to consultees. Some additional text that could be inserted into the "What we will do with your comments" paragraphs in section 2 would be helpful.

Thank you
Yours sincerely

Keith Holland BA(Hons) Dip TP MRTPI ARICS

Table 1: Consultation Techniques

Consultation Technique	Resource Implications	Comments
Letters & e-mail	Low	<p>Letters can be sent to all consultees on the LDF consultation list. The Council will encourage greater use of e-mail for in the future to further reduce the costs involved.</p> <p>Target groups : All on the LDF consultation list</p>
Advertisements	Medium	<p>Advertisements must be placed in local newspapers circulating in the area to meet the requirements set out in the Regulations.</p> <p>Target groups : All in the North Hertfordshire area</p>
Libraries & Council Offices	Low	<p>Paper copies of all DPDs will be made available for inspection at the Council Offices and at six public libraries across the District during their normal opening hours.</p> <p>Target groups : All</p>
Website	Low	<p>Copies of all the DPDs will be made available on the website. This is an accessible way of making the information available, as it is available to the community outside normal office opening hours.</p> <p>The Council will also develop further its use of the website for electronic consultations.</p> <p>Target groups : All</p>
Talking Newspaper	Low	<p>The Council will notify the Talking Newspaper of the publication of each DPD.</p> <p>Target groups : Hard to Reach</p>
Local media	Low	<p>The Council will issue press releases when a DPD is published for consultation.</p> <p>Issuing a press release to the local media</p>

		<p>does not guarantee that the information will be used and therefore the Council cannot guarantee the amount of publicity that will be given at any particular time.</p> <p>Target groups : All</p>
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Town and Parish Councils	Low	<p>The Council must consult the town and parish councils within and adjoining the local authority area. However, the Council will encourage the Parish and the Town Councils to use their own magazines, newsletters and noticeboards to publicise the DPD.</p> <p>Target groups : Statutory organisations, rural communities & town communities</p>
Exhibitions	High	<p>In some circumstances the Council may hold exhibitions for particular DPDs, for example where there may be a particular geographical focus for a DPD or where it would be beneficial to reach a large section of the community.</p> <p>Exhibitions are expensive to stage in terms of exhibition material, publicity and venue charges and require a large amount of staff time. They may also attract a self selecting audience.</p> <p>Targeted groups: All</p>
Focus Groups	High	<p>Focus groups may be used by the Council to explore selected issues with particular groups within the community. Focus groups are expensive to run and require a large amount of staff time, particularly in their preparation.</p> <p>Targeted groups : All, but groups can be specifically selected.</p>
Leaflets	High	<p>These can be useful to provide a summary of the DPD and publicise it across the area. However, there are resource implications in printing leaflets to use across the whole of North Hertfordshire. Leaflet production will be expensive as there are in excess of 48,000 households and 5,500 businesses in the district and it may be more appropriate to use leaflets in a more targeted way, for example the</p>

		Area Action Plans or land allocations DPD. Targeted groups : All
--	--	---

Discussion workshops	High	The Council has undertaken successful workshops for the LDF in the past. Workshops are useful in allowing face to face discussions of issues and solutions. However, they are resource intensive, particularly in staff time, publicity materials and the costs involved for venue hire. Targeted groups : All or selected groups
Area Visioning Groups	High	Area visioning groups allow detailed discussions to take place with groups based in particular locations. However, they are resource intensive, particularly in staff time. Targeted groups : Area based established groups
NHDC Outlook Magazine	Low	Short articles can be placed in the Council's "Outlook" magazine which is sent to all homes in the District. Whilst this publication is sent to all homes in the District it will not necessarily coincide with consultation periods for particular DPDs. Target groups : All in the North Hertfordshire area

North Hertfordshire District Council

Summary of Objections Received in Response to the Submission Draft Statement of Community Involvement

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General Comments				
Respondent			Comments and Sought Revisions	District Council Response
North Hertfordshire District Council			Amend paragraph 1.3 and delete paragraphs 1.4, 1.5 and 1.6 to delete references to consultation arrangements for the SCI which have been completed.	To update the Introduction to the SCI

Respondent	Test of Soundness	Issue	Comments and Sought Revisions	District Council Response
Forward Planning Unit, Hertfordshire County Council	Not stated	Not stated	The document is dominated by text, and therefore quite weighty. The inclusion of more visual material (e.g diagram of LDF process from PPS12) would make the statement more accessible to a wider audience – particularly people who are visually impaired or speak English as a second language.	The Council considers that the SCI is clear in setting out the LDF process. No change to the SCI is recommended.
Mr S T Smyth	Not stated	Not stated	Thank you for notifying us of the Council's submission statement of Community Involvement being placed on public consultation. What particularly interests us is what will NHDC do about its "deeply flawed" housing strategy? (as per the west Stevenage planning Inspector's report, attached). Note : A further submission has also been made and is attached as an Appendix to this schedule. (Sent to PINS - 9 March 2006)	This response is made in respect of both representations. It is considered that the comments made appear to relate to the Council's housing strategy rather than the ways in which the Council will consult the community. The representations will be considered by the Council as part of its work in preparing the Core Strategy and Land Allocations DPDs. No change to the SCI is recommended.

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North Hertfordshire District Council

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Section 2 : Community Involvement in the Local Development Framework				
Respondent	Test of Soundness	Issue	Comments and Sought Revisions	District Council Response
East of England Development Agency	Not stated	Not stated	EEDA encourages Council's to recognise that: "community involvement should engage the whole community, not just resident households represented by established groups. It should also include the business community.	Paragraph 2.2 sets out the types of groups which will be consulted during the preparation of the LDF. This includes the business community. No change to the SCI is recommended.
East of England Development Agency	Not stated	Not stated	Community involvement should pursue an integrated approach across the range of relevant community plans and strategies (including for example, local community strategies and the sub-regional investment plans, being developed through EEDA's Investing in Communities Programme, as well as Local Development Frameworks).	It is acknowledged that the Council should take into account other strategies and plans produced by other organisations in the production of the DPDs. No change to the SCI is recommended.
East of England Development Agency	Not stated	Not stated	Community involvement requires early and regular engagement. It should be a proactive and live process, enabling people to be involved at a stage when they can make a difference. Exhibitions, illustrations and models provide the community with the opportunity to visualise how a scheme might look when developed and will stimulate greater acceptance and understanding, especially related to movement patterns, building heights and densities.	It is acknowledged that community involvement needs to be early in the process and undertaken regularly. The SCI states that the community will be involved in the preparation of a DPD from the early stages of preparation and the ways in which the Council will undertake those consultations. No change to the SCI is recommended.

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<p>East of England Development Agency</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Innovative methods are necessary to expand the number of people involved in the community engagement process and remove the barriers associated with traditional approaches. These include the use of electronic formats and outreach workshops to more remote and peripheral parts of the community. The use of technology can reduce the lengthy time period generally associated with community involvement. It can also enhance a local authority or place's credibility as an innovative location and provide a marketing tool for attracting investment. However, any new method must be complemented by traditional means so that continuity in engagement is retained and those without access to, or skills in, methods using information technology are still able to participate.</p>	<p>The SCI states that consultations will be carried out by a variety of methods, these include "traditional" methods as well as the use of less traditional methods such as e-mail and the internet. It also acknowledges that these methods could be supplemented with other consultation techniques where they may be appropriate and where resources will allow.</p> <p>No change to the SCI is recommended.</p>
<p>East of England Development Agency</p>	<p>Not stated</p>	<p>Not stated</p>	<p>EEDA has supported the following specific initiative, Inspire East. Would encourage the Council to ensure this is, where relevant, incorporated in Community Involvement plans:</p> <p>Inspire East, the regional centre of excellence to promote ideas and actions for sustainable communities – a principal task of which is to enable better joint working and collaboration between the community, those working in built environment occupations and other involved in planning, delivering and maintaining sustainable communities. This will be achieved through sharing information, best practice and developing skills.</p>	<p>It is considered that these comments do not relate to how the Council will consult the community in the preparation of a DPD but rather the types of issues that should be considered in a DPD.</p> <p>No change to the SCI is recommended.</p>
<p>Home Builders Federation</p>	<p>Not stated</p>	<p>Not stated</p>	<p>The Federation need to be advised of all changes to the LDF in writing, either by post or e-mail as it is not possible to monitor a large number of websites on a sufficiently regular basis. It is not essential to supply paper copies of the documents with such notification. The SCI should not rely over heavily on participatory methods of consultation. Where a body is involved in a number of local authority areas the resources and</p>	<p>The SCI states clearly that consultees will be notified in writing, either by letter or e-mail. The Council is continuing to identify the best ways to notify consultees of stages in the LDF and make the best use of electronic</p>

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			manpower would not be available.	communications. No change to the SCI is recommended.
Forward Planning Unit, Hertfordshire County Council	Not stated	Paragraphs 1.5 and 2.9	Paragraphs 1.5 and 2.9 refer to the aim of the independent examination to test the “soundness” of the plan. It would be helpful to explain what is meant by soundness – this could be included in the glossary.	The tests of “soundness” for Development Plan Documents are set out in PPS12, “Local Development Frameworks”, paragraphs 4.23-4.24. A cross reference could be included to this in the SCI. It is considered that the most appropriate place for a reference would be in paragraph 2.28 and that the tests of soundness will be added as an Appendix to the SCI.
Home Builders Federation	3	(Paragraph 2.2)	It would be helpful if the SCI contains an Appendix of all consultees in order groups and organisations may check that they will be advised of future amendments to the LDF.	Advice set out in “Creating Local Development Frameworks ; A Companion Guide to PPS12” states that the SCI should include a “long list” of the types of groups which will be involved in the LDF process – not a list of names as this would change too quickly. The Submission SCI sets out a list, in paragraph 2.2 of the types of groups and organisations that will be approached and consulted during LDF preparation. It is not proposed to amend the SCI to include a list of all consultees. No change to the SCI is recommended.

