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Please ask for:
Richard Burbidge

***PLEASE NOTE DATE**

5 April 2016

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH, TOWN AND PARISH COUNCILS MEETING to be held on **Tuesday**, 12th April, 2016 at 7.30 pm in the Maple Room, Salvation House, 2 Sterling Court, Mundells, Welwyn Garden City, Herts, AL7 1FT

Yours faithfully



Director (Governance)

**A G E N D A
P A R T 1**

1. APOLOGIES
To note apologies.
2. MINUTES
To receive the minutes of the meeting held on 13 October 2014 (copy attached).
3. TRANSFER OF ALLOTMENTS TO TOWN/PARISH COUNCILS WITHIN THE BOROUGH
Report of the Director (Governance).
4. GENERAL UPDATE ON PLANNING MATTERS INCLUDING PROGRESS OF THE LOCAL PLAN
Verbal report by the Head of Planning.
5. APPOINTMENT OF SECTION 106 OFFICER TO HELP SECURE AND SPEND CONTRIBUTIONS FOR DEVELOPMENT

Verbal report by the Head of Planning.

6. CONSULTATION PROCESS IN RELATION TO PLANNING APPLICATIONS

Requested by Northaw and Cuffley Parish Council.

7. THE ROLE OF WARD COUNCILLORS IN THE PLANNING PROCESS

Requested by Northaw and Cuffley Parish Council.

8. PLANNING TRAINING FOR COUNCILLORS

Requested by Welwyn Hatfield Association of Local Councils.

9. LOCALLY LISTED BUILDINGS

Requested by Woolmer Green Parish Council.

10. NEW HOMES BONUS AND THE LOCAL PLAN

Requested by the Welwyn Hatfield Association of Local Councils.

11. COUNCIL TAX SUPPORT SCHEME

Verbal report by Head of Resources.

12. LOCALISATION OF COUNCIL TAX SUPPORT GRANT NOTIFICATION

Requested by Welwyn Hatfield Association of Local Councils.

Circulation: Leader of the Council (Councillor J Dean)
Deputy Leader of the Council (Councillor A Franey)
Leader of the Labour Group (Councillor K Thorpe)
Leader of the Liberal Democrat Group (Councillor M Cowan)
Leader of the Independent Group (Councillor S Kyriakides)
Chairmen and Clerks of the Town and Parish Councils
Chief Executive (Michel Saminaden)
Executive Board
Communications Manager (T Burn)
Governance Services Manager (G Seal)
Committee Managers (R Burbidge/S Hulks)
PA to the Leader (H Sweet)
PA to the Chief Executive (P Haines)

Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Richard Burbidge, Governance Services Unit on 01707 357349, fax (01707) 357257 or e-mail – r.burbidge@welhat.gov.uk

Borough, Parish and Town Councils
13 October 2014

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the BOROUGH, TOWN AND PARISH COUNCILS held on Monday 13 October 2014 at 6.30pm in the Maple Room, Salvation House, Welwyn Garden City.

PRESENT: WELWYN HATFIELD BOROUGH COUNCIL

Councillor J. Dean (Leader of the Council) (Chairman)

Councillor A. Franey (Deputy Leader and Executive Member, Resources)

Councillor R. Trigg (Executive Member, Planning, Housing and Community)

HATFIELD TOWN COUNCIL

Councillor M.Clark

C.Lloyd (Clerk)

ESSENDON PARISH COUNCIL

Councillor A. Steele

NORTHAW AND CUFFLEY PARISH COUNCIL

J. Grocock (Clerk)

WELWYN PARISH COUNCIL

Councillor M. Benson

Councillor B. Morris

WOOLMER GREEN PARISH COUNCIL

Councillor P. Corke

J.Pearce (Clerk)

OFFICIALS

PRESENT: Director (Finance and Operations) (P.Kettle)
Director (Governance) (B. Baldock)
Director (Strategy and Development) (T. Saunders)
Head of Planning (C. Haigh)
Committee Manager (R. Burbidge)

1. MINUTES:

The Minutes of the meeting held on 29 April 2014 were approved as a correct record.

2. MINUTES OF SPECIAL EXPENSES MEETING HELD ON 12 AUGUST 2014:

The Minutes of the Special Expenses meeting held on 12 August 2014 were submitted.

Arising from consideration of Minute 3(b) - Open Spaces, it was confirmed that Welwyn Parish Council had now submitted a business plan to the Borough

Council in connection with the management of Digswell Playing Fields.

With regard to Minute 4(c) – Council Tax Leaflet the Director (Finance and Operations) advised that she had still not received the leaflet based on that used by St. Alban's Council. Carrie Lloyd indicated that she would take the matter up with Alan Witherick (Clerk to Welwyn Parish Council).

It was agreed that, subject to the foregoing, the minutes be noted.

