

7 FEBRUARY 2018

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, Appletree Court, Lyndhurst on Wednesday, 7 February 2018

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

Councillors:

- * Mrs D E Andrews
- * J E Binns
- * Mrs J L Cleary

Councillors:

- * M R Harris
- J D Heron
- Mrs A J Hoare

*Present

In attendance:

Councillors:

W G Andrews
P J Armstrong
Mrs S M Bennison
G R Blunden
Mrs F Carpenter
S J Clarke
S P Davies
A T Glass
L E Harris

Councillors:

D Harrison
A D O'Sullivan
L R Puttock
W S Rippon-Swaine
Mrs A M Rostand
M A Steele
Mrs C V Ward
M L White
C A Wise

Also In Attendance:

Mr G Waters, Tenant Cabinet Representative

Officers Attending:

R Jackson, Miss G O'Rourke, C Read, Mrs M Sandhu, A Bethune, Miss J Debnam, Mrs R Drummond, Mrs S Hamilton, Mrs R Rutins, Mrs J Stainer and Mrs K Williams

Apologies:

Apologies for absence were received from Cllrs J Heron and Hoare.

58 MINUTES

RESOLVED:

That the minutes of the meeting held on 6 December 2017 be signed by the Chairman as a correct record.

59 DECLARATIONS OF INTEREST

Cllr Rostand - minute 61

Cllrs Glass, E J Heron, Rostand and C Ward – minute 62.

60 PUBLIC PARTICIPATION

No issues were raised in the public participation period.

61 REQUEST FOR LEASE OF LAND FOR MILFORD PLAY AREA

Cllr Rostand disclosed a non-pecuniary interest on the grounds that she owned a beach hut further along Milford sea front. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Mr Holdsworth and Ms Osborn addressed the Cabinet to express concern about the extension of the play area and the siting of additional play equipment on land adjacent to the Needles Eye Café.

Cllr Bishop of Milford on Sea Parish Council addressed the Cabinet in support of their request.

The Cabinet considered a request from Milford on Sea Parish Council to lease 2 areas of land adjacent to the Needles Café on Milford sea front to allow the enhancement of the play area. The Parish Council had undertaken a public consultation on the proposals and their initial proposals had been modified to take account of the representations received and also the concerns of the planning officers.

The Parish Council had also requested the release of developers' contributions to allow the scheme to be progressed.

RESOLVED:

- (a) That the two pieces of land marked A and B on the plan attached as Appendix 1 to Report Item 11 to the Cabinet be leased to Milford on Sea Parish Council for a term of up to 99 years, with the terms of the lease to be approved by the Portfolio Holder for Local Economic Development, Property and Innovation in consultation with the Executive Head Operations and the Executive Head Governance and Regulation; and
- (b) That subject to the above approval the Council release the sum of £66,034 from the monies held by the District Council in Section 106 contributions towards the overall cost of this project.

62 COMMUNITY GRANT AWARDS 2018

Cllr Glass disclosed a non-pecuniary interest as a member of Hythe Sea Scouts. He concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Cllr E J Heron disclosed a non-pecuniary interest as a board member of the Forest Forge Theatre Company and also that the Copythorne play area fell within his County Council ward. He concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Cllr Rostand disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council and a trustee of the Lymington Community Association. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllr C Ward disclosed a non-pecuniary interest as a board member of the Forest Forge Theatre Company. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

The Cabinet considered the recommendations of the Community Overview and Scrutiny Panel in respect of grant payments to be made following assessment of the applications received. Each application had been considered, in detail, by the Community Grants Task and Finish Group established by the Panel, using the revised criteria adopted by the Council in 2017 (Cabinet minute 56, 1 February 2017 refers).

The Panel recommended the payment of grants totalling £218,020. A description of each application, the amount requested and the recommended grant was set out in Appendix 1 to Report Item 4 to the Cabinet, and a summary of the proposed payments was set out in paragraph 5.1 of the report.

The Cabinet also noted that the Panel had been requested to consider a revised application in respect of a grant to the Lymington Community Association where it was recommended that no assistance should be given. The Panel had declined to do so on the grounds that reconsideration, outside of the timeframe for applications, would jeopardise the new grants assessment process which sought to ensure greater transparency and fairness. The Cabinet concurred with this view.