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Forward Planning Unit, Hertfordshire County Council	Not stated	Not stated (Para 2.2)	In line with The Town and Country Planning Regulations 2004 Hertfordshire County Council should be identified as a statutory consultee.	Section 2 of the SCI sets out the principal groups which the Council will consult during the preparation of the LDF, this list includes not only Hertfordshire County Council, but also neighbouring County Councils, which the Council is required to consult. No change to the SCI is recommended.
English Nature	3	(Paragraph 2.2)	English Nature welcomes the inclusion of Herts Biological Records Centre as a Reg 25 consultee, but Herts and Middlesex Wildlife Trust should also be considered for addition to the list. Please see our response to the draft SCI for context (letter dated 22 June 2005).	The Herts and Middlesex Wildlife Trust are already on the Council's LDF consultation list. No change to the SCI is recommended.
Terence O'Rourke on behalf of Bloor Homes	2	Paragraph 2.5	Paragraph 2.5 – This states that the LDF will build upon the objectives set out in the Community Strategy. There is no reference to the Milton Keynes South Midlands Sub Regional Strategy or the East of England Regional Strategy, both of which have statutory status. The context is therefore misleading and the SCI not sound in respect of the extent to which it can link with other community involvement initiatives without first complying with the statutory documents. Both the SRS and the RSS should be referenced at paragraph 2.5 and the relationship with the LDF made clear.	In preparing DPDs, the Council must have regard to national policies and guidance; the regional spatial strategy and the regional spatial strategy for an adjoining region; the community strategy; any other adopted LDD and the resources that are available for implementing the proposals. It is acknowledged that this is not clearly stated in paragraph 2.5 and that the following sentence could be added to the beginning of the paragraph to make this clear. "The Local Development Framework must be prepared having regard to national policy and guidance, the regional spatial strategy, any relevant

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				sub regional or regional spatial strategies from an adjoining region, the community strategy, any adopted LDD and also the resources available for the implementation of the proposals in the DPD”
Smith Stuart Reynolds on behalf of Houghton Regis Development Consortium	4	Section 2 Para 2.14	<p>The Houghton Regis Development Consortium welcomes the Council's stated commitment in paragraph 2.2 to involve as many people, groups and organisations as possible.</p> <p>In view of the emphasis on front loading under the new development plan system, it is concerned to note that paragraph 2.14 states that only those consultees listed in Appendix A will be notified and that other interested parties will have to depend upon advertisements and other sources of information. This is not considered acceptable and nor is it considered that it accords with the requisite tests of soundness as it does not facilitate the involvement of the community and other bodies in a timely and accessible manner.</p> <p>It is therefore requested that paragraph 2.15 is amended to state that all those on the consultation list will be notified of each and every stage in the consultation process either by email or letter, as requested.</p>	<p>Paragraph 2.14 does state that the Council must consult those organisations listed in the Town and Country Planning (Local Development) (England) Regulations 2004. However, the paragraph does go onto state that the Council will consult all consultees on the Council's LDF consultation list at the Issues and Options stage of DPD preparation.</p> <p>No change to the SCI is recommended.</p>
Charles Planning Associates Ltd on behalf of Croudace Homes Ltd	5	Section 2 Paragraph 2.32 – 2.34	<p>It is unclear how the Council will determine which organisations will be consulted on specified SPDs. It is considered imperative that all members of the of the community shall be given the opportunity to comment on such documents irrespective of their subject matter to ensure that a comprehensive consultation exercise is achieved. Therefore the SCI should ensure that all organisations, especially developer interest groups, will be notified of the publication of an SPD, irrespective of its subject</p>	<p>The SCI sets out a two stage consultation process for SPDs. The initial process will be used to consult those organisations and individuals who are identified by the Council as having a specific interest in the SPD in question. The purpose of this additional stage of consultation for an</p>

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			<p>matter, by mail or e-mail and therefore will provide sufficient opportunity for organisations to decide whether or not to submit representations. By adopting this comprehensive approach to consultation awareness, the Council will limit the potential for challenge at Appeal.</p>	<p>SPD is to assist the Council in preparing the consultation draft of the SPD.</p> <p>Once the Council has prepared the consultation draft, the statutory consultations for the SPD will take place, for a period of between four and six weeks. During the statutory period of consultations for an SPD there will be an opportunity for all members of the community to comment upon the SPD. It is considered that the consultation approach for SPDs set out in the SCI are appropriate and achievable.</p> <p>No change to the SCI is recommended.</p>
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Government Office for the East of England	4 & 5	Omission	The SCI sets out at various points the range of consultation methods that the authority intends to use to engage people in LDD production. However, the SCI could also include the reasons why these methods have been chosen, in terms of resources, effectiveness and the type of group to be engaged. This information could be displayed in table, similar to table 7.3 in Creating LDFs.	Whilst the SCI does set out the types of consultation which will be used during DPD preparation, it is acknowledged that it does not include information about the target groups or the effectiveness of the consultation techniques.
Forward Planning Unit, Hertfordshire County Council	Not stated	Section 2	It would be useful for the document to include more explanation of the consultation methods. The Companion Guide to PPS12 "Creating Local Development Frameworks" recommends that authorities include a few paragraphs on the benefits and resource implications of each consultation method. This will provide information about techniques which some members of the community may not fully understand (e.g Area Visioning Groups), and would serve to validate your decisions about which consultation methods have been chosen as most relevant for different stages of the plan process.	It is suggested that a table, (attached at the back of this schedule) is added into the Appendices to the SCI which sets out this information.
Government Office for the East of England	4	Omission	This section (pages 6-12) should be expanded to include more detail about community involvement at the pre-examination meeting, in addition to the other stages of DPD production. For example, the SCI could include a statement setting out both the purpose of the pre-examination meetings and that people will be able to attend them.	It is acknowledged that the SCI could include more detail about community involvement at the pre-examination meeting. It is suggested that the following text could be included in paragraph 2.28. "Prior to an examination of a DPD, the Inspector will hold a pre-examination meeting, the purpose of which is to discuss the management of the examination. The pre-examination meeting will take place at least two months before the start of the

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				examination and anyone with an interest in the DPD is welcome to attend. The Council will publicise the pre-examination meeting in the same way as for the examination itself, as set out below.”
Home Builders Federation	7	Section 2 Para 2.30 – 2.36	The Council states an intention to produce SPDs to cover issues relating to affordable housing and planning contributions. The substantive elements of these SPDs must be dealt with in the Core Strategy in order that a full public consultation exercise may be undertaken and the result of this incorporated into the Strategy.	The Council will prepare Supplementary Planning Documents in accordance with the advice and regulations set out in PPS12, “Local Development Frameworks”, the Town and Country Planning (Local Development) (England) Regulations 2004 and “Creating Local Development Frameworks, A Companion Guide to PPS12”. No change to the SCI is recommended.
Home Builders Federation		Section 2 Para 2.8 – 2.11	SPDs must not be used to create new policies or make substantial amendments to existing policies.	Whilst not disagreeing with the comment, this relates to how the Council will undertake work on SPD rather than the way in which the Council will consult the community on the SPD. No change to the SCI is recommended
Forward Planning Unit, Hertfordshire County Council	Not stated	Section 2	Section 2.12 is a good summary of LDF production, but could be more concisely explained in a diagram / table.	The Council considers that the SCI is clear in setting out the LDF process. No change to the SCI is recommended.

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Forward Planning Unit, Hertfordshire County Council	Not stated	Section 2	More clarification is needed on the type of consultation suitable for each document. Whilst the text adequately outlines the preferred methods at each stage, it is not clear from paragraphs 2.16 and 2.22 which DPDs are more likely to be appropriate for additional consultation methods (e.g exhibitions). I understand that the guidance needs to be flexible and reflect available resources, but it would be useful to explore possible methods for each document.	It is considered that the SCI is clear and does set out the types of consultation methods which the Council will use for all DPDs during their preparation. Paragraphs 2.16 and 2.22 explicitly state that there are other consultation methods which the Council could use, where they are appropriate to the DPD and where resources will allow. No change to the SCI is recommended
Government Office for the East of England	4	Omission (Paragraph 2.30 – 2.36)	In relation to the SPD preparation stages, the SCI would benefit from an explanation as to how people will be notified when the SPD is adopted.	It is suggested that an additional sentence could be added to the end of paragraph 2.36 which states: “The Council will notify the groups previously consulted on the SPD when it has been adopted and will place the SPD on its website.”

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Section 2 : Community Involvement in the Local Development Framework – Hard to Reach Groups

Government Office for the East of England	4 & 5	Omission	<p>Paragraph 7.2 of Creating LDFs requires that authorities should ensure they involve the widest possible range of interests, particularly hard to reach groups, for example, gypsy & travellers, young people, the elderly etc, who do not usually participate in the planning process. We note the Councils comments on our representation on this matter at the earlier preferred options stage. However, although page 10 of the SCI refers to community groups who traditionally do not get involved in the planning system, it does not set out the different types of groups and exactly <u>how</u> they will be targeted through different engagement methods. The SCI should be amended to include this information and it will need to demonstrate how the authority is tailoring techniques of engagement to meet the needs of those groups and specifically in order to overcome the barriers to their involvement in the plan making process in the past.</p>	<p>A number of traditionally hard to reach groups are already included in the Council's LDF consultation list and therefore would be a part of any LDF consultations in the ways set out in the SCI. It is acknowledged that the Council must endeavour to build upon the links that already exist by working with the Community Development Team and the Equalities Officer to create and develop these links.</p> <p>It is suggested that the following text should be added into the SCI which states that the Council will endeavour to create links with the traditionally hard to reach groups:</p> <p>"Hard to Reach Groups There are a number of groups that traditionally do not normally take part in the planning process. In North Hertfordshire these groups are considered to be:</p> <ul style="list-style-type: none"> ◆ People with disabilities; ◆ Black and ethnic minority groups; ◆ Older people; ◆ Young people; and ◆ Gypsies and travellers.
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				<p>The Community Development Team and the Equalities Officer have established links with “hard to reach groups” and in order to reach these groups during DPD preparation, the LDF team will endeavour to foster and create links with these groups. The Council has started to work with young people in particular for other planning related work through school councils and youth groups. The Council considers that setting up working relationships with hard to reach groups is vital in the preparation of the LDF and will pursue opportunities to increase the involvement of these groups.”</p> <p>In response to other objections to the SCI, the Council has also suggested that the SCI be amended to include a table as an Appendix (attached at the end of this schedule) which sets out the consultation methods that the Council will use and will consider using during preparation for all DPDs. The table includes an assessment of the effectiveness of each consultation method and the target groups for each one.</p>
East of England Development	Not stated	Not stated	In particular it should attempt to involve residents who do not normally participate. Community involvement represents an	See response to the Government Office for the East of England above.

