



LANDFORD PARISH COUNCIL AFFORDABLE HOUSING PROJECT WORKING GROUP TERMS OF REFERENCE

These Terms of Reference set out the executive functions of Landford Parish Council's Affordable Housing Project Working Group.

These Terms of Reference were approved and adopted by a Meeting of the Council held on 12 October 2022.

Signed: Nik Bishop
(Councillor and Chair)

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Date: 12 October 2022

Contents

1. Delegation of Powers from Landford Parish Council to the Working Group 3

2. Background 3

3. Aim of the Working Group 3

4. Membership 4

5. Meetings 4

6. Communications 5

7. Finance 5

8. Changes to the Terms of Reference and Dissolution 5

APPENDIX: Protocols on meetings with Landowners, Developers, or their Agents 6

1. Delegation of Powers from Landford Parish Council to the Working Group

The legal basis of the delegation conferred by this document is contained in the provisions of Section 102 of the Local Government Act 1972.

The following pages set out the manner in which Landford Parish Council has delegated its powers. Understanding of this is essential for anyone who wishes to know who is legally able to give a decision on any matter. This document is one of the three major ways in which the Council regulates its affairs; the others are its Standing Orders and Financial Regulations.

The basic principle used has been to delegate to the Affordable Housing Working Group powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by full Council, the Working Group can RESOLVE to act. Certain matters, such as issuing a precept, borrowing money, and deciding major policy can not be delegated and are reserved for full Council. On such matters, the Working Group can only RECOMMEND a course of action.

2. Background

At an Extraordinary General Meeting of Landford Parish Council on 06 September 2022, it was RESOLVED to set-up an Affordable Housing Project Working Group to investigate the provision of a modest number (up to 10) of affordable dwellings in the Parish, according to identified need and the suitability of sustainable sites made available by landowners within the Parish.

3. Aim of the Working Group

3.1. To formulate a 5-year Plan that will be used to guide the Parish Council on the direction and strategy of the development of affordable and quality housing in the Parish.

3.2. To identify and engage with key stakeholder in the delivery of this 5-year Plan.

3.3. The Working Group has full delegated authority from the Parish Council to deliver its 5-year Plan making functions up to and including the production of Draft proposals which will be reviewed by full Council prior to seeking formal approval from both planning authorities (NFNPA and Wiltshire Council), and Wiltshire Council Housing Strategy Team.

3.4. When formulating this Plan, considerations will be given to the following: -

- The National Planning Policy Framework dated 2019 (a key part of Government reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth).
- Wiltshire Core Strategy Development Plan Document formally adopted by Wiltshire Council on 20 January 2015. The plan provides an overarching planning policy framework for Wiltshire for the period up to 2026.
- New Forest National Planning Authority's Local Plan formally adopted by NFNPA on 29 August 2019, including all Supplementary Planning Documents which have been through a statutory public consultation period and are material in the consideration of planning applications within the National Park.
- Landford Village Design Statement SPD dated March 2011.
- Wiltshire Housing Site Allocations Plan formally adopted by Wiltshire Council on 25 February 2020.
- Landford Parish Community Partnerships Survey dated 2013.
- Wiltshire Council Housing Strategy Team and their Housing Needs Survey Report adopted by Landford Parish Council on 13 April 2022 (Minute 61/22)

- Landford Parish Community Plan (2022 – 2027)
- Landford Community Wildlife Plan 2014

