

2 NOVEMBER 2005

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 2 November 2005

- p Cllr M J Kendal (Chairman)
- p Cllr B Rickman (Vice-Chairman)

Councillors:

- p G C Beck
- e P C Greenfield
- p J D Heron

Councillors:

- p Mrs M D Holding
- p M H Thierry
- p C A Wise

In Attendance:

Councillors:

C Baker
Ms L C Ford
Mrs M Humber
R J Neath
B M F Pemberton

Councillors:

Mrs M J Robinson
Mrs S I Snowden
C R Treleaven
P R Woods

Also In Attendance:

Mrs A Murphy, Tenants' Representative.

Officers Attending:

D Yates, N Gibbs, C Malyon, J Mascal, Ms J Bateman, D Brown, Mrs L Evans, Miss G O'Rourke and J Ward.

60. MINUTES.

RESOLVED:

That the minutes of the meetings held on 5 and 24 October 2005, having been circulated, be signed by the Chairman as correct records.

61. DECLARATIONS OF INTEREST.

Cllr Mrs Snowden declared an interest in Minute No. 67

62. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

63. SUPPLEMENTARY PLANNING DOCUMENT – THE DELIVERY OF AFFORDABLE HOUSING (ON DEVELOPMENT SITES) THROUGH THE PLANNING PROCESS (REPORT A).

Mrs Newton, a member of the public addressed the Cabinet. Mrs Newton expressed her concern at the valuation arrangements, set out in Policy AH-2, that were used to calculate the financial contribution required in lieu of on-site affordable housing provision for development sites of 1 or 2 dwellings.

She said that, in her own particular case, the contribution required meant that the proposed building work would not be financially viable. She would not be able to provide accommodation to allow her children to remain in the area. Mrs Newton said that other local authorities had fairer arrangements. She agreed with the principle of the need for a financial contribution towards the provision of affordable housing but felt that there should be a fairer more equitable financial calculation.

Mr Walsh, a member of the public addressed the Cabinet. Mr Walsh, a local estate agent, said that he was aware that there were potential development sites that, once developers became aware of the percentage of affordable homes required, they withdrew from the process as the profit margins were no longer acceptable.

Mr Walsh also made the point that the method of calculation for a financial contribution to the provision of affordable housing, took no account of the reduction in value that would occur to an original property after the loss of land to new build.

The Cabinet considered a response to the draft Supplementary Planning Document – The Delivery of Affordable Housing (on Development Sites) through the Planning Process. Members noted that the document was not a vehicle for changing policies as these had already been established through the Local Plan process. Any change to the Council's adopted affordable housing policies was a matter to be pursued through work on the local development framework.

It was reported that the points raised in relation to the calculation of financial contributions had been considered by the Inspector at the Local Plan Inquiry. The Inspector had been of the view that the Council's affordable housing policies would not stop developers' coming forward and therefore those objections had been dismissed.

Members discussed issues surrounding the provision of affordable housing and the difficulties in differentiating between 'commercial' developers and 'owner' developers. Officers had given consideration to including a 'local occupancy' condition in some planning applications. However, Government guidance specified equal treatment for all and it was not felt that this option could be pursued.

The Cabinet agreed that further clarity was needed on the processes that officers needed to follow for the negotiation of the delivery of affordable housing.

RESOLVED:

- (i) That the comments received on the draft Supplementary Planning Document 'The Delivery of Affordable Housing (on Development Sites) through the Planning Process' be noted, and the responses to the comments set out in Annex 1 to Report A to the Cabinet be agreed;
- (ii) That the Supplementary Planning Document 'The Delivery of Affordable Housing (on Development Sites) through the Planning Process' as set out in Annex 3 to Report A to the Cabinet be adopted by the Council;
- (iii) That the Head of Policy Design and Information be authorised to make any necessary detailed editing or clarification changes in preparing the SPD for publication;
- (iv) That it be noted that any change to the Council's adopted affordable housing policies is a matter to be pursued through work on the local development framework; and
- (v) That work be undertaken to give officers clear accountable procedures for the negotiation of the delivery of affordable housing.

64. DEMOTED TENANCIES (REPORT B).

The Cabinet considered a proposal to introduce, under Part 2 of the Anti-Social Behaviour Act 2003, a demoted tenancy scheme. This was a new form of tenancy to deal with anti social behaviour that could deprive a tenant of their security of tenure and other rights.

Members agreed that the appointment of a member of the Appeals Committee to sit on a review panel should be done in consultation with the Head of Legal and Democratic Services.

