

LOCALISM

Proposed Decision

To agree the Council's strategy in respect to the Government's Big Society aims and the powers offered by the Localism Act.

Background

The **Localism Act** 2011 introduced by the Coalition Government was born out of the Conservative 2010 'Big Society' initiative. It changed the powers of local government in England. The aim of the **act** is to facilitate the devolution of decision-making powers from central government control to individuals and communities. Since the General Election the Department for Communities and Local Government (DCLG) have restated this aim as an important element of government policy. They wish to turn Town Councils into 'Local Powerhouses' taking on more responsibilities in delivering integrated services to their communities bringing possible cost savings. Under the title of Localism the government has provided the following new 'rights':

- **Right to Bid** – allows groups to acquire and run important community assets;
- **Community Shares** – enables residents to raise capital to invest in community projects;
- **Our Place!** – enables communities to take control of dealing with local issues;
- **Right to Challenge** – enables community groups and parish councils to bid to take over local services;
- **Right to Manage** – enables tenants to take control of major housing services, repairs and security;
- **Neighbourhood Planning** – powerful tool to ensure the community influences local development;
- **Neighbourhood Development Order** – Local process to circumvent traditional planning application;
- **Right to Build** – Simplified planning process for housing and community facilities;
- **Right to Reclaim Land** – enables individuals, groups **and developers** to bid for vacant or derelict land;

Examples

Since the Act was introduced there have been a large number of councils that have embraced the opportunities offered by the act and pushed through a wide variety of projects under the 'Localism' banner. A few are summarised in the table below:

Town Council	Project
Aylesbury	Minor Highway Maintenance - Town tackle 'grot spots' with County funding £2 for every £1 town spends on scheme totalling £30k/year.
Peterlee Town	Floodlit Training Facility – fund new facility.
East Grinstead	Community Arts Centre - £2.4million building funded by council, district council and lottery.
Wheathampstead	Car park, nature reserve, park and recreation ground - Handed over by St Albans District.
Immingham	Skate Park, services and improvements street scene to - Undertaken with transfer from parent authority. Budget of £500k, half of which comes from precept.
Bramley	Swimming baths - Transferred to local charity to run.
East Coker	Neighbourhood Plan - Used to constrain the Local Planning Authority plans for new 500 homes and assisted in developing the future of the community.
Ventnor	Coastal Centre - Developed with community support under a long lease from the Isle of White authority. School, library, youth centre and car parks projects also undertaken.
Hagley	Community Hub – built on existing site to provide public and community services.
St Austell	Devolved youth services – to better meet the needs of the town.
Withyham	Prepare Neighbourhood plan – giving clear vision about priorities for future spending.

Neighbourhood Plans

Of the new localism rights a neighbourhood plan may offer benefits to Berkhamsted. Such a plan:

- Sets out planning policies for the neighbourhood area that must be considered by planning applications;
- Is a powerful tool to ensure the community gets the right types of development, in the right place;
- Community share of the Community Infrastructure Levy (CIL) increases from 15% to 25%;
- It is written by the local community, led by a 'qualifying body' which would have be the Town Council;
- Dacorum would have to duty to support its work;
- It would need to be consistent with the Dacorum Core Strategy;
- It could combine other adjacent town or parish areas;
- It would need to demonstrate community support;
- Would be subject to independent assessment;
- Require a referendum;
- Grants are available to support some of the costs of preparing such plans.

Examples of the cost of preparing Neighbourhood Plans are provided below:

Authority	Duration (months)	Time (hours)	Cost
Strumpshaw	12	1,500	£4,220
Broughton Astley	18	900	£14,312
Exeter St James	24		£10,450
Heathfield Park	24		£19,500

A neighbourhood plan offers a way to tackle three of the issues regularly raised by residence in Berkhamsted, namely the insatiable pressure from developers to add housing, the very limited access routes to the town and the shortage of parking. Whilst the new Lower Kings Road carpark will provide some relief it is unlikely to significantly change these pressures. A neighbourhood plan could link future housing development to pre-planned infrastructure improvement instead of leaving the town in a state of continual catch-up. It offers the potential to return some control on development to the Town.