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Agency			opportunity to build social capital by strengthening links between people, within and between neighbourhoods, and promoting community leadership. This can help to mitigate the effects of exclusion in all parts of society.	
East of England Development Agency	Not stated	Not stated	In this regard, Council's need to pay particular attention to their general duty under the Race Relations (Amendment) Act 2000. Engaging ethnic minority residents needs to be done in a way which promotes good race relations. Similarly, a duty to involve disabled people will come into effect during 2006. Finally, it is important to ensure that people of all ages are involved in community life, enabling them to widen their social networks and contribute more fully to the development of the region. Encouraging knowledge and understanding amongst children, for example, on the issues facing their own communities is an important step to creating solutions to community problems. They represent a place's future and the crucial viewpoint of the younger generation.	See response to the Government Office for the East of England above.
East of England Regional Assembly	Not stated		Would encourage the authority to provide more details about the "hard to reach" groups and other consultation methods that will be used in order to reach these groups.	See response to the Government Office for the East of England above.
Forward Planning Unit, Hertfordshire County Council	Not stated	Section 2	Reflecting the aims of the new planning system to involve as many individuals and groups as possible, section 2 should also highlight the need to target "hard to reach groups". Consideration should be given to how such groups will be effectively engaged.	See response to the Government Office for the East of England above.

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Section 3 : Community Involvement in Determining Planning Applications				
Respondent	Test of Soundness	Issue	Comments and Sought Revisions	District Council Response
Charles Planning Associates Ltd on behalf of Croudace Homes Ltd	9	Section 3 Paragraph 3.3 – 3.4 Table 1 Appendix B	<p>Whilst it is supported that a central government definition has been used to determine what is considered to be a “major application” to warrant pre-application discussions, it is considered that the SCI would benefit from clarifying the types of planning applications this should be applied to.</p> <p>Whilst Croudace Homes are not adverse to the use of pre-application discussions and in fact have found such exercises useful in the past, it is considered that pre-application discussions are not necessarily appropriate at reserved Matters Approval stages given that discussion would have already taken place at the Outline Planning Application stage. This would avoid the duplication of matters and limit consultation fatigue.</p> <p>In addition, Table 1 would benefit from clarification regarding which consultation methods should be used, it is also considered that the Local Planning Authority should also be involved in the process especially in identifying local interest groups for consultation purposes.</p>	<p>The SCI sets out the definition of “major development” in Appendix B. The SCI also acknowledges in paragraph 3.4 and Table 1 the types of pre-application consultations that the Council would encourage, where those consultations are appropriate.</p> <p>Table 1 does set out the types of consultation methods which should be used for pre-application consultations. Paragraph 3.3 does acknowledge that the Council will facilitate the consultations, this could include identifying local interest groups for consultation purposes.</p> <p>No change to the SCI is recommended.</p>
East of England Regional Assembly	Not stated		<p>It would be helpful to provide more information about the planning application process in plain English for better understanding of the process in the spirit frontloading. E.g para 3.1 material consideration.</p>	<p>It is not always possible to avoid the use of some technical words and phrases when talking about the planning system.</p> <p>It is suggested that a definition of material considerations is included in Appendix C, “Glossary of Terms” to</p>

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				assist the clarity of the SCI.
Bellway Homes Limited (North London Division)	Not stated	Section 3	<p>Bellway Homes are concerned about the definition of major applications in relation to residential development. Appendix B defines this as developments concerning ten or more dwelling houses or having a site area of 0.5 hectares or more.</p> <p>Bellway Homes consider this threshold to be too low and that to require public exhibitions or public meetings should be applicable to residential developments of a minimum threshold of 50 units or 1 hectare.</p> <p>Whilst we support the principle of community involvement in the determination of planning applications, this must be set at a practicable and reasonable level. A threshold of 50 units has been set within a number of other Local Authorities, for example, Reading Borough Council, if you wish see the application of this threshold elsewhere.</p>	<p>The SCI uses the only statutory definition for major development. The Council considers that it would be inappropriate to amend this definition and increase the threshold for major development to 50 units or 1 hectare as the Council would not want to restrict the types of application where pre-application consultations would be appropriate.</p> <p>No change to the SCI is recommended.</p>
Secretary Hitchin Town Forum	9	Section 3 Paragraph 3.3 Table 1	<p>There appears to be a discrepancy in Sections 3 under Pre-Application Consultations.</p> <p>Paragraph 3.3 states that “The Council cannot insist on pre-application discussions with applicants” and “The Council will encourage developers to engage with the local interest groups and residents.”</p> <p>However, Table 1 states that planning applicants / agents will be required to send letters to local residents, interest groups, relevant statutory consultees to inform them of the planning application at the pre-application stage.</p>	<p>It is acknowledged that the words used in paragraph 3.3 and Table 1 are inconsistent.</p> <p>It is suggested that the heading in column 2, Table 1 should be amended to state, “Suggested Course of Action”.</p>

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			It seems to us to be somewhat inconsistent to say the developer is required to do these things, having already said the Council cannot insist on any of this.	
Home Builders Federation	9		With regard to the requirements for pre-consultation of major planning applications, it must be recognised that there are some situations where commercial confidentiality is essential and consultation would therefore be inappropriate. The acceptability of any proposal should not be prejudiced by the lack of prior consultation of a planning application.	The SCI in paragraphs 3.3 and 3.4 does acknowledge that commercial sensitivities may limit the extent to which the public will be involved in pre-application consultations / discussions and that consultations on planning proposals should take place where they are appropriate. No change to the SCI is recommended.
Terence O'Rourke on behalf of Bloor Homes	9	Omission Paragraph 3.1	This states that planning applications must be considered in accordance with the Council's policies unless material considerations indicate otherwise. The omission at this point of reference to the Milton Keynes & South Midlands Sub Regional Strategy and RSS14 is misleading. In these terms the SCI is not sound.	All planning applications should be determined in accordance, not only with Council policies, but also in accordance with national and regional policies. It is suggested that the first sentence of paragraph 3.1 should be amended to reflect this: "Planning applications must be determined in accordance with national, regional and Council policies unless material considerations indicate otherwise."
Terence O'Rourke on behalf of Bloor	9	Paragraph 3.3	Paragraph 3.3 – This relates to the process for consultation in respect of a planning application. Pre-application consultation is encouraged and paragraph 3.2 infers that the Council will	The SCI acknowledges that Council officers will help to facilitate discussions and consultations at the

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Homes			consult. However Table 1 is clear that the Council will not be involved in pre-application consultation. However where a proposal has an allocation in the local plan we consider that it would be appropriate for officers to be involved in that consultation process to highlight the Council's support "in principle" for the scheme. This should not be considered prejudicial to the determination of an application. The plan is therefore unsound in that it does not clearly describe the policy for consultation on planning applications. Text should be added to facilitate officers' involvement in pre-application consultation where appropriate.	pre-application stage. If consultations were to take place, at the pre-application stage on a site allocated for development in the land allocations DPD, it is implicit that the Council would support the principle of development. No change to the SCI is recommended.
Transport 2000 North Herts Local Rep	9	Paragraph 3.10	Paragraph 3.10 sets out the opportunity for individuals to address committee to express support or opposition to a planning application. This is laudable, increases community engagement and is well used locally. However, there is no process for informing those who have made a submission a) whether the application will or will not be heard at committee nor b) when the date and time for this decision will be. Add a second sentence to 3.10 as follows: "Anyone who has submitted representations will be informed whether and if so when an application will be brought before committee for decision".	The Council does send a letter to those people who have made comments on a planning application before the application is determined by committee. The letter sets out details of when and where the meeting will be held and how to arrange to speak at the meeting. The Council's web site also has "tracking" information for all planning applications, this sets out details of when the application will be determined and whether it is a delegated decision or not. The suggested change is considered acceptable, paragraph 3.10 would read: In the case of those applications which will be reported to the Committees for decision, there is the opportunity for individuals to address the Committee to express their support or objection to

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				the proposals. Anyone who has submitted representations will be informed whether and if so when an application will be brought before committee for decision.
Chairman Baldock Museum & Local History Society	4		<p>The Society is concerned with the historic environment of Baldock and its protection. We would greatly appreciate being notified of applications that affect this environment because in the past we have been too late in discovering an application to comment on it.</p> <p>In particular we would like to be consulted on any application for demolition, serious external alteration, change of use or new building with Baldock conservation area and any demolition or serious external alteration to any listed building or building of local historic importance outside the conservation area.</p> <p>If it is at all practical we would also like to be consulted about proposals to demolish any building in Baldock of approximately 100 years old or more and any plans to build on the neighbouring countryside.</p>	<p>The Council makes information on all planning applications it receives available through the weekly lists of planning applications and the daily update of applications on the website. The website also sets out information about the status of each application, including an indication of the earliest decision date. It is for each group or organisation to determine the types of application it wishes to comment on.</p> <p>No change to the SCI is recommended.</p>
Peacock & Smith on behalf of W.M. Morrison Supermarkets plc	1	Section 3 Paragraph 3.4	<p>Re : Table 1 : Public Consultation at the Pre-Application Stage for Planning Applications</p> <p>The Companion Guide to PPS12: "Creating Local Development Frameworks" clearly states that Statements of Community Involvement should encourage developers to undertake early community involvement, although they cannot prescribe that this is done.</p> <p>In this regard, we object to the use of the word "requirements" as the heading for column 2, Table 1, and advise that "Suggested</p>	<p>Agree with the suggested change to the SCI.</p> <p>Amend Table 1, Column 2 to delete "requirements" and replace with "Suggested Course of Action".</p>