The Panel also recommended that there should be a comprehensive review of the community grants process and eligibility criteria in advance of the 2018 application deadline, in the light of the increasing number of applications being received and the large sums requested by some organisations. The Cabinet considered that it was important that community grants were directed towards organisations that were benefitting communities widely across the District.

RESOLVED:

- (a) That the grant awards as set out in Appendix 1 to Report Item 4 to the Cabinet be approved for inclusion in the 2018 budget;
- (b) That it be confirmed that applications that are resubmitted after the initial consideration by the Community Grants Task and Finish Group will not be considered; and
- (c) That there be a comprehensive review of the community grants process and eligibility criteria in advance of the 2018 grant application process.

63 MEMBERS ALLOWANCES 2018/19 - 2022/23 - REPORT OF THE INDEPENDENT REMUNERATION PANEL

Members considered the findings of the Independent Remuneration Panel that had reviewed the Council's scheme of members' allowances to cover the period 2018/19 - 2022/23. The Panel's report and recommendations were attached as Appendix 1 to Report Item 5 to the Cabinet. The Panel had concluded that the current scheme had stood the test of time and the basic allowance and Special Responsibility Allowances should be maintained at their current rates, subject to continuing annual indexation linked to the annual cost of living salary percentage increase for local government staff. Some minor modifications, mostly relating to support allowances, were recommended. In answer to questions Members were advised that the Independent Remuneration Panel had been advised of the impending increase in the number of members of the Cabinet from 6 to 8.

RECOMMENDED:

That the current scheme of allowances be continued subject to the following modifications from 1 April 2018:

- (i) that the ICT element of the Basic Allowance be increased by £25 per annum to £415 per annum;***
- (ii) that the Special Responsibility Allowance for the Chairman of the Planning Committee be reset to 35% of the Leader's Special Responsibility Allowance;***
- (iii) that a Co-optees' Allowance of £55.36 be paid for meetings up to 4 hours in length and £110.72 for meetings over 4 hours in length;***
- (iv) that the current maximum hourly rate claimable for the childcare element of Dependants' Carers' Allowance be fixed at the current living wage of £8.45, with the cap on the number of hours that a member may claim aggregated to 52 hours per month;***
- (v) that the hourly rate for which elderly or dependant relative element of the Dependant Relatives' Allowance is claimable be set at the Hampshire County Council rate for Home Care Help, currently £10.32 per hour;***
- (vi) that Part 3 and Appendix 3 of the Members' Allowances Scheme relating to travel allowances be clarified, as set out in the recommendation of the Independent Remuneration Panel;***
- (vii) that the Basic Allowance (including ICT element), Special Responsibility Allowances and Co-optees' Allowance be indexed to the annual percentage increase for local government staff at scale point 28, to be applied from the same year that applies to staff;***
- (viii) that travel allowance mileage rates be indexed to the HMRC approved mileage rates for motor vehicles, motor cycles and bicycles;***
- (ix) that the childcare element of Dependants' Carers' Allowance be indexed to the "living wage" hourly rate (outside of London) as defined by the Living Wage Foundation; and***
- (x) that the elderly and other dependent relatives element of the Dependents' Carers' Allowance be indexed to the median hourly rate charged for Home Help by Hampshire County Council.***

64 HOUSING REVENUE ACCOUNT BUDGET AND CAPITAL EXPENDITURE PROGRAMME 2018/19

The Cabinet considered the Housing Revenue Account budget and housing public sector capital expenditure programme for 2018/19. The proposed budget had been considered by the Tenant Involvement Group and their comments, in support of the proposals, were set out in paragraph 10 of Report Item 6 to the Cabinet. The Housing Revenue Account budget was attached as Appendix 1 to the Report.

It was noted that housing rents would be reduced by 1% to an average of £99.03 per week for 2018/19. This was in accordance with Government requirements.

It was proposed that the service charges for hostels and older persons' accommodation would not be increased as current charges would comply with the requirement to ensure that relevant costs were fully recovered from the users of the service. It was also proposed that garage rents would remain unchanged at £10 per week (plus VAT for non-Housing Revenue Account tenants).

The programme of planned maintenance and improvement works, budgeted at £7.472 million, was set out in Appendix 2 to Report Item 6 to the Cabinet.