'Our Place'

Funding programme supporting communities to take control of local issues. Helping groups managing and delivering services and assets based on a strong business case. Grants of up to £8,000 available to Voluntary and Community Organisations (VCO) with a turnover of over £50,000 i.e. in Berkhamsted probably the Town Council are the only organisation likely to qualify.

Right to Challenge

The Community Right to Challenge allows voluntary and community groups, charities, parish councils and local authority staff to bid to run a local authority service where they believe they can do so differently and better. This may be the whole service or part of a service.

Neighbourhood Development Orders

A neighbourhood development order is a way of granting planning permission for certain types of development wanted in an area, without the need for a traditional planning application. This follows a similar process to a neighbourhood plan. Neighbourhood development orders could for example, grant permission for flats above shops in an area or give permission for changes to shop fronts in the high street.

Right to Bid

Offers community a fairer chance to save public and private assets for the community such as community centre, shop, pub or library. The local authority is obliged to maintain a list of '*assets of community value*' which if it is to be sold must be notified to interested parties. Community groups can then pause the sale by six months to prepare a bid. 3,500 groups have used this right up to April 2014.

Dacorum has taken some of the provisions of Localism seriously and has web pages setting three of the rights on its web site <http://www.dacorum.gov.uk/home%5Ccommunity-living/introduction-to-localism>. Furthermore it lists assets 'of community value' and the process by which to register an interest. See Appendix A. To date Transition Town Berkhamsted has gone through the process of registering an interest in the Civic Centre and the Citizens Association has done the same for Gable House. There is every chance that local groups will continue to take the lead on such assets.

Right to Manage

Communities are empowered to propose new management arrangements for assets (or functions) held or delivered by government such as council housing. Such proposals would have the right to enter into negotiation with the asset holder but would need to demonstrate that it had the skills and capacity to meet all relevant legal requirements as well as standards for management set out by the asset holder. Furthermore they would have to show that it was able to effectively manage and enhance the asset whilst delivering social, economic and environmental benefits to the local community.

Right to Reclaim Land

Communities have right to ask that under-used or unused land owned by public bodies is brought back into beneficial use. If a disposal notice is issued the land is sold on the open market. This would presumably apply to the land at the rear of the Civic Centre.

Right to Build

Allows communities to gain planning permission for a specific small scale, site specific developments without going through the traditional planning application process. Such projects could include:

- Family homes to sell on the open market;
- Affordable housing for rent;
- Sheltered housing for local residents;
- Community facilities such as a community centre or children's playground.

Requires agreement of more than 50% of local people and in line with national guide lines and the local plan.

Community Shares

Community shares let local people to take a more active in role in their communities by giving members - as part-owners - a direct say in their success, encouraging them to play an active part in their future. Most investors buy shares to help achieve a social good, however if the enterprise is successful they may also benefit from dividend payments. Since 2009 more than 100 issues.

General Power of Competency

Undertaking some of the opportunities offered by the Localism Act will depend on maintaining our General Power of Competence (GPC). This requires the Town Clerk to have the necessary qualification. If we think it likely that we will pursue any of the powers under the Localism Act we need to give priority to ensuring that the Town Clerk attains one of the four required qualifications.

Community Support

All initiatives undertaken under the Localism Act are likely to require some degree of community support. Despite the fact that two community groups have already registered an interest over community assets it seems unlikely that with an fully elected Town Council it will not be able to make progress without Town Council active support. The purpose of this paper is firstly to help gauge the appetite of the Council to explore opportunities that have opened up through the powers of the act. Arguably the Council also has a duty to ensure that the community is aware of all the new powers on offer. There is clearly an issue of the capacity and inclination of the Council to take on the responsibility of the not inconsiderable work involved in these initiatives.

It is also the possibility that the council will be pressed to get involved in projects initiated by a community group using the powers offered by the Localism Act. It is therefore suggested that would be preferable for the Council to be seen to embrace the provisions of the act and to explore the opportunities on offer.

The table below lists some initiatives the Council could decide to take:

- Add details to the Town Council website;
- Invite suggestions for projects from the community;
- Members explore the interest of Community groups to undertake specific projects;
- Explore with Borough any services they feel might be undertaken more effectively by the Council;
- Explore with Borough any assets that might be transferred to the Town together with associated budget;
- Gauge the enthusiasm amongst community groups for undertaking a Neighbourhood Plan;
- Hold a Town meeting to publicise the opportunities offered by the Localism Act.

