

REPORT OF CABINET

(Meeting held on 2 April 2014)

1. LOCAL PLAN PART 2: SITES AND DEVELOPMENT MANAGEMENT DEVELOPMENT – ADOPTION (REPORT A) (MINUTE NO. 74)

The Inspector's report on the Examination of the Local Plan Part 2, has now been received and evaluated. The Inspector's report, together with the Inspector's Schedule of Main Modifications, were attached as Appendices 1 and 2 to the report considered by the Cabinet. The Inspector has concluded that, subject to the Main Modifications, the Sites and Development Management Document is consistent with the Core Strategy, satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness in the National Planning Policy Framework.

The preparation of the Plan and subsequent Examination process have both involved extensive research and consultation exercises, including a great deal of additional research and consultation which was undertaken to meet the Inspector's specific requirements as the Examination process went forwards. Overall, the process has taken 20 months to complete, much longer than originally anticipated. The issue which has generated the greatest amount of additional work has been the need to identify Suitable Alternative Areas of Natural Green Space (SANGS) to divert recreational pressures away from the protected landscapes of the Forest. A number of policy changes have been included on this topic.

A Members' Advisory Group has overseen the process and all members of the Council have been given the opportunity to be involved at various stages.

An integrated version of the Local Plan Part 2, incorporating the Inspector's Main Modifications, has been prepared and published on the Council's website, subject to the proviso that it is yet to be approved by the Council. Members may find it helpful to view this document through the link

<http://www.newforest.gov.uk/index.cfm?articleid=14184>.

The Portfolio Holder and Cabinet thanked the officers, in particular the Head of Planning and Transportation and the Planning Policy Team, for their hard work and professionalism in bringing the local plan to this stage. This Council will now be the first in Hampshire and one of the few nationally with a complete local plan that complies with current government requirements. This will provide greater certainty and minimise vulnerability to speculative developments coming forwards.

RECOMMENDED:

That the New Forest District Council outside the National Park Local Plan Part 2: Sites and Development Management be adopted, incorporating the changes set out in the Inspector's Schedule of Main Modifications, as set out in Appendix 2 to Report A considered by the Cabinet.

2. COMMUNITY INFRASTRUCTURE LEVY – ADOPTION AND IMPLEMENTATION OF CHARGING SCHEDULE (REPORT B) (MINUTE NO. 75)

The Examiner's report following the Examination of the Council's Community Infrastructure Levy scheme and schedule have also been received. This Examination took place in tandem with that of the Local Plan Part 2 and was delayed when the Inspector decided to emphasise the provision of Suitable Alternative Areas of Natural Green Space, which will be given high priority in the use of the CIL receipts. The Examiner's report was set out as Appendix 1 to Report B. He had proposed that the charging schedule should be amended on the basis that the charge for large scale retail developments was not compliant with the Regulations that were in place when the Council's scheme was submitted to him. On balance, bearing in mind the low number of applications anticipated and the continued availability of S106 Agreements for securing appropriate contributions from this source, it was recommended that this change should be accepted. The revised Charging Schedule was attached as Appendix 2 to Report B.

The deadline for the imposition of the pooling of S106 receipts has been extended by a year. The advantages and disadvantages to this Council of delaying implementation of CIL until 6 April 2015 are set out in detail in the report. In summary, provided that the Regulations do not change again, it is financially advantageous to this Council to retain the current S106 system for as long as possible. The Portfolio Holder is very keen to encourage all ward councillors to take an active role in identifying projects to use S106 money in their areas and to promote their implementation, in particular as the Government may change the rules on how this money is pooled and spent, which may create problems for the future.

RECOMMENDED:

- (a) That the Examiner's recommendations be accepted and the revised Charging Schedule, as attached as Appendix 2 to Report B to the Cabinet, be approved; and**
- (b) That the Charging Schedule be brought into effect on 6 April 2015, unless further amendments are made to the CIL Regulations that require the implementation date to be reviewed.**

3. PROJECT INTEGRA ANNUAL ACTION PLAN (REPORT C) (MINUTE NO. 76)

Each year this Council needs to review the Action Plan for Project Integra, and to agree that the Plan should be approved. This is a 4 year rolling programme, which sets out the costs of running the partnership and defines the key objectives for the plan period. This is the second year that a more streamlined type of Plan has been used. This concise format includes specific, measurable, targets that are assigned to individual officers. Consequently the Plan is easier to understand, and it is now possible to measure performance against the defined objectives and identify any shortfalls. Performance against the 2013/14 Plan was reviewed by the Environment Overview and Scrutiny Panel at their meeting in January. During 2013/14 a number of key actions had been completed, including the production of a revised Joint Waste Management Strategy. The Panel welcomed the progress now being made by the Partnership.