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			<p>Course of Action" would be a more appropriate heading.</p> <p>It should also be made clear, in Table 1 as well as in the main body of text, that community consultation at the pre-application stage is encouraged and not required.</p>	
<p>Forward Planning Unit, Hertfordshire County Council</p>	<p>Not stated</p>	<p>Section 3</p>	<p>With reference to paragraph 3.11, it would be useful to have a summary of S106 and S278 decisions made available on the website. Additionally, if there are funds for passenger transport, then a letter/email direct to the Passenger Transport Unit at Hertfordshire County Council would be helpful.</p>	<p>Where an application is approved with a Section 106 agreement, the heads of terms of that agreement are all included in the relevant committee report and minutes, or in the delegated file notes.</p> <p>With regard to informing the County Council of decisions, the County Council is fully informed of all decisions made, not just S106 and S278 decisions.</p> <p>No change to the SCI is recommended.</p>

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Section 4 : Resource Availability and Review				
Respondent	Test of Soundness	Issue	Comments and Sought Revisions	District Council Response
Bellway Homes Limited (North London Division)	Not stated	Section 4	The above comments are increasingly valid when paragraph 4.1 of the SCI advises that the council does not have either the financial or staff resources to undertake large scale community and stakeholder consultation. Bellway understand that the council must at least facilitate community and stakeholder consultation processes, such as public exhibitions. This should be clarified within the SCI. A threshold of 50 units would rationalise the public consultation process, in particular, with regard to the requirement for council resource input to such processes, whilst ensuring satisfactory community involvement is achieved.	<p>The SCI uses the only statutory definition for major applications. The Council considers that it would be inappropriate to amend this. The threshold for major applications has been considered in the preparation of the SCI and the consultation methods set out in the SCI are based on the Council's assessment of the resources it will have available to undertake consultations for both the LDF and for planning applications.</p> <p>No change to the SCI is recommended.</p>
Forward Planning Unit, Hertfordshire County Council	Not stated	Section 4	You could make reference to the East of England Planning Aid service as a valuable resource for advising community groups in negotiations with the local planning authority. Promoting this service would help to emphasise the value North Hertfordshire District Council places on community expectation and feedback.	<p>Agree with the suggested change to the SCI.</p> <p>Amend Section 4 to include the following paragraph:</p> <p><u>"Planning Aid</u></p> <p>Planning Aid is a network of planning volunteers who provide free and independent advice to community groups and individuals who are unable to afford a consultant. The East of</p>

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				England branch of Planning Aid can be contacted on: E-mail : eecw@planningaid.rtpi.org.uk Tel : 0870 850 9801"
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Suggested New Table for SCI Appendices

Table 1 : Consultation Techniques

Consultation Technique	Resource Implications	Comments
Letters & e-mail	Low	<p>Letters can be sent to all consultees on the LDF consultation list. The Council will encourage greater use of e-mail for in the future to further reduce the costs involved.</p> <p>Target groups : All on the LDF consultation list</p>
Advertisements	Medium	<p>Advertisements must be placed in local newspapers circulating in the area to meet the requirements set out in the Regulations.</p> <p>Target groups : All in the North Hertfordshire area</p>
Libraries & Council Offices	Low	<p>Paper copies of all DPDs will be made available for inspection at the Council Offices and at six public libraries across the District during their normal opening hours.</p> <p>Target groups : All</p>
Website	Low	<p>Copies of all the DPDs will be made available on the website. This is an accessible way of making the information available, as it is available to the community outside normal office opening hours.</p> <p>The Council will also develop further its use of the website for electronic consultations.</p> <p>Target groups : All</p>
Talking Newspaper	Low	<p>The Council will notify the Talking Newspaper of the publication of each DPD.</p> <p>Target groups : Hard to Reach</p>
Local media	Low	<p>The Council will issue press releases when a DPD is published for consultation.</p> <p>Issuing a press release to the local media does not guarantee that the information will be used and therefore the Council cannot guarantee the amount of publicity that will be given at any particular time.</p> <p>Target groups : All</p>

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Suggested New Table for SCI Appendices

Town and Parish Councils	Low	<p>The Council must consult the town and parish councils within and adjoining the local authority area. However, the Council will encourage the Parish and the Town Councils to use their own magazines, newsletters and noticeboards to publicise the DPD.</p> <p>Target groups : Statutory organisations, rural communities & town communities</p>
Exhibitions	High	<p>In some circumstances the Council may hold exhibitions for particular DPDs, for example where there may be a particular geographical focus for a DPD or where it would be beneficial to reach a large section of the community.</p> <p>Exhibitions are expensive to stage in terms of exhibition material, publicity and venue charges and require a large amount of staff time. They may also attract a self selecting audience.</p> <p>Targeted groups: All</p>
Focus Groups	High	<p>Focus groups may be used by the Council to explore selected issues with particular groups within the community. Focus groups are expensive to run and require a large amount of staff time, particularly in their preparation.</p> <p>Targeted groups : All, but groups can be specifically selected.</p>
Leaflets	High	<p>These can be useful to provide a summary of the DPD and publicise it across the area. However, there are resource implications in printing leaflets to use across the whole of North Hertfordshire. Leaflet production will be expensive as there are in excess of 48,000 households and 5,500 businesses in the district and it may be more appropriate to use leaflets in a more targeted way, for example the Area Action Plans or land allocations DPD.</p> <p>Targeted groups : All</p>

Suggested New Table for SCI Appendices

<p>Discussion workshops</p>	<p>High</p>	<p>The Council has undertaken successful workshops for the LDF in the past. Workshops are useful in allowing face to face discussions of issues and solutions. However, they are resource intensive, particularly in staff time, publicity materials and the costs involved for venue hire.</p> <p>Targeted groups : All or selected groups</p>
<p>Area Visioning Groups</p>	<p>High</p>	<p>Area visioning groups allow detailed discussions to take place with groups based in particular locations. However, they are resource intensive, particularly in staff time.</p> <p>Targeted groups : Area based established groups</p>

Statement of Community Involvement



Submission Paper

Involving the North Hertfordshire
community in the planning process

July 2006
November
2006

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Submission Paper November 2005

If you have difficulty understanding this publication or English is not your first language, please contact the Council's Planning Policy and Projects Group on 01462 – 474234 and we will do our best to assist.

এই লেখাটি বুঝতে যদি আপনার অসুবিধা হয় বা ইংরেজি যদি আপনার প্রধান ভাষা না হয়, তাহলে দয়া করে কাউন্সিলের প্ল্যানিং পলিসি অ্যান্ড প্রজেক্ট্‌স গ্রুপকে 01462 – 474234 নম্বরে টেলিফোন করুন। আমাদের যতদূর সাধ্য আমরা আপনাকে সাহায্য করার চেষ্টা করব।

(Bengali)

如果你對了解這刊物有困難，或你的母語不是英語，請與市議會的規劃政策及建設小組聯絡，電話：01462 – 474234，我們會儘力協助你。

(Cantonese)

Jeśli mają Państwo trudności ze zrozumieniem tej publikacji, albo jeśli angielski nie jest Państwa językiem ojczystym, prosimy o kontakt z Zespołem ds. Planowania i Projektów przy Radzie, pod numerem tel. 01462 – 474234, a my dołożymy wszelkich starań, aby Państwu udzielić pomocy.

(Polish)

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਛਪਾਈ ਸਮਝਣੀ ਔਖੀ ਲਗਦੀ ਹੈ ਜਾਂ ਅੰਗਰੇਜ਼ੀ ਤੁਹਾਡੀ ਪਹਿਲੀ ਭਾਸ਼ਾ ਨਹੀਂ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰ ਕੇ ਕੌਂਸਿਲ ਦੇ ਪਲੈਨਿੰਗ ਪੌਲਿਸੀ ਅੰਡ ਪਰੋਜੈਕਟਸ ਗਰੁੱਪ ਨਾਲ ਨੰਬਰ 01462 – 474234 ਤੇ ਸੰਪਰਕ ਕਰੋ ਅਤੇ ਅਸੀਂ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰਨ ਦਾ ਧੁਰਾ ਯਤਨ ਕਰਾਂ ਗੇ।

(Punjabi)

Se avete difficoltà a capire questo opuscolo oppure se l'inglese non é la vostra lingua materna, vi preghiamo di mettervi in contatto con il "Council's Planning Policy and Projects Group" (Gruppo per i Progetti e la Pianificazione del Consiglio), chiamando lo 01462 – 474234 e faremo del nostro meglio per aiutarvi.

(Italian)

Bu yayını anlamakta zorluk çekerseniz ya da İngilizce anadiliniz değilse, lütfen Belediyenin Planlama Dairesi ve Proje Ekibini 01462 – 474234 numaralı hattan arayın ve yardımcı olmak için gerekeni yapacağız.

(Turkish)

اگر آپ کو اس اشاعت کو سمجھنے میں دشواری ہو یا انگریزی آپ کی مادری زبان نہیں ہے تو برائے مہربانی کونسل کے پلاننگ پالیسی اور پراجیکٹ گروپ سے 01462 474234 پر رابطہ قائم کریں اور ہم آپ کی مدد کرنے کی پوری کوشش کریں گے۔

(Urdu)

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STATEMENT OF COMMUNITY INVOLVEMENT - CONTENTS

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SECTION 1 : INTRODUCTION

The Planning and Compulsory Purchase Act 2004

- 1.1 The Planning and Compulsory Purchase Act 2004 came into force in September 2004. The Act replaced the system of local, structure and unitary plans with Regional Spatial Strategies and Local Development Frameworks. Local Development Frameworks (LDFs) will comprise a series of documents (Local Development Documents or LDDs) which will set out the spatial planning strategy for a local authority's area. A feature of the new planning system is that the LDDs will be developed with continuous community participation – this will ensure that the local community is involved from the very beginning of the planning process.