APPENDIX A

Berkhamsted Property Assets Held by Dacorum

Property Name	Address Line 1	Street	Post Code
Berkhamsted Sports Centre	Berkhamsted Sports Centre	Douglas Gardens	HP4 3PE
Butts Meadow Sports Pavilion	Butts Meadow Sports Pavilion	Clarence Road	HP4 3BQ
Lagley Meadow Sports Pavilion	Lagley Meadow Sports Pavilion	Lagley Meadow	HP4 3HU
Velvet Lawn Sports Pavilion	Velvet Lawn Sports Pavilion	Swing Gate Lane	HP4 2JL
Canal Fields	Canal Fields	Broadwater	
Canal Fields Footbridge	Canal Fields	Broadwater	
Durrants Lane Park	Durrants Lane Park	Durrants Lane	
The Moor Park	The Moor Park	Mill Street	HP4 2AA
Berkhamsted Bowls Club			
George Street	George Street	George Street	
Normandy Drive	Normandy Drive	Normandy Drive	HP4 1JW
Butts Meadow	Butts Meadow	Butts Meadow	HP4 3BH
Lagley Meadows	Lagley Meadows	Lagley Meadow	HP4 3HU
Velvet Lawn	Velvet Lawn	Swing Gate Lane	
Brickhill Green Wood	Brickhill Green Wood	Kingshill Way	HP4 2SZ
Long Green Wood	Long Green Wood	Swing Gate Lane	HP4 2NW
Sandpit Green Wood	Sandpit Green Wood	Swing Gate Lane	HP4 2RP
St Peter's Burial Ground	St Peter's Burial Ground	High Street	HP4 3AT
St Peter's Churchyard	St peter's Churchyard	High Street	HP4 2BD
Lagley Meadow Youth Club	Lagley Meadow Youth Club	Lagley Meadow	HP4 3PE
Army Cadet HQ	Army Cadet HQ	Chesham Road	HP4 3AZ
Lagley Hall	Lagley Hall	Douglas Gardens	HP4 3PA
Gable Hall	Gable Hall	Prince Edward Street	HP4 3EZ
Burial Grounds, Kingshill Cemetery	Kingshill Cemetery	Kingshill Way	HP4 3TP
Caretakers Dwelling, Kingshill	Caretakers Dwelling	Kingshill Way	HP4 3TP
Stores/WC, Kingshill	Stores	Kingshill Way	HP4 3TP
Public Conveniences, Kingshill	Public Conveniences	Kingshill Way	HP4 3TP
Kingshill Cemetery Land	Kingshill Cemetery	Kingshill Way	HP4 3TP
Falcon Ridge Garages (9)	Falcon Ridge Garage Block	Falcon Ridge	HP4 2JQ
Finch Road Garages (8)	Finch Road Garage Block	Finch Road	HP4 3JR
Hedgeside Garages (20)	Hedgeside	Hedgeside	HP4 2RE
Hilltop Road Garages (8)	Hilltop Road	Hilltop Road	HP4 2HL
Homefield Garages (13)	Homefield	Homefield	HP4 2QX
Kestrel Close Garages (8)	Kestrel Close	Kestrel Close	HP4 2HH
Loring Road Garages (7)	Loring Road	Loring Road	HP4 2HL
Loxley Road Garages (25)	Loxley Road	Loxley Road	HP4 3RL
Bede Court Garages(5)	Bede Court	Bede Court	HP4 3JP
Beech Drive Garages(43)	Beech Drive	Beech Drive	HP4 2HL
Olivers Close Garages (3)	Olivers Close	Olivers Close	HP4 2SL
Ridgeway Garages (40)	Ridgeway	Ridgeway	HP3 8BA
Riverside Gardens Garages (36)	Riverside Gardens	Riverside Gardens	HP4 3PG