Following the fundamental review of Project Integra, which was undertaken in 2010, a number of measures were introduced which are continuing to improve efficiency. As a consequence, the cost to this Council of participating in Project Integra has been reduced from £33,562 in 2013/14 to £31,552 in 2013/14. The income to this Council from the sale of recyclable materials is projected to be £392,000 in 2014/15.

The Portfolio Holder commended the Annual Action Plan to the Cabinet. Project Integra is a very successful partnership, with the Hampshire Authorities achieving the best diversion rate from landfill of any area in the Country. He considers that it demonstrates good value for money in the current situation and, with planned investment, should continue to provide good ecological solutions to waste management and value for money for local residents into the future.

RECOMMENDED:

That the Project Integra Annual Action Plan 2014-17, as attached as Appendix A to Report C to the Cabinet, be approved.

4. STORM DAMAGE TO BEACH HUTS - HORDLE CLIFF (REPORT D) (MINUTE NO. 77)

The Cabinet has agreed this Council's response to the widespread damage to the cliff top area and to beach huts at Hordle Cliff as a result of the severe storm on 14 February 2014. This was the first of a series of reports that will come forwards following the detailed review of options for both Hordle Cliff and Milford-on-Sea, which is being carried out by the working group established by the Environment Portfolio Holder to assist him in this process. Information is being brought forwards as soon as all the evidence for each area has been collated and there is certainty on the best way forwards, in recognition of the very real distress and concerns of those people who have been affected.

As Hordle Cliffs is a Site of Special Scientific Interest Natural England must give consent for any works to the cliff or to the beach huts and other structures. Planning consent also needs to be obtained. Negotiations have been held with Natural England to agree a way forwards. While the Council is still waiting for a decision from them on whether works can be done to the lower cliff face to stabilise the situation, they have given consent for the repair of some of the beach huts. In the meantime, monitoring has established that there is still movement of the cliff, which is consequently unstable. Further research has therefore been commissioned to establish the exact position. This monitoring will take between 6 and 12 months, and it is not possible to take informed decisions about the future of the affected areas until this information is received.

The beach huts currently affected can be divided into 4 distinct categories:

- Huts that were damaged but repairable
- Huts that have been destroyed but the pitches are stable
- Huts that have been destroyed and the cliff continues to shows signs of movement
- Huts that remain but are in danger of collapse

In addition, an area of beach huts has been identified which are currently intact, but might be vulnerable if movement of the cliff continues in a westerly direction.

The proposed course of action for each of the above areas is set out in detail in Section 2 of the report. Where possible, the huts can be repaired or replaced, but that is not yet possible where the cliff is still unstable. The Council will apply for outline consent for the areas where the huts can be replaced, allowing the hut owners to obtain individual consent for their huts once the principle has been established. Wherever possible, sites will be identified for additional plots for beach huts, to compensate for those that may be lost, and a system will be established to allocate these on a fair and equitable basis. The annual licence fee will be waived where the hut cannot be replaced or access is being restricted.

Further reports will be coming forwards to future meetings of the Cabinet as the situation progresses.

5. COST OF THE RECENT SEVERE WEATHER (REPORT E) (MINUTE NO. 78)

This Council, together with Partner agencies, has been involved in a variety of extensive emergency responses throughout the severe winter weather. Flooding and storm damage have been major issues throughout the District.

The cost of the initial emergency response is still being finalised but it is currently calculated to be in the region of £415,000. While, in theory, the majority of this cost can be reclaimed from central government, this Council must meet a proportion of the costs under the Bellwin Scheme, through the Department of Communities and Local Government. This covers the majority of the expenditure. This Council's contribution, under the Bellwin formula, is currently estimated to be £38,573, and the Cabinet has approved the necessary budget. Other costs will be recoverable from other government departments, which will apply their own criteria. The Cabinet has formally requested that all necessary action is taken to recover this Council's costs, and they will receive a progress report in due course.

The Government has made a number of grants available to help small businesses and householders who have been affected by the severe weather. These include:

Support for businesses

- a. Business Support Scheme - £20,000 is available to support small and medium sized businesses to develop and implement recovery plans.
- b. 100% Business Rate relief for those affected by the severe weather, estimated cost £45,000 (approximately 200 properties including beach huts).
- c. A Government Repair and Renew Grant that will support a property's ability to withstand future flooding.
- d. Funding for Farmers is available to support bringing production back as quickly as possible.

Help for homeowners

- a. Council Tax rebate, funded by Government. The estimated number of homeowners eligible is 20 and the potential cost is £10,000.
- b. A Government Repair and Renew Grant that will support a property's ability to withstand future flooding.

So far 6 expressions of interest have been received for grant assistance, 2 from businesses and 4 from householders, and 3 expressions of interest under the Business Support Scheme.

