

6 JUNE 2012

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 6 June 2012.

p Cllr B Rickman (Chairman)
p Cllr E J Heron (Vice-Chairman)

Councillors:

p Mrs D M Brooks
p Mrs J L Cleary

Councillors:

p F P Vickers
p C A Wise

In Attendance:

Councillors:

p Mrs D E Andrews
p Mrs S Bennison
p Ms L C Ford
p A T Glass
p C J Harrison
p Mrs A J Hoare
p M J Kendal

Councillors:

p Mrs M E Lewis
p J Penwarden
p A J Swain
p M S Wade
p Mrs C Ward
p R A Wappet
p P R Woods

Also In Attendance:

Mr Waters and Mrs A Murphy, Housing Policy and Report Focus Group Representatives.

Officers Attending:

D Yates, R Jackson, J Mascall, D Brunton, Miss J Debnam, Mrs L Evans and Miss G O'Rourke

1. MINUTES.

RESOLVED:

That the minutes of the meeting held on 2 May 2012 be signed by the Chairman as a correct record.

2. DECLARATIONS OF INTEREST.

Cllr Kendal declared an interest in Minute 87.

3. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

4. LOCAL PLAN PART 2: SITES AND DEVELOPMENT MANAGEMENT (REPORT A).

The Cabinet considered the amendments proposed to the Sites and Development Management Document in the light of the responses to the latest statutory consultation exercise. This document, which together with the adopted Core Strategy for the New Forest District forms the Local Plan for the District outside the National Park area, was in the final stages of the process leading up to the formal Examination in Public.

Members were advised that the Environment Overview and Scrutiny Panel and the Planning Development Control Committee, at a special joint meeting on 23 May 2012, had supported the proposed changes subject to two further amendments, which were set out in the Addendum and further Addendum to Appendix 2 to Report A to the Cabinet.

The change to policy MoS1 relating to land north of School Lane, Milford on Sea had been made in response to representations from Milford on Sea Parish Council, supported by Cllr Kendal. They had advocated that the number of dwellings allocated for this site should be reduced to 10, with the shortfall in the land that the Core Strategy required to be allocated for housing being made up from windfall sites that came forwards in due course. At the meeting of the Cabinet Cllr Kendal advocated that the number of dwellings on this site should be reduced to 10, or as a compromise to 15 dwellings. He believed that the lower allocation would allow the ultimate development of this site to be more in keeping with the surrounding development, and maintain the character of this important approach to Milford Village.

The Planning and Transportation Portfolio Holder, Cllr Vickers, reminded Members that work on the Sites and Development Management Document had commenced after the adoption of the Core Strategy in October 2009, and that the process was now very far advanced with there having been numerous opportunities for the current proposal to be considered at a much earlier stage in the process. On behalf of the Head of Planning and Transportation, Cllr Vickers apologised for the impression that had been given, wrongly, at the special meeting of the Environment Overview and Scrutiny Panel and Planning Development Control Committee, that Milford on Sea had failed to respond to the initial request for sites. They had responded, but had not put forwards any new sites for consideration. Throughout the consultation processes the Parish Council had objected to all the 14 sites put forward for consideration in Milford, apart from the allocation under policy MoS1, which they had supported, also recognising that development would need to encroach into the Green Belt. The Portfolio Holder considered that the current debate was too late in the day for the Council to make the consequent changes necessary to the document. However, the purpose of the Examination in Public was to allow a full consideration of issues where there were contrary views. The Council had a duty to convey all

representations received, together with the supporting evidence, to the Inspector for consideration, and also to indicate the level of concern on each issue to allow the Inspector to determine the best way to consider the matter. Similar issues, for example in Ringwood and New Milton, where this Council and the town or parish council did not have a common view, would be addressed in this way and it would be equitable for policy MoS1 to be dealt with in this way, rather than to risk prejudicing the timetable for the adoption of the entire plan.

RECOMMENDED:

- (a) ***That the Local Plan Part 2 (Sites and Development Management), together with the proposed changes and corrections set out in Appendix 2 to Report A to the Cabinet (and any other minor corrections and clarification changes), be submitted to the Secretary of State to go forward into a Public Examination; and***
- (b) ***That the Policy Planning Manager be authorised to agree, in consultation with the Planning and Transportation Portfolio Holder, clarification/editing changes in preparing the document for submission and during the subsequent Public Examination.***

Action: Graham Ashworth/Louise Evans

5. COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE (REPORT B).

Cllr Kendal declared a personal interest as a member of Hampshire County Council which would gain receipts from the Community Infrastructure Levy. He concluded that such interest was prejudicial and left the meeting for the consideration and voting.

The Cabinet was advised that 16 further representations had been received in response to the latest statutory consultation exercise in the preparation of the Community Infrastructure Levy draft Charging Schedule. A summary was set out in Appendix 2 to Report B considered by the Cabinet. It was not proposed to make any further changes to the Charging Schedule as no new issues had been raised. The representations would however be submitted for consideration by the Inspector at the Examination in Public.

Members were advised that, in addition to approving the Charging Schedule, the Council must also approve and submit a formal Declaration that the relevant requirements of the CIL Regulations had been met in preparing the documents for submission. The Declaration was attached as Appendix 3 to Report B considered by the Cabinet.