What is the Statement of Community Involvement?

- 1.2 One of the aims of the new planning system is to ensure that all sections of the local community and local stakeholders have the opportunity to actively participate in the preparation of planning proposals. The Statement of Community Involvement (SCI) is one of the documents that goes into making up the Local Development Framework. The SCI will set out the District Council's proposals for the involvement of the local community and stakeholders in the:
- ❖ preparation of the new Local Development Framework; and
 - ❖ determination of planning applications.

How has this Statement of Community Involvement developed so far?

- 1.3 ~~In preparing the SCI, consultation with the community has taken place at three different stages. The final stage of consultation on the submission draft of the SCI took place in November 2005. The representations were the subject of an independent examination and the Inspector issued his binding report in June 2006. The SCI was adopted by the Council July 2006. In preparing the Submission Draft of the SCI, the Council has consulted with neighbouring local authorities, Parish Councils, statutory consultees and a selection of private and voluntary sector local groups and organisations. Their initial views were sought on which of the different types of consultation methods (as set out in the SCI options paper) should be used at the various stages of the LDF process and in determining planning applications.~~

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Using those responses the Council prepared a Preferred Options SCI which was the subject of public consultation between May and July 2005. A number of further detailed representations were received and used in the development of this Submission Draft SCI. Copies of all documents are available from the Council.

How can I make representations on the Submission SCI?

1.4 The SCI sets out how the Council will consult with the community during the preparation of the LDF and in determining planning applications. The SCI will be submitted to the Secretary of State for independent examination on 8 November 2005. Under Regulation 29 of the Town and Country Planning (Local Development) (England) Regulations 2004, there is a six week period from the date of submission for any formal representations to be made. If you would like to make a representation, please fill in the enclosed form and return it to:

Clare Skeels
Planning Policy and Projects
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

Or complete the on-line representation form and send it to:
planning.policy@north-herts.gov.uk

The deadline for all comments is : 5pm Monday 19th December 2005

What happens next?

1.5 The Submission Statement of Community Involvement will be subject to an independent examination, the purpose of which is to consider whether the SCI is sound. An Inspector will be appointed to consider the soundness of the SCI and any unresolved representations.

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- 1.6 ~~After the examination, the Inspector will produce a report setting out the recommendations as to how the SCI should be changed. This report will be binding upon the Council. The Council must make these changes to the SCI before adopting the document.~~

SECTION 2 : COMMUNITY INVOLVEMENT IN THE LOCAL DEVELOPMENT

FRAMEWORK

2.1 To be effective, consultation needs to be easy and appropriate to a variety of organisations, groups and individuals. The following sections explain who will be consulted during preparation of the LDF, the way in which those consultations will be carried out and at which stages of LDF preparation consultations will take place.

Who will we consult?

2.2 The Council is committed to involving as many people, groups and organisations as possible in developing its planning policies for the district and has developed an extensive consultation list to use during the preparation of the LDF. There are in excess of 500 organisations and individuals represented on the list. Whilst it is not appropriate to list all of the proposed consultees in this document, it is considered that the principal groups to be approached in preparing planning policies for North Hertfordshire are:

- ❖ Statutory organisations (as defined in Planning Policy Statement 12, Local Development Frameworks) (see Appendix A);
- ❖ Central and regional government;
- ❖ Neighbouring Parish, District and County Councils;
- ❖ Parish Councils;
- ❖ Parish Meetings;
- ❖ The North Hertfordshire Local Strategic Partnership;
- ❖ Voluntary bodies, some or all of whose activities benefit any part of the district; for example, nature conservation groups, CVS, elderly persons groups;
- ❖ Black and minority ethnic groups;
- ❖ Religious groups;
- ❖ Disabled persons organisations;
- ❖ Local organisations and community groups; for example civic societies, community associations and residents groups;
- ❖ Developers, landowners and agents;
- ❖ Business interest groups; for example chambers of commerce, trade associations; and
- ❖ Individual members of the general public.

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2.3 Hard to Reach Groups

There are a number of groups that traditionally do not normally take part in the planning process. In North Hertfordshire these groups are considered to be:

- ❖ People with disabilities;
- ❖ Black and ethnic minority groups;
- ❖ Older people;
- ❖ Young people; and
- ❖ Gypsies and travellers.

The Community Development Team and the Equalities Officer have established links with “hard to reach groups” and in order to reach these groups during DPD preparation, the LDF team will endeavour to foster and create links with these groups. The Council has started to work with young people in particular for other planning related work through school councils and youth groups. The Council considers that setting up working relationships with hard to reach groups is vital in the preparation of the LDF and will pursue opportunities to increase the involvement of these groups.

- 2.34 The Council has developed a framework for working with the community and voluntary sectors in North Hertfordshire, the “North Herts Compact”. The Council will ensure that the guidelines for consultation and communications are followed as part of the consultations undertaken for the LDF.

How can I become a consultee?

- 2.45 The consultation list is continually updated. If you would like to add your name to the LDF consultation list please contact the Planning Policy Team using the details below. To ensure that you receive all the information that you are interested in, we need your name, address and if applicable, the organisation you belong to. It would also be helpful if you would indicate whether you would prefer to receive information by post or by e-mail.

Postal address:

Planning Policy and Projects

North Hertfordshire District Council

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Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

E-mail: planning.policy@north-herts.gov.uk

Telephone: 01462 – 474424

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Development Plan Documents and Supplementary Planning Documents

2.56 The Local Development Framework must be prepared having regard to national policy and guidance, the regional spatial strategy, any relevant sub-regional or regional spatial strategies from an adjoining region, the community strategy, any adopted LDD and also the resources available for the implementation of the proposals in the DPD.

The Local Development Framework will build upon the objectives set out in the Community Strategy. The Community Strategy for North Hertfordshire was published in November 2003 after extensive public involvement and consultation. The LDF will be the principal mechanism for delivering the land use and spatial elements of the Community Strategy through the preparation of Local Development Documents (LDDs). The Council will be preparing two types of LDD, "Development Plan Documents" (DPDs) and "Supplementary Planning Documents" (SPDs). There will be a number of opportunities for the community to be involved throughout the preparation of all of the following LDDs. The Council will consider opportunities for joint consultation exercises with other strategies where relevant.

Development Plan Documents

2.67 The Council has stated in its Local Development Scheme that it will prepare the following DPDs:

- ❖ Core Strategy This will set out the Council's spatial vision for North Hertfordshire and will be closely linked to the relevant priorities identified in the Community Strategy.
- ❖ Stevenage Area Action Plan The Area Action Plan will give detailed guidance on the protection of green belt and possible development of urban extensions to Stevenage.
- ❖ Luton Area Action Plan This Area Action Plan will give detailed guidance on the protection of green belt and possible development of urban extensions to Luton.
- ❖ Development Control Policies The Development Control Policies DPD will set out the criteria against which planning applications will be assessed.
- ❖ Land This DPD will specify sites to meet the District's needs for

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Allocations housing, employment, retail, leisure, community facilities and any other land uses considered appropriate.

2.78 The Council's current Local Development Scheme sets out the details about the timing for the preparation for each of the DPDs listed above.

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Supplementary Planning Documents

2.89 Supplementary Planning Documents are used to give extra clarity to the policies in DPDs, or are used for guiding the development of specific sites. The Council has stated in its Local Development Scheme that it will prepare the following SPDs:

- ❖ Affordable Housing Will provide details on the mix of affordable housing and will supplement the general policy on affordable housing.
- ❖ Planning Contributions Will consider the types of requirement which the Council may seek to provide through Planning Contributions.
- ❖ Car Parking Zones Will set zones within which different parking standards (as determined in Local Plan or DPD) will be applied.

2.91 If it is considered that there is a need to prepare any further supplementary planning guidance this will be identified through a review of the Local Development Scheme. Where new SPDs are identified they will be subject to the consultation procedures set out in the SCI.

2.10 Under the new legislation, each DPD and SPD must be subject to a Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA). The purpose of the SA/SEA is to assess the effects of the proposals on social and economic factors and the environment. Community involvement will be sought in the preparation of the SA/SEA for each DPD and SPD.

2.14 As part of the LDF, the Council must also prepare an Annual Monitoring Report (AMR). This will assess the implementation of the LDS and the extent to which local policies are being implemented.

Preparing Development Plan Documents

2.12 The preparation of a Development Plan Document (DPD) involves the following stages:

The stages are:

1. Development of the Evidence Base

During this stage the Council will establish an up to date information base.

The Council will commission studies and conduct its own research to establish the evidence base and where it is appropriate will work with other organisations.

2. Issues and Options Consultation

At this stage the Council will identify the issues that a DPD will need to address and will set out a range of options as to how those issues may be dealt with. The Issues and Options Paper will be subject to a consultation period and will be accompanied by a Sustainability Appraisal. It is at this early stage that the community will have a vital role to play in determining how particular issues should be addressed in a particular DPD.

3. Preferred Options Consultation

Following the initial consultations a "Preferred Options" paper will be prepared which will set out the Council's preferred approach on the issues and options. The "Preferred Options" report will be published for a six week period of public consultation. The "Preferred Options" paper will be accompanied by a Sustainability Appraisal.

4. Preparation of the DPD

During this stage the Council will prepare the DPD taking into account the comments received during the consultation period.

5. Submission DPD Consultation

The Council will submit the DPD to the Secretary of State and a further period of consultation will take place.

6. Alternative Sites Consultation

Where a DPD proposes to allocate land for any purpose, people may make representations for the local authority to consider allocating alternative sites. It is at this stage that consultation will take place on those alternative sites.

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7. Examination

At this stage an Inspector will be appointed by the Secretary of State to undertake an examination into the soundness of the DPD if there are any outstanding objections to the DPD.