4. Membership

- 4.1. Working Group Members will be appointed by full Council and will be made up of: -
- a minimum of four Councillors of Landford Parish Council (with voting rights)¹
 - a minimum of four non-councillors² (with no voting rights) to offer specialist knowledge, expertise, and enthusiasm. Effort will be made to seek representation from a cross-section of the community, however, the four non-councillors must meet at least one of the following criteria: -
 - i) have been registered as a local government elector for the Parish
 - ii) during the whole of the twelve months preceding the date of application, have occupied, as owner or tenant, land, or premises in the Parish
 - iii) have resided within the Parish during the whole preceding twelve months or within 3 miles of its boundary
- 4.2. Disqualification for Membership is the same as that for the Parish Council³
- 4.3. The Working Group's Chair and Vice-Chair will be appointed by full Council from the four Councillors. If either position becomes vacant, full Council shall elect a replacement.
- 4.4. The Working Group shall appoint a Secretary and a Treasurer from its Membership. If either position becomes vacant, the Working Group shall elect a replacement from its Membership.
- 4.5. All Working Group Members are required to comply with the Parish Council's adopted Standing Orders, Code of Conduct, Financial Regulations, and declare any and all interests.
- 4.6. All Project Working Group Members are required to sign a Non-Disclosure document agreeing that sensitive information they may obtain will not be made available to anyone outside of the Working Group without express permission from Landford Parish Council.
- 4.7. Other members of the community will be encouraged to participate in the process at all stages.
- 4.8. Anyone with a direct financial interest in this Affordable Housing Project are excluded from Membership. Including but not limited to a property developer or a landowner within the Parish making a site available for consideration.

5. Meetings

- 5.1. The Chair of the Project Working Group shall organise the date, time, and location of any meeting and shall give at least 7 clear-days' notice by the publication of an Agenda.
- 5.2. A minimum of three Councillors of Landford Parish Council must be present.
- 5.3. The Working Group may only enter into discussions (be they in person or in writing) with a potential property developer provided it's in the presence of a member of New Forest National Planning Authority or Wiltshire Council Planning Authority.

¹ NALC Legal Topic Note 1 (parag 10) October 2013

² S102(3) of the Local Government Act 1972

³ S104 Local Government Act 1972

5.4. The Project Working Group will aim to make decisions by consensus, however, should a vote be required, each Member of the Working Group will have one vote and a simple majority, by show of hands, will be required. If agreement can't be reached on specific issues, direction should be sought from full Council.

5.4. The Secretary will keep a record of meetings and fully evidence decisions, observing General Data Protection Regulations. This record shall be circulated to all Working Group Members, as well as Landford Parish Council's Chair and Clerk.

6. Communications

6.1. Communications outside of meetings will be conducted primarily by email, copying all Working Group Members as well as Landford Parish Council's Chair and Clerk.

6.2. Notices to the community will be through local websites, Landford Parish Council social media (Facebook page), Parish magazines, the Village Shop, Landford Parish Council, and other local Noticeboards.

7. Finance

7.1. The accounting year will run from 01 April to 31 March the following year.

7.2. At an Extraordinary General Meeting of the Parish Council on 06 September 2022, it was RESOLVED to allocate a budget of £500 to the Working Group for the year 2022-23 for the delivery of the 5-year Plan. The Working Group's Treasurer will operate general financial controls over expenditure from this budget.

7.3. The Working Group's Treasurer will supply all invoices and Expense Claim Forms (with associated receipts) to the Parish Council's RFO 7 clear days before a Parish Council Meeting. All such payments and reimbursements will be processed through Landford Parish Council's accounting system and in accordance with the Financial Regulations.

8. Changes to the Terms of Reference and Dissolution

8.1. These Terms of Reference may be amended with the Support of the Working Group and subject to full Council approval.

8.2. The Working Group will be dissolved once its objectives have been attained and/or when Landford Parish Council RESOLVES that its services are no longer required.

APPENDIX: Protocols on meetings with Landowners, Developers, or their Agents

Landford Parish Council (the 'Parish Council') acknowledges developers may wish to present proposals and seek its views at different stages during the planning process and welcomes developers consulting with both Parish Council and the local community. The Parish Council is also aware of the importance of public perception and the need to avoid any appearance that it is conducting secretive negotiations or colluding with developers or their agents.

The National Planning Policy Framework states that *"early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community"*.

<https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making>

In order to avoid improper lobbying by a developer or creating a perception that the Parish Council has a predetermined position on a proposed development, it will follow this protocol and guidance.