This Council will also need to address longer term repair and maintenance requirements for Council assets, such as repairs to buildings and pathways, caused by the severe winter weather.

6. ELECTORAL REVIEW (REPORT F) (MINUTE NO. 79)

The Cabinet received a presentation from one member of the public, supported by another, both of whom opposed any reduction in the number of District Council representatives. They considered that this would reduce the democratic representation of local people. In addition, there was no requirement to carry out any such review and the process would inevitably incur costs.

The Cabinet considered the recommendations of the Corporate Overview and Scrutiny Panel following their establishment of a task and finish working group to explore possible options for reducing the number of members on the Council. Although the task and finish working group had favoured a reduction in membership, the Corporate Overview and Scrutiny Panel has, on balance, concluded that there would be no overall benefit. The Panel consequently recommended that no further action should be taken on this issue.

The Cabinet consider that this matter should be the subject of a full debate at the meeting of the Council, where the decision should rightfully be made.

The issues taken into account by the Task and Finish Group, and subsequently by the Corporate Overview and Scrutiny Panel, are set out in more detail in Report F to the Cabinet. The key points are as follows:

- Any decisions on the number of members, number of wards or revisions to the boundaries of wards can only be taken by the Local Government Boundary Commission for England. They would however give great weight to a locally generated scheme that had been subject to proper consultation.
- There is no current requirement for the Council to request a review of its membership, but it may do so if it wishes.
- The Boundary Commission is required by law to apply certain criteria to any review, which includes securing equality of representation, the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government. Financial criteria are not taken into account.
- The review process follows a defined procedure and takes about 18 months, following which an Order is placed before Parliament. The cost to this Council would not be excessive.
- The task and finish group was operating within a context where certain key factors need to be decided at a later date. These include decisions on the structure and frequency of meetings of committees etc, and the level of members' allowances. In addition, there was no attempt to quantify the cost of staff time spent in supporting members and whether this may change if the number of councillors was reduced.

- If the number of councillors was reduced from 60 to 46 members, without an increase in members' allowances, there would be an annual saving of £85,000 on basic allowances and national insurance contributions. The savings for a 40 member council would be £121,000. This calculation reflects that members' allowances are no longer pensionable. These should be the minimum savings that could be achieved.
- The majority view of the task and finish group was that a review should be initiated with the objective of reducing the number of members on the Council to around 46. The main factors that they considered relevant were:
 - I. Some areas of the District are "over-represented" with an MEP, an MP, a County Councillor, 4 District Councillors and 5 Parish Councillors.
 - II. The future needs of the Council should be viewed in the longer term of 2030 and beyond. Continuing advances in technology and changes in patterns of social interaction had altered the emphasis of the various ways through which constituents contacted their Councillors, with less need for direct meetings.
 - III. Although there were concerns that revised arrangements would cause some local anomalies, the current arrangements were not ideal either and changes always raised issues which were of concern on a local basis.
 - IV. Comparing councillor:elector ratios with other authorities was not useful as there was no optimal answer, and many larger authorities, with more powers than this Council, operated successfully with fewer members.
 - V. Not all members are equally active in attending meetings or taking part in the Council's business.
 - VI. The recent reduction in staff numbers should be reflected in a reduction in the number of Councillors.
 - VII. Parish and town councils would be fully consulted on proposals for revisions to the wards.

These views were re-emphasised, at the meeting, by a number of councillors who had taken part in the review and were disappointed at the Corporate Overview and Scrutiny Panel's recommendation.

- The contrary view put forwards by a minority of the members on the task and finish working group can be summarised as follows:
 - I. A reduction in the number of members would result in a loss of local democracy, particularly in rural areas where the geographical dimensions of the wards could become unacceptably large.
 - II. Candidates may be discouraged from standing in geographically large rural wards, particularly if they had no support from a political party.
 - III. Wards would cover a greater number of parish councils making it less likely that district councillors would attend each of their parishes' meetings.
 - IV. The change would not represent best value for local residents.
- Additional points against the review, put forwards at the meeting of the Cabinet were:
 - I. Decisions on the future size of the Council should not be dominated by financial considerations.
 - II. The task and finish working group had not considered any evidence on the non-monetary value of the work that ward councillors carried out on behalf of their constituents and through involvement in a wide range of community activities.
 - III. Some wards already contained areas where the demographic group was in greater need of personal contact with and representation by their ward councillor

The Leader has invited all Members to take part in the debate on the issues before the Council.

RECOMMENDED:

- (a) *That the Task and Finish Group's recommendation that the Boundary Commission for England be approached to initiate an electoral review of New Forest District Council be not supported; and***
- (b) *That a reduction in the number of members on the Council be not pursued.***

**Councillor B Rickman
CHAIRMAN**