8. Receipt of Inspectors Report and Adoption

This stage involves the receipt of the Inspector's report on the DPD. The Inspector's report is binding and the Council is required to adopt the DPD in accordance with the Inspector's recommendations. The adopted DPD will be published by the Council.

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Ways in which the Council will consult you

2.13 The ways in which the Council will engage the community in the different stages of
4 DPD preparation are set out in the following sections. A summary is attached as Appendix D.

Issues and Options Stage Consultation

2.14 At the issues and options stage of preparing a DPD, the Council must consult a
5 number of organisations on the options which are open to consideration. The organisations that must be consulted are set out in the Town and Country Planning (Local Development)(England) Regulations 2004, a list is attached as Appendix A. Whilst the Council considers that this list of consultees represents a wide spectrum of interests it will notify all consultees of the issues and options consultation stages for each DPD.

How will we keep you informed and consult you?

2.15 We will inform the local community, stakeholders and statutory consultees when
6 development plan documents are published for consultation by:

- ❖ Writing to all consultees in advance of the publication of a DPD for consultation;
- ❖ Making printed copies available for inspection at Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF;
- ❖ Placing printed copies in libraries throughout the District, Baldock, Hitchin, Jackmans, Knebworth, Letchworth and Royston;
- ❖ Placing copies on the Council's website;
- ❖ Placing advertisements in the local newspapers; and
- ❖ Notifying the Talking Newspaper of the publication of a DPD.

What else could we do?

2.16 In some circumstances for particular DPDs it may be appropriate and where
7 resources allow, for the Council to extend these consultations. Methods of consultation which the Council may use include exhibitions, focus groups with particular community groups, issuing press releases and leaflets and holding discussion workshops or Area Visioning groups.

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What will we do with your comments?

2.17 ~~After the consultation period has finished, all views and representations which are received will be acknowledged and considered formally by the Council and will be used in the development of the Preferred Options DPD. Both the comments made and the Council's response will be reported to Cabinet. The Council will make all representations available to the community, either as a paper copy or electronically on its web site and copies will be sent to all those people and organisations who have made a representation.~~

After the consultation period has finished, all views and representations which are received will be acknowledged and considered formally by the Council and will be used in the development of the Preferred Options DPD. Both the comments made and the Council's response to the representations will be reported to Cabinet. The Council will make all representations, and its responses, available to the community, either as a paper copy or electronically on its web site. Copies will be sent to all those people and organisations who have made a representation, either by electronic means or as a hard copy.

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Preferred Options Stage Community Involvement

2.18 Having considered the responses to the options papers, the Council will set out the options that it would prefer to pursue, the “Preferred Options”.

2.19 At this stage the minimum consultation requirement set out in the Regulations is to re-consult all those who were consulted at the Options stage and in addition, the general public. The consultation period is for a specified period of six weeks.

2.20 At the Preferred Options Stage for all DPDs, the Council will consult all organisations on the consultation list by:

- ❖ Writing to all consultees in advance of the publication of the DPD “Preferred Options” paper
- ❖ Making printed copies available at Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF;
- ❖ Placing copies in libraries throughout the District; Baldock, Hitchin, Jackmans, Knebworth, Letchworth and Royston;
- ❖ Placing copies on the Council's website;
- ❖ Notifying the Talking Newspaper of the publication of a DPD; and
- ❖ Placing advertisements in the local newspapers.

2.24 The Council will also extend these consultations by undertaking the following types of consultation:

- ❖ Local newspapers & radio In addition to the formal advertisements placed in local newspapers, the Council will issue a press release at this stage in the preparation of a DPD. It should be noted that the Council does not have any editorial control over local newspapers and therefore the amount of publicity can not be guaranteed.
- ❖ Town & Parish Councils All Parish and Town Councils will be informed in advance of the publication of a DPD for consultation. The Council can also encourage the Parish Councils to use their Parish magazines and noticeboards to publicise consultations on DPDs.

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- ❖ Local Strategic Partnership The LSP will be informed in advance of the publication of a DPD for consultation. The document may also be presented to the LSP where meetings coincide with the consultation period. It may also be appropriate for a planning officer to attend a meeting of the LSP.
- ❖ Outlook Magazine This is the Council's own newsletter which is delivered to the majority of households in the District. The timing of publication may not always coincide with the consultation period for a DPD. Therefore it may be most appropriate to use Outlook to publicise the future publication of a DPD Preferred Options paper.

What else could we do?

2.22 In some circumstances for particular DPDs it may be appropriate and where resources allow, for the Council to extend these consultations. Methods of consultation which the Council may use include exhibitions, focus groups with particular community groups, issuing press releases and leaflets and holding discussion workshops or Area Visioning groups.

What will we do with your comments?

2.23 ~~All views and representations which are received in response to the Preferred Options stage consultations will be acknowledged and considered formally by the Council and will be used in the development of the Submission draft of the DPD. The Council will make all representations available to the community, either as a paper copy or electronically on its web site. Copies will be sent to all those people and organisations who have made a representation.~~

All views and representations which are received in response to the Preferred Options stage consultations will be acknowledged and considered formally by the Council and will be used in the development of the Submission draft of the DPD. The Council will make all representations available to the community, either as a paper copy or electronically on its web site. Copies will be sent either by electronic means or as a hard copy to all those people and organisations who have made a representation. A "Report of Consultation" will be prepared after this stage of consultation and published

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to accompany each document to be formally submitted to the Secretary of State.

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Submissions Stage Community Involvement

2.24 Having consulted on the preferred options DPD, the Council must then consider the responses that have been received. The Council will then prepare the final version of the DPD for submission to the Secretary of State and a final six week period of public consultation. An independent inspector will consider any representations submitted at this stage.

2.25 We will inform the local community, stakeholders and statutory consultees when the DPD is submitted to the Secretary of State by:

- ❖ Making printed copies of the DPD and representation forms available at Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF;
- ❖ Placing copies of all documents in libraries throughout the District: Baldock, Hitchin, Jackmans, Knebworth, Letchworth and Royston;
- ❖ Placing copies of all documents on the Council's website;
- ❖ Placing advertisements in the local newspapers;
- ❖ Issuing a press release to the local media;
- ❖ Informing Parish Councils of the submission and encouraging them to include the information in their Parish Magazines;
- ❖ Notifying the groups previously consulted on the DPD;
- ❖ Informing any person who asks to be notified of the submission of a DPD to the Secretary of State.

Consultation for “Site Allocation Representations”

2.26 Where a DPD proposes the allocation of land for any purpose, (e.g residential development, employment uses or open space), people may make “site allocation representations”. These are representations which suggest alternative pieces of land to those proposed in the submission stage DPD. If there are representations made at this stage, the Council must publicise the new suggested alternatives for a further period of six weeks. This must be done as soon as possible after the close of the six week consultation period at the Submission stage. This consultation is to provide the local community with an opportunity to put forward their comments on the alternative sites.

2.27 During this period of consultation the Council will:

- 8 ❖ Make printed copies available at Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF;
- ❖ Place copies in libraries throughout the District, Baldock, Hitchin, Jackmans, Knebworth, Letchworth and Royston;
- ❖ Place copies on the Council’s website;
- ❖ Place advertisements in the local newspapers;
- ❖ Notify the groups previously consulted on the DPD; and
- ❖ Inform any person who asks to be notified of the submission of a DPD to the Secretary of State.

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Independent Examination and Adoption

2.28 9 Once all of these stages of DPD preparation have been completed, an Inspector appointed by the Planning Inspectorate will hold an independent examination into the “soundness” of the DPD. The tests of soundness are included as Appendix E. Prior to an examination of a DPD, the Inspector will hold a pre-examination meeting, the purpose of which is to discuss the management of the examination. The pre-examination meeting will take place at least two months before the start of the examination and anyone with an interest in the DPD is welcome to attend. The Council will publicise the pre-examination meeting in the same way as for the examination itself, as set out below.

~~Six weeks before the beginning of the examination the Council must:~~

- ~~— Publish the time and place of the examination and the name of the Inspector on the web site;~~
- ~~— Notify anyone who has made a representation (and who has not withdrawn that representation), the time and place of the examination together with the name of the Inspector;~~
- ❖ Place an advertisement in the local newspapers.

2.30 Six weeks before the beginning of the examination the Council must:

- ❖ Publish the time and place of the examination and the name of the Inspector on the web site;
- ❖ Notify anyone who has made a representation (and who has not withdrawn that representation), the time and place of the examination together with the name of the Inspector;

Place an advertisement in the local newspapers.

2.29 31 The purpose of the examination is to assess the “soundness” of the plan. Everyone who made representations at the submission stage has the right to have their representation considered by the Inspector. The Inspector will then write a report indicating how the DPD should be amended. This report is binding on the Council. The Council must then adopt the document in accordance with the Inspector’s directions. The Council will inform all consultees on the LDF consultation list in writing once the DPD has been adopted. The Council will publish the DPD and make it

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available on the web site.

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Preparing Supplementary Planning Documents

- 2.30 2 Supplementary Planning Documents (SPDs) are used to give extra clarity to the policies in a DPD, or are prepared to give details for the development of specific sites.
- 2.34 3 The stages in preparing an SPD are similar to those for preparing a DPD, but they are simplified. Planning Policy Statement 12, Local Development Frameworks states that whilst there is no requirement to prepare preferred options but there should be community involvement on a draft during its preparation and participation as set out in the Regulations.

Initial Consultation Phase

- 2.32 4 During the early stages of preparing an SPD, it will be appropriate to consult those organisations which have a particular interest in that SPD. The groups to be consulted at this stage will be drawn from the Council's consultation list and identified according to their interests. The following groups will form the basis for involvement in the preparation of SPDs:
- ❖ relevant Town and Parish Councils;
 - ❖ relevant local community groups; and
 - ❖ relevant statutory organisations.
- 2.33 5 We will inform the relevant local community, stakeholders and statutory consultees when supplementary planning documents are being prepared by:
- ❖ Making printed copies available at Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF;
 - ❖ Placing copies in the appropriate libraries in the District;
 - ❖ Placing copies on the Council's website;
 - ❖ Notifying the groups set out above.