3. CURRENT DEVELOPMENTS IN THE PLANNING SYSTEM:

The Head of Planning gave a presentation on recent changes to the Planning System especially with regard to –

- More permitted development rights
- Poor performance = designated authority
- Appeals
- Conservation Area consent
- Encouragement for neighbourhood planning

He then outlined a number of future changes proposed, viz -

- Three tier system = majors, minors with prior notification, minors without prior notification
- Local Development Orders
- Council responsibility for sustainable drainage
- National house size standards
- New definition of Gypsies and Travellers

In terms of the future and challenges for the Planning Service he foresaw that that there would be –

- More emphasis on pre-application advice
- More Planning Performance Agreements
- More applications but less fee income
- Challenge to recruit staff
- New IT system

In response to questions raised the Head of Planning advised that there were threshold figures relating to the number of dwellings (10 units) and/or the size (1,000 square metres) which determined whether a development was classified as major or minor. Government consultation on national housing standards were expressed as gross internal floor area (GIA) which had to be met but could be exceeded. It was based on number of bedrooms, number of bed spaces and number of storeys, but essentially started at 37 square metres for a studio flat, 60-80 square metres for a 2-bed property, 74-108 square metres for a 3-bed property, up to 138 square metres for a 6-bed property. It also prescribed minimum sizes and widths for single and double bedrooms

and stated that every 2-bed dwelling should have at least one double/twin bedroom.

There was also a consultation on planning and travellers. The consultation proposed a number of changes to existing guidance on planning for gypsies and travellers. This included amending the definition of travellers so that it was limited to those people who have a nomadic way of life; that traveller site development in open countryside should be very strictly limited; and within the Green Belt, where a five year supply of deliverable sites could not be demonstrated that this would no longer be a significant material consideration when determining planning applications for temporary permission. There were different deadlines for responding to the various consultations.

It was hoped that the new IT system to deal with the administration of planning applications would be in place by September 2015. When the system went live it would include all existing electronic records and should be much more user friendly for members of the public looking at planning applications and planning history.

4. UPDATE ON THE WELWYN HATFIELD LOCAL PLAN:

The Head of Planning gave a presentation and explained that the Local Plan would –

- Provide a vision for the future of the borough
- Meet objectively assessed development needs
- Include an objectively assessed need for 12,500 homes and up to 12,000 jobs by 2031
- Satisfy the Duty to Co-operate with adjoining authorities
- Maintain a five year supply of housing land
- Look to distribute growth proportionately
- Avoid being found to have an Unsound Plan and the risk of planning by appeal.

He explained that the Duty to Co-operate was a legal test to demonstrate that there had been effective engagement with neighbouring authorities. While the Local Plan would fail if no attempts to co-operate with other authorities had been made, it was not a duty to agree. To satisfy the Duty to Co-operate would require debate with –

- Authorities in housing and employment market areas
- Strategic cross-boundary issues, e.g. A1(M), rail network
- Herts Infrastructure and Planning Panel
- Herts Local Enterprise Partnership
- Statutory Bodies such as the Highways Agency and the Environment Agency

Officers would provide the Council's Cabinet and Housing Panel with –

- An introduction to the Local Plan
- A planning summary of all promoted sites
- A map of all promoted sites

Sites would be categorised as 'more favourable', 'less favourable' or 'finely balanced' and Members would be invited to express relevant planning views on sites to inform public consultation.

Following debate on the sites at the Panel during October, a consultation document would be finalised in December for public consultation in early 2015, with further consultation in late 2015. The Plan would then be submitted to the Department for Communities and Local Government in early 2016 for public examination in spring 2016 and adoption by mid 2016.

In response to questions raised the Head of Planning advised that any comments about the methodology used to calculate the figures for each village could be submitted as part of the public consultation. With regard to the question of drainage in villages, it was confirmed that various elements of infrastructure would be looked at as part of the Local Plan process. Many authorities in Hertfordshire were at a similar point in their process as Welwyn Hatfield and it was not envisaged that the need to talk with them as part of the Duty to Co-operate would delay the submission of the Plan in early 2016. If minor modifications were required by the Inspector as part of the Public Examination then these could be agreed by the Council but if more major changes had to be made then there would be a need to re-consult.

5. OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014:

The Director (Governance) reported that the legislation which provided for the press and public to film and digitally report from all public meetings of local government bodies also covered Parish Councils and Parish Meetings. A report had been submitted to the Borough's Standards Committee on 22 September 2014 about the Regulations and a protocol was being developed to provide guidance on acceptable conduct for the filming, recording and photographing of meetings and the use of traditional and social media tools.

It was confirmed that following advice from their National Association the model Standing Orders of constituent authorities of the Welwyn Hatfield Association of Local Councils had been amended to take account of the Regulations.

The Director (Governance) also reported that although the changes about filming and digitally reporting meetings had been widely publicised, Part 3 of the Regulations also introduced another change which required the publication of certain decisions made by officers.

6. NEXT MEETING:

It was noted that the next meeting was scheduled to be held on Monday 13 April 2014.