Protocol Aim

The aim of this Protocol is to enable open, agreed, and well-structured working between the community, applicants/developers, local authority, and elected members in advance of planning applications. It has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision taken by the Parish Council has been biased, partial, or not well-founded, and that Councillors are aware of their role within the planning process.

This document applies to all Councillors, the Affordable Housing Working Group, employees, contractual third parties, and agents of the Parish Council who work and act on behalf of the Parish Council. This document also applies to all developers, landowners, their employees, and agents which act on their behalf.

Any use of this Protocol is without prejudice to the eventual decision of the Parish Council on the merits of any application or to the determination by the relevant planning authority (NFNPA and Wiltshire Council).

Pre application briefings with the Parish Council

The Parish Council is willing, in general, to hold meetings with landowners/developers/agents. Under normal circumstances the Parish Council will not hold private meetings with developers and their agents. However, on occasion this may be required if there is a necessary and compelling reason which can be justified to the public e.g. there is commercial sensitivity, or the developer wishes to receive an initial steer before deciding whether to progress.

If the Parish Council or the Affordable Housing Working Group agrees to hold an initial meeting with a developer in private, an independent person unconnected to the Council will be appointed by the Council to attend the meeting as an observer.

If the Clerk receives a request from a developer/agent to meet with the Parish Council, they will inform all Members of the Parish Council and the Affordable Housing Working Group. The Clerk will ask the developer/agent in advance to provide information in writing about the proposed development affecting the parish. Any information received will be forwarded to Councillors and Members of the Affordable Housing Working Group.

Information provided by the developer/agent will not necessarily require the Parish Council to treat it as confidential. However, any information which they consider to be commercially sensitive and confidential must be identified and the reasons for doing so explained in writing. Information

held by the Parish Council about a proposed development is subject to disclosure under the General Data Protection Regulation and Freedom of Information legislation.

All meetings with developers/agents will be minuted by the Clerk, another officer of the Parish Council or, in their absence, a nominated Councillor.

Pre-Determination

A Parish Council's role as a consultee is for Councillors collectively to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons at Parish Council meetings.

In all meetings with developers, Councillors are reminded of the need to abide by the Council's adopted Code of Conduct and the critical importance of not pre-determining their position on any future application. It is noted that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns', is permissible. However, should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then they should not take part in the formal consideration of that matter at a meeting of the Parish Council. Failure to abide by the Parish Council's Code of Conduct could lead to Standards Committee adjudication for the individual Councillor and put the Parish Council at risk of proceedings on the legality or maladministration of any decisions made.

If a Councillor is unclear about the application of this Protocol to their own situation, they should seek advice early on as to whether they are required to declare any personal or pecuniary interests. This can be done by contacting the Wiltshire Council Monitoring Officer.

Informal meetings with Councillors

Individual Councillors may be approached by developers for informal discussions/meetings for potential future applications. Whilst it is left to the individual judgement of Councillors whether to take part, they are advised to:

- i) Carefully consider the public perception of such discussions/meetings with developers.
- ii) Consider the Council's Code of Conduct and Protocol.
- iii) Avoid any appearance of collusion.
- iv) Refuse hospitality in connection with such discussions/meetings.
- v) Advise the Chair, the Clerk, and where possible, the full Council, of such discussions/meetings.
- vi) Councillors must not represent the Parish Council at such discussions/meetings, unless expressly authorised to do so by the Parish Council.

Developer/Agents attending public Parish Council meetings

Meetings of the Parish Council are open to the public and developers may attend. A developer may only speak at a Parish Council meeting if they are invited to do so by the Chair during the public participation section at the start of the meeting.

Pre-Application Public Consultations

The Parish Council strongly encourages developers to carry out a public consultation in the community before submitting any plans for a major development to the planning authority (NFNPA and Wiltshire Council) whilst taking account of the following:

1. It is held at a venue which is accessible and convenient to the majority of residents.
2. The event is widely publicised giving residents plenty of notice to attend.
3. It is held at times to accommodate as wide a range of working and non-working people as possible.
4. The developer has an open mind and willingness to adapt plans in response to feedback from both the Parish Council and the wider community.