Community Involvement at the Consultation Stage

- 2.34 6 Once a draft SPD has been prepared, there must be a formal consultation period of between four and six weeks. The Council will:
- ❖ Make copies available at the Council Offices, Gernon Road, Letchworth Garden

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City, SG6 3JF;

- ❖ Notify in writing those consultees who have been identified as having an interest in the SPD;
 - ❖ Place copies in the appropriate libraries in the District; and
- Place the SPD on the Council's website.

2.35 The Council will also:

- 7
- ❖ Place advertisements in the local newspapers;
 - ❖ Issue a press release to the local media; and
- Notify the groups previously consulted on the DPD.

2.36 Once the period of consultation has ended, the Council will consider all of the representations that have been made. The Council may then make any relevant changes to the SPD before adopting it. The Council will notify the groups previously consulted on the SPD when it has been adopted and will place the SPD on its website.

SECTION 3 : COMMUNITY INVOLVEMENT IN DETERMINING PLANNING APPLICATIONS

- 3.1 Planning applications must be determined in accordance with national, regional and Council policies, ~~the Council's policies~~, unless material considerations indicate otherwise. Therefore the greatest influence the community can have is when those policies are being prepared. However, many people only interact with the planning system when they wish to make a planning application of their own or make comments on an application which affects them.
- 3.2 It is important to ensure that the community is involved in the determination of planning applications, particularly major applications. The Council is required to undertake consultation on all planning applications that it receives. There are two main stages where we consult external bodies when determining planning applications, at the pre-application stage and formal consultation once a planning application has been submitted.

Pre – Application Consultations

- 3.3 Anyone considering making an application for planning permission can approach us for informal views prior to submitting a formal application. Any advice given at this stage is not binding, but it can help to save the applicant's time and money in pursuing schemes which may need radical alteration to be acceptable. There are no statutory requirements for pre-application discussions. At the moment we consult the relevant statutory consultees, e.g the Environment Agency, but commercial sensitivities limit the extent to which the public can be involved. The Council cannot insist on pre-application discussions with applicants but they are recommended. Where major schemes are proposed, the Council will encourage developers to engage with the local interest groups and residents. However, in the interests of impartiality it will be important for Councillors and officers not to be involved in any activities beyond facilitating the discussions.
- 3.4 Not all planning proposals are discussed with the Council before an application is made. Therefore the tables below set out how the Council will consult at the pre-

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application stage, where this is appropriate, whether they are significant or more minor applications.

Table 1 : Public Consultation at the Pre-Application Stage for Planning Applications (*)

Pre – Application Stage – Major Applications (see Appendix B)		
Consultation Methods	<u>Suggested Course of Action</u> Requirements	By Whom
Letters to inform local residents / interest groups of the planning application site	Send letters to local residents / interest groups / relevant statutory consultees	Planning applicant / agent
Public exhibition or public meeting	Publicise & prepare proposals for public consultation.	Planning applicant / agent
Discussions or written comments on draft proposals	Prepare & submit draft proposal	Planning applicant / agent
	Hold pre-application discussions	Planning applicant / agent NHDC Officers

Pre – Application Stage – Other Applications		
Consultation Methods	<u>Suggested Course of Action</u> Requirements	By Whom
Inform neighbours in the vicinity	Verbal consultation	Planning applicant / agent
Discussions or written comments on draft proposals	Prepare and submit draft proposals	Planning applicant / agent
	Hold pre – application discussions	Planning applicant / agent NHDC Officers
	Talk with applicants / agents regarding submission of proposals	

(*) Includes all applications made under the Town and Country Planning Act and associated legislation.

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Application Stage Consultations

3.5 When a planning application is submitted, the Council will publicise all planning applications in accordance with the legislative requirements. Where required by the legislation, this will include the following:

- ❖ Notices published in local newspapers;
- ❖ Applications are available for inspection at the main District Council offices, Gernon Road Letchworth Garden City;
- ❖ Site notices;
- ❖ Letters sent to adjoining properties;
- ❖ Application details published on the web site;
- ❖ Weekly application lists are posted on the web site and sent to anyone who requests them; and
- ❖ Copies of all planning, listed buildings and conservation area consent applications are sent weekly to the relevant town and parish councils where these exist.

3.6 The Council must determine all planning applications within a statutory time period, therefore all consultations that take place once a planning application has been submitted must also take place within these time limits. However bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

3.7 The tables below set out how the Council will consult at the application stage for planning proposals in the District, whether they are significant or more minor applications.

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Table 2 : Public Consultation at the Application Stage for All Planning Applications

Planning Application Stage		
Consultation Methods	Requirements	By Whom
Copies of planning applications available at Council Offices / web site	Prepare information	NHDC Officers
Site notice	Prepare site notice and display on site	NHDC Officers
Weekly list	Prepare information	NHDC Officers
Neighbour notification letters	Prepare & send out letters	NHDC Officers
Invite representations from statutory & non statutory consultees	Prepare & send out letters	NHDC Officers
Public notice in local paper	Prepare advertisement	NHDC Officers
Further consultations by way of further exhibitions / public meetings for major applications	This would depend on the types of consultation that have taken place beforehand	Planning Applicant / Agent NHDC Officers

3.8 In some cases there may be amendments to the submitted plans, in which case the Council will advise those people who were notified when the application was received. Where representations and comments are received, they will be taken into account in the determination of applications insofar as they are material to the planning considerations. Some things are not material planning considerations, such as the impact of a scheme on property values, and therefore cannot be taken into account.

3.9 Decisions on planning applications will either be made by the relevant Committee or under powers delegated to the Head of Planning and Building Control. Any Councillor can request that an application is decided by Committee instead of being determined under delegated powers, where they have a contrary view to the officer as to the probable decision or consider it raises issues of wider public interest.

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3.10 In the case of those applications which will be reported to the Committees for decision, there is the opportunity for individuals to address the Committee to express their support or objection to the proposals. Anyone who has submitted representations will be informed whether and if so when an application will be brought before committee for decision.

Post Decision Information

3.11 Once a decision has been made, anyone who submitted representations in respect of the application will be notified of the decision by letter. Details of the decision are published online and with the weekly list of applications. Planning files will remain open for inspection once decisions have been made (the Part 2 register). A register of associated legal agreements (Section 106 and Section 278 agreements) will also be available for inspection.

3.12 The table below sets out how the Council will inform the community of the decisions made on all planning applications.

Table 3 : Public Involvement - Post Decisions

Post Application Stage		
Consultation Methods	Requirements	By Whom
Update web site	Ensure that latest information is on the website	NHDC Officers
Press release for major applications	Prepare information	NHDC Officers
Weekly list of decisions	Prepare information	NHDC Officers
Inform those who requested to know the result of the application	Prepare letter	NHDC Officers

SECTION 4 : RESOURCE AVAILABILITY AND REVIEW

- 4.1 The SCI is based on a realistic assessment of the likely resources available in the foreseeable future. It must be noted that North Hertfordshire District Council does not have either the financial or staff resources to undertake large scale community and stakeholder consultation. The SCI therefore sets out a programme of consultation which is achievable and will not raise expectations. In order to make the best use of resources, the Council will endeavour to combine consultations on the LDDs with other consultations for Council initiatives where it is appropriate and timely.
- 4.2 The District Council will be responsible for making the appropriate resources available to implement the consultation methods set out in this SCI. It is envisaged that the proposed consultation measures can be met in house.
- 4.3 The LDF Manager will be responsible for managing the overall consultation process and its implementation will be the responsibility of the LDF team as a whole.
- 4.4 Public consultation in relation to planning applications will be the responsibility of the Council's Planning Control and Conservation Manager.

Reviewing the SCI

- 4.5 The Council will review the SCI periodically through its Annual Monitoring Report. Any review will determine whether the consultation methods set out in the SCI are relevant and have been successful in reaching all sections of the community. This will identify whether any changes are required to the SCI and therefore whether a new SCI should be prepared. The timetable for a review of the SCI will be identified in the LDS.

Planning Aid

- 4.6 Planning Aid is a network of planning volunteers who provide free and independent advice to community groups and individuals who are unable to afford a consultant. The East of England branch of Planning Aid can be contacted on:
E-mail : eecw@planningaid.rtpi.org.uk
Tel : 0870 850 9801

APPENDICES

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APPENDIX A : REGULATION 25 Consultees

- East of England Regional Assembly (EERA);
- Neighbouring Parish, District and County Councils;
- Town and Parish Councils;
- The Countryside Agency;
- The Environment Agency;
- The Historic Buildings and Monuments Commission for England;
- English Nature;
- The Strategic Rail Authority;
- The Highways Agency;
- Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003
- East of England Development Agency;
- Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
- The Strategic Health Authority;
- Person to whom a licence has been granted under Section 7(2) of the Gas Act 1986;
- Person to whom a licence has been granted under Section 6(1)(b) or (c) of the Electricity Act 1989;
- Sewerage undertaker;
- Water undertaker;
- In addition, we must also consult the following bodies “as considered appropriate”;
- Voluntary bodies, some or all of whose activities benefit any part of the district;
- Racial, ethnic, national interest groups;
- Religious groups;
- Disabled persons interest groups; and
- Business persons interest groups.

Please note this list relates to successor bodies where re-organisations occur.