School Gardens Garages (4)	School Gardens	School Gardens	HP4 2RJ
St Edmunds Garages(45)	Roof of 7-17 St Edmunds	St Edmunds	HP4 2HS
Tresco Road Garages (15)	Tresco Road	Tresco Road	HP4 3JZ
Waterside Garages (55)	Waterside	Waterside	HP4 3LR
Chapel Close Garages(3)		Chapel Close	HP4 1QG
Chaucer Close Garages(37)	Chaucer Close	Chaucer Close	HP4 3PP
Common Gardens(1)	Common Gardens	Common Gardens	HP4 2RH
Cromer Close(8)	Cromer Close	Cromer Close	HP4 1PR
Dorset Close (26)	Dorset Close	Dorset Close	HP3 8BA
Douglas Gardens(32)	Douglas Gardens	Douglas Gardens	HP4 3JR
The Chilterns Office	The Chilterns	The Chilterns	
Farm Place Communal Rooms	Farm Place Communal Rooms	Farm Place	
Berkhamsted Civic Centre	Berkhamsted Civic Centre	High Street	HP4 3HD
Berkhamsted Depot	Berkhamsted Depot	Clarence Road	HP4 3HB
Douglas Gardens Public Convenience	Douglas Gardens Public Convenience	Douglas Gardens	HP4 3PE
Water Lane Public Convenience	Water Lane Public Convenience	Water Lane	
Northbridge Road		Northbridge Road	HP4 1EG
Tresco Road - 2		Tresco Road	HP4 3JZ
Westfield Road		Westfield Road	HP4 3PW
Household Waste Site	Household Waste Site	Northbridge Road	HP4 1EH
The Gables (Gable House)	Gable House	Prince Edward Street	HP4 3EZ
Berkhamsted Town Centre (Waitrose)	Berkhamsted Town Centre (Superstore)	St Johns Well Lane	HP4 1HS
Vicarage Road/Hedgeside (Land)	Vicarage Road/Hedgeside (Land)	Vicarage Road/Hedgeside	HP4 2RA
Northbridge Road (Jarvis Site)	Northbridge Road (Jarvis Site)	Northbridge Road	
Lower Kings Road Car Park	Lower Kings Road Car Park	Lower Kings Road	
Canal Fields Car Park	Canal Fields Car Park	access from Broadwater	
St Johns Well Lane 3a Car Park	St Johns Well Lane 3a Car Park	St Johns Well Lane	
St John's Well Lane Car Park AUC			
Water Lane (/St Johns Well Lane) Car Park	Water Lane (/St Johns Well Lane) Car Park	Water Lane	

Dacorum Assets of Community Value

Date of Nomination	Asset Name	Address	Nominee	Date added	Date to be removed
20/5/13	Gable Hall	Prince Edward Street	Citizen's Association	12/7/13	12/7/18
13/12/14	Civic Centre	161-163 High Street	Transition Town Berkhamsted	10/2/14	10/2/19

Berkhamsted Town Council Organisation

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FC102/15

SUMMARY

On joining the Council Cllr. Matthews urged all the new Councillors to play an active role in taking on projects on behalf of the Council. This is one response to that request.

After nearly six months as a Councillor I have come to the conclusion that the Council's organisation structure does not support Cllr. Matthews' aim. Too much power lies in the hands of a group of Borough Councillors, discouraging openness and wider participation by town only councillors. This paper suggests changes that might help change the culture of the council to better serve the community.

It is six months since we were all elected, an eighth of the way through our term of office. I am all too aware that my analysis and recommendations are based on relatively little experience. Please bear with me if I have missed anything.

OPENNESS

Car Park

Immediately after the May elections all councillors were sent a copy of an invitation to an early meeting with the designers of the new carpark. This seemed like a great opportunity for us to have some influence over what is a major new town project. Consultation had also been promised to the Parking Forum. On at least two occasions I expressed interest in joining these discussions but have been unable to get any information on what has happened to the invitation or the project. In the meantime the development is being discussed by constituents without councillors being in possession of the full facts. This is unsatisfactory.

Office Lease

Early May there was a notice from Borough that our lease was up for renegotiation. As a member of F & P I asked what we were going to do about this only to be told it was a mistake and being sorted. It has not been discussed at F & P. I have been asked if we are moving to the Town Hall. What is the situation?