RESOLVED:

- (a) That insofar as they are empowered to do so by law, the Cabinet approves the Charging Schedule, as set out in Report B to the Cabinet for submission, together with supporting documents, to the examiner;

- (b) That the Planning Policy Manager, in conjunction with the Planning and Transportation Portfolio Holder, be authorised to make minor amendments as necessary to prepare the 'New Forest District Council Community Infrastructure Levy – Draft Charging Schedule' and associated paperwork for submission for Examination.
- (c) That the legal declaration required under the Planning Act 2008 and CIL Regulations 2010 (as amended) be approved.

Action: Dean Brunton

RECOMMENDED:

That insofar as they are empowered to do so by law, the Council, approves the Charging Schedule for submission, together with supporting documents, to the examiner; and also approves the legal declaration required under the Planning Act 2008 and the CIL Regulations 2010 (as amended)

6. CORPORATE PLAN – THE DELIVERY PLAN OF CORPORATE AIMS 2012 – 2016 (REPORT C).

Further to the adoption of the Corporate Plan (Minute 63 of the meeting of the Cabinet on 1 February 2012 and Minute 44 of the meeting of the Council held on 27 February 2012 refer), the Cabinet considered the service-based actions that would bring those aims to fruition. The Delivery Plan of Corporate Aims, as set out as an Appendix to Report C to the Cabinet, would form the basis of pages on the Council's website to increase the transparency and accessibility of the process to Members, employees and the public.

At the request of Cllr C Harrison, the Cabinet considered whether the document should include a statement on this Council's approach to equalities issues, but decided that this should be developed in the light of the findings of the Corporate Overview and Scrutiny Panel's Task and Finish Working Group who were currently working on this issue.

RESOLVED:

That the Delivery Plan of Corporate Aims 2012-2016, as set out as an Appendix to Report C considered by the Cabinet, be approved.

Action: Bob Jackson

7. FINANCIAL REPORT – PROVISIONAL OUTTURN 2011/12 (REPORT D).

The Cabinet were advised of the provisional out turn figures for 2011/12 for the General Fund, Capital Programme and Housing Revenue Account. The statutory Statement of Accounts must be completed and signed by the S151 Officer prior to 30 June 2012, and would be based on the figures submitted to the Cabinet. Any further variations would be reported to the Final Accounts Committee in September after the Accounts had been subject to external auditing.

Members were pleased to note significant underspends, which would strengthen the Council's balance sheets in facing the challenging financial circumstances ahead.

RESOLVED:

- (a) That the provisional General Fund outturn position be noted;
- (b) That the provisional outturn position of the Capital Programme be noted; and
- (c) That the provisional outturn position of the Housing Revenue Account be noted.

8. RIGHT TO BUY – REINVESTING RECEIPTS IN NEW AFFORDABLE RENTED HOMES (REPORT E).

Under the current Right to Buy legislation the receipts from the sale of any Council owned house, following the deduction of certain allowances, were split with 75% going to central government and 25% being retained locally. In recent years the number of Council houses being sold had declined. The value of the discount available to the tenant had not increased, and had become a progressively lower proportion of the cost. The maximum discount was being increased from £38,000 to £75,000, which was expected to promote an increase in requests for Right to Buy. The Government had recently entered into an arrangement for this Council to buy its Council houses, and the settlement figure of £142.7m included a calculation based on the then current number of Council house sales. The Government was seeking to control the use of any Right to Buy receipts in excess of that level, with the objective of ensuring that the money was used for replacement affordable homes. If the Council wished to retain all the receipts from future sales, above the settlement figure, it must enter into an agreement with the Government stating that it would use the receipts to reinvest in affordable rented housing, and that the receipts would amount to no more than 30% of the cost of the subsequent investment in affordable homes. All the money must also be spent within 3 years, or revert to the Government.

The Cabinet wished to ensure that all the receipts from Council house sales were retained for local use. Seen within the context of the decision to invest in providing additional Council owned housing over coming years, there was a coherent approach through which all the receipts could be used locally.

The Cabinet also considered the level of rent that should be paid in respect of the homes provided under this scheme. In principle, they considered that these should be charged at an Affordable Rent (i.e. 80% of Market Rent) but that there should be a further report to the Cabinet on the detailed implications later this year.

RESOLVED:

- (a) That the Head of Housing be authorised to enter into an agreement with the Secretary of State that will enable the Authority to retain additional Right to Buy receipts for investment in new affordable rented homes.
- (b) That the principle of all new affordable homes provided under these arrangements being charged at an Affordable Rent (i.e. 80% of Market Rent) be agreed, subject to a further report on the detailed implications being presented to Cabinet later this year.

Action: Dave Brown

9. SCHEME OF DELEGATIONS.**RESOLVED:**

That Accredited Community Support Officers be added to the list of officers delegated to issue Fixed Penalty Notices under the Dogs (Fouling of Land) Act 1996, as shown below:

Source	Power Delegated	Delegated To
Dogs (Fouling of Land) Act 1996	To serve Fixed Penalty Notices	Accredited Community Support Officers

Action: Jan Debnam/Carole Gallagher

10. APPOINTMENT TO OUTSIDE BODY.**RESOLVED:**

That Cllr Vickers be appointed as the standing deputy for this Council's representative on the New Forest Consultative Panel.

Action: Jan Debnam

CHAIRMAN