Borough, Parish and Town Councils
13 October 2014

Meeting ended 7.35 pm
RB

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Part I
Item No: 0
Main author: Ann MacDonald
Executive Member: Helen Bromley

WELWYN HATFIELD BOROUGH COUNCIL
BOROUGH-TOWN-PARISH COUNCIL MEETING – 12 APRIL 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

TRANSFER OF ALLOTMENTS TO TOWN/PARISH COUNCILS WITHIN THE BOROUGH

1 Executive Summary

- 1.1 The Council has allotment sites across the borough, with one site in Welwyn Parish and 16 sites within Hatfield Town Council's area. Both councils have expressed a desire to take these sites and manage them, incorporating them into their allotment portfolio. The Council doesn't have any sites in the remaining four parishes within the borough, nor the two parish meetings in the Ayots.
- 1.2 Paragraph 9 (1) of Schedule 29 to the Local Government Act 1972 states that borough/district councils should be precluded from providing allotments where there are parish and town councils within their boundaries.
- 1.3 We acknowledge this legislation and are happy to offer the allotment sites we own and administer to the other councils involved.

2 Recommendation

- 2.1 That the topic be discussed at the annual meeting of the Borough and Town and Parish Councils on 12 April 2016.

3 Explanation

- 3.1 The Council has been managing allotments for many years, promoting and letting plots, invoicing for annual rental payments, inspecting sites to check that tenants adhere to the management clauses in the tenancy agreement and setting aside a revenue budget annually to maintain fences, gates, water supply and to pay the annual water bills.
- 3.3 Our annual rent is very similar to those charged in both Welwyn Parish Council and Hatfield Town Council. Both councils have a charge to join their respective allotment associations, which are included in these average annual charges, which are £44 in Welwyn and £28 in Hatfield. For a similar plot, this Council's charges are £33 a year.
- 3.4 A number of the sites we manage for allotments are on housing land and all of them have been examined over recent years for their potential for development. It is fair to say that those remaining as allotments today are small, in awkward positions and with such poor access that their potential for development is exceptionally low.

- 3.5 Any transference of land from this Council, be it a housing related asset or not, would be restricted, by clauses in the lease, to the exclusive provision of allotments for public use only.
- 3.6 The terms of the lease, which have yet to be explored in detail, would devolve to the leasee all responsibility for the tasks in 3.1 of this report. In addition, the lease would be able to set the level of rent, offer or amend any concessions and keep the income to offset any expenses. It is not envisaged that a commuted sum would be transferred with the land, however the payment of annual special expenses payable to the borough council for the provision of allotments would cease on transfer.
- 3.7 As far as the public are concerned, those wanting an allotment in either Welwyn Parish Council or Hatfield Town Council area will be offered a simpler service as there would only be one provider in the area. Currently, anyone wanting a plot in Hatfield could find themselves having to register on the waiting list with both the borough and the town council for a plot.
- 3.8 There is no appreciable variation in the standard of provision or service between the authorities, however the management of such things as the agreement and collection of tenancies or keys, will be more convenient as the administration will operate locally.

4 Link to Corporate Priorities

- 4.1 This report is linked to the Council's Business Plan 2015-2018 which has a priority to maintain a safe and healthy community through the provision of a wide variety of leisure, covering arts, culture, fitness and sport.

5 Legal Implications

- 5.1 Paragraph 9 (1) of Schedule 29 of the Local Government Act 1972 sets out which tier of local government should provide services such as allotments in any given area.
- 5.3 The Council has a policy on Community Asset Transfer following the Localism Act, to enable the transfer of assets, including land, to communities via town/parish councils.

6 Financial Implications

- 6.1 This would depend on the terms of the transfer as to whether a commuted sum was requested and granted. Fees will be payable for the transaction itself, but beyond that, the main implication will be the loss of a percentage of rental income.
- 6.2 The annual calculation of special expenses would be affected by the transfer of allotments.

7 Risk Management Implications

- 7.1 Arrangements would need to be in place to achieve a smooth transfer of allotment ownership/management from the borough to town/parish councils.

7.2 There are no obvious implications for security and terrorism or such that could result in Council appearing to support any groups involved in terrorism.

8 Procurement Implications

8.1 There are no procurement implications.

9 Climate Change Implications

9.1 There are no direct climate change implications.

10 Policy Implication

10.1 There are no policy implications at present, other than to note that allotments transferred to a town/parish council would be administered under their policies.

11 Equalities and Diversity

11.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the recommendations in this report. Once an option has been chosen then an EIA will be carried out as part of the considerations.

Name of author Ann MacDonald
Title Landscape and Ecology Manager

Background Papers:

Paragraph 9(1) of Schedule 29 of the Local Government Act 1972

“As respects a parish in England those functions under the Allotments Acts 1908 to 1950 which, apart from this paragraph, would be exercisable both by the district council and the parish council or parish meeting shall not be exercisable by the district council.”

Council’s Policy on Community Asset Transfer

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