Communications

Since being copied in on these early two communications there has been an abrupt absence of any other council correspondence. This is in contrast to the steady stream of correspondence on planning issues. This is inconsistent and odd.

DELIVERY

s106/CIL Working Group

On joining the council the then Town Clerk told me Section 106 was something he had struggled with for ages without success. I was asked to sit on the S106 Working Group reporting to F & P which I now find is called the 'CIL Working Group' comprising Cllrs. Collins, Green, Higgins and Stevens. I have met with a Borough officer to acquaint myself with the subject and he had made a presentation to councillors but the committee has not met so far. Getting clear information from Borough on the topic is not easy.

In mid-August the Berkhamsted Citizens Association sent a letter expressing concerns about S106 monies and seeking further information. This was passed to the T & E committee to handle. I attended this meeting, ex officio and found myself nominated to lead a s106 Working Group comprising Cllrs. Bateman and Stevens. We now have two similar Working Groups with different chairmen reporting to different committees.

I have met with the Borough and BCA and am pulling together a paper summarising the situation. Don't expect too much.

Cycle Racks

Another project that appears to be defying delivery is the issue of new cycle racks. A letter from the Berkhamsted Cycle Club was received in July asking for the subject to be addressed by the council. In August T & E considered it and decided to set up a new working group comprising Cllrs. Reay, Stevens and Higgins.

Cllr. Stevens recollected a report on the subject had been done a couple of years ago. Past T & E minutes revealed that the Better for Berkhamsted Working Group had considered the issue through 2014, the former Clerk had been charged with writing to HCC on the issue at the end of that year and HCC claimed that in May this year they would be 'restarting' a consultation on proposals. I have been unable to get any details on these earlier efforts or the current status.

These are two examples of projects where earlier efforts seem to have resulted in wasted effort.

ACCOUNTS

As a member of the F & P committee I tried in vain for five months to get a meeting with the Financer Officer to try and understand the budget and accounts. After asking some questions at the last F & P meeting I had a useful meeting with the Cllr. Collins. However I remain concerned that open discussion of management accounts is not encouraged and does not involve all Council members. The budget and quarterly management accounts are the one place where all the Council's activities are summarised and Councillors have the opportunity to take a view on priorities.

My questions on the accounts at the last F & P meeting irritated some councillors. I subsequently found out that I had inadvertently contravened Standing Order No. 21 i.e. I had not "*provided reasonable notice of the question*". I apologise for this but would respectfully suggest that this is an unreasonable restriction on free discussion if all questions need to be submitted in writing beforehand. Clause 24 can always be invoked.

Officer Support

I have repeatedly struggled to get the support from the Town Clerk that I would have expected. I have no doubt that she is busy picking up a new job and understandably giving priority to chairmen's requests. However all councillors are supposed to be equal and should be able to get a share of officer support.

Expenses

On joining the council the then Clerk sent me invitations to attend HAPTC courses, a London NALC conference, a Dacorum 'The Power of Partnership' conference organised by Citizens Advice and an RAF reception at Halton. I accepted these and was told that I could claim travel expenses for attending.

On submitting my travel expenses I was informed that I had (a) blown the non-existing conference/course budget and (b) that it was not expected that councillors would claim such expenses. Thankfully my expenses (£99.50) have now been settled.

I would like to apologise to the Council if I have inadvertently caused any embarrassment or broken any unwritten rules and would like to suggest that Councillors should be encouraged to participate in non-political activities that enhance their contribution to the Council and that an expenses policy be put in place. The HAPTC courses typically cost £35 and involve five hours, including travel and are run very professionally.

I am the Town Council representative on the HAPTC management and finance committees. I am happy to participate in such activities but unfortunately I am not in a position to subsidise travel outside the Town. I am booked on a HAPTC finance course later this month.

ANALYSIS

Town v's Borough/County

The 'Governance Arrangements' organisation chart shows 17 committees. At least two others have been added recently to my knowledge. 12 are chaired by borough councillors, two by town only councillors and two have still not

been constituted. The main burden of work on all these committees, as well as the 10 or so outside bodies on which the council is represented, rests on borough and the county councillors, despite there being a number of experienced town only councillors. A significant number of these committees do not seem to have met over the last six months. Whether the current organisation is a result of low levels of interest from town only councillors or, the lack of participation is the result of the current organisation is not clear. It should be tested.