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APPENDIX B : CONSULTATION TECHNIQUES

<u>Consultation Technique</u>	<u>Resource Implications</u>	<u>Comments</u>
<u>Letters & e-mail</u>	<u>Low</u>	<u>Letters can be sent to all consultees on the LDF consultation list. The Council will encourage greater use of e-mail for in the future to further reduce the costs involved.</u> <u>Target groups : All on the LDF consultation list</u>
<u>Advertisements</u>	<u>Medium</u>	<u>Advertisements must be placed in local newspapers circulating in the area to meet the requirements set out in the Regulations.</u> <u>Target groups : All in the North Hertfordshire area</u>
<u>Libraries & Council Offices</u>	<u>Low</u>	<u>Paper copies of all DPDs will be made available for inspection at the Council Offices and at six public libraries across the District during their normal opening hours.</u> <u>Target groups : All</u>
<u>Website</u>	<u>Low</u>	<u>Copies of all the DPDs will be made available on the website. This is an accessible way of making the information available, as it is available to the community outside normal office opening hours.</u> <u>The Council will also develop further its use of the website for electronic consultations.</u> <u>Target groups : All</u>
<u>Talking Newspaper</u>	<u>Low</u>	<u>The Council will notify the Talking Newspaper of the publication of each DPD.</u>

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		<u>Target groups : Hard to Reach</u>
<u>Local media</u>	<u>Low</u>	<p><u>The Council will issue press releases when a DPD is published for consultation.</u></p> <p><u>Issuing a press release to the local media does not guarantee that the information will be used and therefore the Council cannot guarantee the amount of publicity that will be given at any particular time.</u></p> <p><u>Target groups : All</u></p>
<u>Town and Parish Councils</u>	<u>Low</u>	<p><u>The Council must consult the town and parish councils within and adjoining the local authority area. However, the Council will encourage the Parish and the Town Councils to use their own magazines, newsletters and noticeboards to publicise the DPD.</u></p> <p><u>Target groups : Statutory organisations, rural communities & town communities</u></p>
<u>Exhibitions</u>	<u>High</u>	<p><u>In some circumstances the Council may hold exhibitions for particular DPDs, for example where there may be a particular geographical focus for a DPD or where it would be beneficial to reach a large section of the community.</u></p> <p><u>Exhibitions are expensive to stage in terms of exhibition material, publicity and venue charges and require a large amount of staff time. They may also attract a self selecting audience.</u></p> <p><u>Targeted groups: All</u></p>
<u>Focus Groups</u>	<u>High</u>	<u>Focus groups may be used by the Council to</u>

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		<p><u>explore selected issues with particular groups within the community. Focus groups are expensive to run and require a large amount of staff time, particularly in their preparation.</u></p> <p><u>Targeted groups : All, but groups can be specifically selected.</u></p>
<u>Leaflets</u>	<u>High</u>	<p><u>These can be useful to provide a summary of the DPD and publicise it across the area. However, there are resource implications in printing leaflets to use across the whole of North Hertfordshire. Leaflet production will be expensive as there are in excess of 48,000 households and 5,500 businesses in the district and it may be more appropriate to use leaflets in a more targeted way, for example the Area Action Plans or land allocations DPD.</u></p> <p><u>Targeted groups : All</u></p>
<u>Discussion workshops</u>	<u>High</u>	<p><u>The Council has undertaken successful workshops for the LDF in the past. Workshops are useful in allowing face to face discussions of issues and solutions. However, they are resource intensive, particularly in staff time, publicity materials and the costs involved for venue hire.</u></p> <p><u>Targeted groups : All or selected groups</u></p>

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<p><u>Area Visioning Groups</u></p>	<p><u>High</u></p>	<p><u>Area visioning groups allow detailed discussions to take place with groups based in particular locations. However, they are resource intensive, particularly in staff time.</u></p> <p><u>Targeted groups : Area based established groups</u></p>
<p><u>NHDC Outlook Magazine</u></p>	<p><u>Low</u></p>	<p><u>Short articles can be placed in the Council's "Outlook" magazine which is sent to all homes in the District. Whilst this publication is sent to all homes in the District it will not necessarily coincide with consultation periods for particular DPDs.</u></p> <p><u>Target groups : All in the North Hertfordshire area</u></p>

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APPENDIX C - SUMMARY OF CONSULTATION METHODS TO BE USED IN THE PREPARATION OF DPDS

<u>Consultation Method</u>	<u>Issues and Options</u>	<u>Preferred Options</u>	<u>Submission</u>	<u>Alternative Site Allocations</u>	<u>Examination</u>	<u>Adoption</u>
<u>Letters to all consultees</u>	✓	✓	✓	✓		✓
<u>Availability of DPD copies at Council Offices</u>	✓	✓	✓	✓		✓
<u>Availability of DPD copies on the Council web site</u>	✓	✓	✓	✓	✓	✓
<u>Availability of DPD copies at libraries</u>	✓	✓	✓	✓		
<u>Place advertisements in local newspapers</u>	✓	✓	✓	✓	✓	✓
<u>Notifying the Talking newspaper</u>	✓	✓				
<u>Press releases</u>		✓	✓			
<u>Notifying Town and Parish Councils</u>		✓	✓			
<u>Informing the Local Strategic Partnership</u>	✓	✓				
<u>Outlook Magazine</u>		✓				
<u>Letter to DPD objectors</u>					✓	

APPENDIX BD – DEFINITION OF MAJOR DEVELOPMENT

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

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

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

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APPENDIX CE : GLOSSARY OF TERMS

Annual Monitoring Report (AMR)

This assesses how the Council is progressing with the timetables set out in the LDS. It also assesses how effective the various policies contained in the other Local Development Documents are in practice. This is a statutory document but is not a Local Development Document (LDD).

Development Plan Documents (DPD)

These are the documents which must be taken into account in determining planning applications. Planning permission must be granted in accordance with these documents unless material considerations indicate otherwise. Development Plan Documents must be subjected to independent examination before being adopted.

Local Development Documents (LDD)

These documents can be Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs), both of which are used to guide development and by the Council in the determination of planning applications. The Statement of Community Involvement (SCI) is also an LDD.

Local Development Framework (LDF)

This comprises a number of different types of document - Local Development Scheme, Annual Monitoring Report, Statement of Community Involvement, Local Development Documents, Development Plan Documents and Supplementary Planning Documents.

Local Development Scheme (LDS)

This document (which you are currently reading) sets out which documents are part of the Local Development Framework and the timetable for their review and the preparation of new documents. This is a statutory document although not a Local Development Document (LDD).

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Local Plan

A document produced under the old planning system which set out all the Council's policies on the development of land. The existing Local Plan will be saved for three years from September 2004 to allow time for replacement documents under the new system to be produced. If the Council wishes to save its Local Plan beyond this period it must seek the permission of the Secretary of State.

Material Considerations

Examples of material considerations include (this list is illustrative):

- ❖ The layout and density (number of houses per hectare) of the development;
- ❖ Loss of privacy;
- ❖ Daylight / sunlight;
- ❖ Access arrangements and impact on local traffic;
- ❖ Impact on the local economy;
- ❖ Design / appearance of development;
- ❖ Noise / smell caused by the proposal; and
- ❖ Landscape.

The following examples are not considered to be material considerations (this list is illustrative):

- ❖ History of the applicant;
- ❖ Loss of view;
- ❖ Commercial competition;
- ❖ Change from previous scheme;
- ❖ Impact on property value; and
- ❖ Ownership of land / right of access.

Statement of Community Involvement (SCI)

This sets out the Council's policy on involving the community in policy-making and major planning applications. It is a Local Development Document.

Regional Spatial Strategy (RSS)

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This is the successor to both the non-statutory Regional Planning Guidance and to the statutory Structure Plan. It will set the strategic context for development across the region, including setting the level of new housing to be accommodated.

Strategic Environmental Assessment (SEA)

Required under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes, including those in the field of planning and land use". Undertaken in conjunction with the Sustainability Appraisal (q.v.).

Supplementary Planning Documents (SPD)

There is no legal requirement to take these documents into account in determining planning applications, so their nature is to provide guidance to applicants wishing to develop land. The community will be involved in their preparation, but there is no independent examination of the document.

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Supplementary Planning Guidance (SPG)

Same as SPD, but as produced under the old system, with fewer regulations governing their preparation.

Sustainability Appraisal (SA)

An assessment of the impact the proposals contained within a Local Development Document would have on the environment, economy and society. SA is an iterative process; it should be used to improve the sustainability of subsequent versions of the document. It is to be carried out in conjunction with the Strategic Environmental Assessment.

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APPENDIX D : SUMMARY OF CONSULTATION METHODS TO BE USED IN THE PREPARATION OF DPDS

Consultation Method	Issues and Options	Preferred Options	Submission	Alternative Site Allocations	Examination	Adoption
Letters to all consultees	✓	✓	✓	✓		✓
Availability of DPD copies at Council Offices	✓	✓	✓	✓		✓
Availability of DPD copies on the Council web site	✓	✓	✓	✓	✓	✓
Availability of DPD copies at libraries	✓	✓	✓	✓		
Place advertisements in local newspapers	✓	✓	✓	✓	✓	✓
Notifying the Talking newspaper	✓	✓				
Press releases		✓	✓			
Notifying Town and Parish Councils		✓	✓			
Informing the Local Strategic Partnership	✓	✓				
Outlook Magazine		✓				
Letter to DPD objectors					✓	

APPENDIX F : TESTS OF SOUNDNESS

A development plan document will be sound if it meets the following tests:

Procedural

- i. it has been prepared in accordance with the local development scheme;
- ii. it has been prepared in compliance with the statement of community involvement, or with the minimum requirements set out in the Regulations⁴⁷ where no statement of community involvement exists;
- iii. the plan and its policies have been subjected to sustainability appraisal;

Conformity

- iv. it is a spatial plan which is consistent with national planning policy and in general conformity with the regional spatial strategy for the region or, in London, the spatial development strategy and it has properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas;
- v. it has had regard to the authority's community strategy;

Coherence, consistency and effectiveness

- vi. the strategies/policies/allocations in the plan are coherent and consistent within and between development plan documents prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant;
- vii. the strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base;
- viii. there are clear mechanisms for implementation and monitoring; and
- ix. the plan is reasonably flexible to enable it to deal with changing circumstances.

Extract from Planning Policy Statement 12 : Local Development Frameworks, para 4.24