Mrs Murphy, Tenants' Representative confirmed that the proposals had been considered and supported by the tenants.

RESOLVED:

- (a) That the implementation of the mechanisms for the Review Panel procedures as outlined in report B to the Cabinet be agreed;
- (b) That the Review Panels as detailed in paragraph 2 of Report B to the Cabinet be set up with the following terms of reference: -

To conduct hearings relating to the review mechanisms contained in the Housing Act 1996 and the Demoted Tenancies (Review of Decisions)(England) Regulations 2004 and to make determinations accordingly.

(c) That the following delegation arrangements be approved: -

| | |
|--|--|
| Authority to apply to the Country Court for the Demotion Order | Housing Estate Manager |
| Authority to issue a Notice of Proceedings | Housing Estate Manager |
| To appoint the pool of officers to comprise the Review Panel, and to select any two to sit to determine a review | Assistant Director (Housing Services); or Director of Community Services |
| To appoint a Member of the Appeals Committee to the Review Panel, to sit with officers to determine a review | Assistant Director (Housing Services) in consultation with Head of Legal and Democratic Services |
| In cases of urgency, to conduct the review hearing | Assistant Director (Housing Services); or Director of Director of Community Services |

65. EXPENDITURE PLAN PROPOSALS/FEEES AND CHARGES (REPORT C).

The Cabinet considered the expenditure plan proposals together with suggested fees and charges for the coming financial year. All review panels and committees would be considering the detail of the proposals at their next meeting and would be reporting back to the Cabinet in December.

In discussing the report the Finance and Support Portfolio Holder said that it was necessary for the Council, at this stage to aim for a target increase in the Council Tax of 3%. There would be no increase in Government funding and further savings would be required over the coming years.

The Chairman said that additional funding was required to cover rising employee costs in particular, employer pension contributions that had risen above the rate of inflation. He indicated that whilst it might not be possible to fund all the projects that the Council would wish to, all the basic services would continue. He hoped that the review panels, when considering the expenditure plans, would try to maintain the current standards of service to the Council's customers.

Members noted that closer links were being made between service planning and expenditure planning. However, as service planning did not take into account the Council's overall financial position it was important that the Cabinet maintained an overview in order to agree priorities.

RESOLVED:

- (i) That all the items contained in the Expenditure Plan proposals as contained in the Appendices to Report C to the Cabinet be considered by the relevant review panels with any comments arising from them being fed back to the December meeting of the Cabinet;
- (ii) That further work continues in order to identify ways of reducing net expenditure with particular emphasis on savings that can be considered as 'efficiency' savings; and
- (iii) That further proposals be considered once the aforementioned exercise has been concluded thereby enabling the Cabinet to make an informed decision in the light of available resources.

66. 'YOUTH MATTERS' : GREEN PAPER (REPORT D).

The Government had an extensive agenda for children and young people issues. As part of wide ranging legislation, a Green Paper had been issued for consultation. The Cabinet agreed that the Council was well represented in those processes and would be involved in any developments as they emerged. In particular members referred to the successful Youth Festival and 'Shout About' events that had been held in 2004. It was agreed that the Council's positive support to young people should be reflected in the response to the Green Paper.

RESOLVED:

That the response to the Green Paper "Youth Matters" as detailed in Appendix 1 to Report D to the Cabinet and, as amended to reflect the Council's support to young people, be agreed.

67. THE FUTURE OF CENTRAL CONTROL (REPORT E).

Cllr Mrs Snowden declared a personal interest in this matter. She did not consider her interest to be prejudicial. She remained at the meeting but took no part in the discussion. She did not have a vote.

A Best Value Review of the Council's Lifeline and Central Control Services was carried out during 2002/2003. A number of issues were identified that required action if the future long term sustainability of the service was to be secured.

Members agreed that the service was highly valued and any changes in delivery must safeguard the current quality and customer satisfaction standards.

RESOLVED:

That, after considering the financial implications detailed in Report E to the Cabinet officers be asked to fully investigate the opportunities for a partnership approach to providing the current services and report back to the Cabinet with the results of the investigations as soon as possible.

68. AMENDMENT TO SURVEILLANCE POLICY – AUTHORISED OFFICERS.

RESOLVED:

That an amendment be made to Appendix 1 of the Council's Surveillance Policy to delegate power to the Director of Resources to approve applications for the obtaining of Communications Data under the Regulation of Investigatory Powers (Communications Data) Order 2003.

CHAIRMAN

(DEMOCRAT/CB021105/MINUTES.DOC)