The current organisation is highly fragmented with issues coming around repeatedly and little progress being made. We are of course reliant on other organisation to deliver much of what we would like to do and the borough and county councillors are also key to advising on strategy and getting things done.

Organisation

The Terms of Reference for Planning, F & P and T & E committees gives them "**autonomy and decisions do not require ratification by Council unless specifically referred**". This gives them considerable power, particularly where the Council does not meet regularly and may not be aware of what is being decided. Whilst this may have been acceptable to the previous council it should not be assumed to be so for the current one. There appears to be little regular scrutiny of management accounts by full Council which ultimately shares responsibility for expenditure of some £250,000.

My meetings with constituents suggests that the reputation of individual councillors is higher than that of the Council as a whole. Views tend to vary from unrealistic expectations as to what we can do, despair at our lack of influence over planning decisions to a highly critical website. We need to be aware of these views and looking for ways to correct them. It is also hoped that adoption of the recommendations made here might encourage wider interest and involvement in council matters amongst the community.

Principles

Standing Orders make clear that:

- No councillor can make decisions on behalf of the Council;
- All councillors are equal, except for a casting vote in committee;
- all decisions must be taken by an 'officer' or a committee;
- Nolan rules dictate openness in all dealings.

I believe these are occasionally being forgotten in the name of speeding up decision making.

RECOMMENDATIONS

Openness

- *Copies of all significant correspondence between the council and other organisations should be copied via e-mail to all councillors, much as all planning correspondence is currently circulated;*
- *Borough and County councillors should circulate a brief note on any discussions they hold with colleagues on key town specific issues or report these to full council meetings;*
- *A new council should have an opportunity to review and change the budget priorities it has inherited at the beginning of a term of office;*
- *Annually thereafter, prior to setting the budget, a full council meeting should be devoted to strategic planning and the aims of council, preceded by a consultation phase with local organisations.*

Delivery

- *S106 and CIL working groups should be combined;*
- *All sub-committees/working groups should have a simple statement of aims and objectives set for them in the same way as the three main committees have Terms of Reference;*
- *The Chairmen of all subcommittees committees/working groups should have responsibility for progressing those aims through the work of their respective committee;*
- *Chairmen of all committees and subcommittees should report to full council regularly.*

Organisation

To strengthen the role of full the Council, increase participation and the deliverability:

- *Full council meetings should be increased from 6 to 9 per year including the Annual Town Council;*
- *The other three main committees consider reducing their number per year especially Planning's 18 meetings;*
- *The Chairmanship of all committees should whenever possible held by experienced town only councillors;*
- *All committees should aim to have at least one borough councillor as member and advisor to the committee;*
- *Planning, T & E and F & P should have their authority specified by Council rather than the current open-ended default position;*
- *Terms of Reference for the committees needs updating. F & P do not meet 10 times per year and other typos need correcting;*
- *Standing orders should be amended to remove the need for advance notice of all questions.*

Accounts

- *The Budget and Quarterly management accounts should be presented to the full committee for approval, accompanied with a brief statement of highlights with both being open to full discussion;*
- *The Financial officer should be available to all councillors to discuss the composition and treatment of accounts as necessary;*

Officer Support

Officers should be made aware that:

- *All councillors are equal;*
- *All decisions must be taken by a Committee or an officer;*
- *Chairman have the same powers as all other councillors with the exception of a casting vote;*
- *All councillors can expect a share of their support.*

Expenses

Standing Orders should be amended to say:

- *The Town Clerk and/or any committee/working group may authorise a councillor to attend a relevant, courses, meeting, conference that may further the aims of the council;*
- *Legitimate out of pocket expenses will be reimbursed;*
- *Meetings and conferences of a political nature will not qualify for reimbursement;*
- *Out of pocket expenses for travel beyond the boundary of the Town on approved business will be reimbursed in accordance with the Dacorum borough policy (see page 231-233, part 6 Dacorum Council Constitution, 1/4/14);*
- *Co-opted committee members will also qualify for reimbursement subject to the above approvals;*
- *All expenses and their justification will be published along with the annual accounts.*