A summary of income and expenditure for the Housing Revenue Account was set out in sections 3 and 4 of Report Item 6 to the Cabinet. The Budget would continue to be operated on a break even basis, maintaining a reserve balance of £1 million, with any additional funds being transferred to the Acquisitions and Development reserve.

A summary of the Capital Programme for 2018/19 was set out in section 6 of the report. There had been a significant loss of properties through the "Right to Buy" system, but the new build and acquisitions programme was delivering new properties, with 19 new properties in 2017/18 and significant progress being made towards construction on 2 sites that would deliver 52 units in 2018/19.

RESOLVED:

That the proposed planned maintenance and improvement works programme for 2018/19, as set out in Appendix 2 to Report Item 6 to the Cabinet, be approved;

RECOMMENDED:

- (a) That the Housing Revenue Account budget, as set out in Appendix 1 to Report Item 6 to the Cabinet, be agreed;**
- (b) That from 2 April 2018, a reduction in rents of 1% from the 2017/18 rent level be agreed, in accordance with Government requirements;**
- (c) That no change be made to the service charge for hostel accommodation;**
- (d) That no change be made to the service charge for older persons' accommodation;**
- (e) That no change be made to the rent for garages; and**

- (f) ***That a 2018/19 Housing Capital Programme of £18.552m be agreed, as set out in paragraph 6.1 of Report Item 6 to the Cabinet.***

65 MEDIUM TERM FINANCIAL PLAN - SETTING THE BUDGET FOR 2018/19

Members considered the Medium Term Financial Plan to agree the General Fund revenue and capital budgets for 2018/19 and the level of Band D Council Tax. It was noted that the details of the final finance settlement had not yet been received from the Government.

Since the Cabinet last considered the Medium Term Financial Plan in December 2017 there had been a number of developments, including a pay award offer of 2%, together with the introduction of a new minimum pay point of £8.50. Available resources had also increased with additional New Homes Bonus and an increase in the Council Tax Base. The summary of available resources was attached as Appendix 1 to Report Item 7 to the Cabinet, with the revised budget requirements summarised in Appendix 2. The Cabinet was pleased to note that it was still projected that the Council would achieve a balanced budget for 2018/19.

It was noted that there would be a limited use of reserves, principally for the ICT "Protect and Maintain Service Delivery" project and the payment of one-off "construction grants", as recommended by the Community Overview and Scrutiny Panel.

The General Fund net budget requirement, as set out in Appendices 4a and 4b to Report Item 7 to the Cabinet, was £17.243 million, an increase of £656,000 over the 2017/18 budget. The Cabinet was pleased to note that net savings and improved income totalling £1.377 million had absorbed the projected pay and price increases and also made a contribution towards offsetting the reduction in Government funding. The proposed central support service business unit budgets were set out in Appendix 4c to Report Item 7 to the Cabinet.

The proposed Band D Council Tax was £168.36, an increase of £5 (3.06%) from 2017/18.

The proposed General Fund Capital Programme, totalling £7.673 million, was set out in Appendix 5 to Report Item 7 to the Cabinet. This included 2 major projects to be funded from reserves and capital receipts. These were the development of a depot at Hardley Industrial Estate to replace Claymeadow Depot, Totton which was currently not operating satisfactorily; and investment in technology to promote "Smarter Working".

It was proposed to increase the fees and charges for the Stillwater Park by 3.9%, in line with RPI inflation in September.

RECOMMENDED:

- (a) ***That is be agreed that there is a General Fund Net Budget Requirement in 2018/19 of £17,243,480 as set out in Appendix 4 to Report Item 7 to the Cabinet, including the use of reserves to finance the ICT "Protect and Maintain Frontline Services" project, and one-off construction grants as set out in Appendix 3 to Report Item 7 to the Cabinet;***
- (b) ***That the site licence fees and service charges at Stillwater Park be increased by 3.9% in line with RPI inflation;***

- (c) *That the Band D Council Tax for 2018/19 shall be £168.36;*
- (d) *That the General Fund Capital Programme for 2018/19 of £7.673m, as set out in Appendix 5 to Report Item 7 to the Cabinet be approved; and*
- (e) *That each of the prudential indicators, the Limits for 2018/19 to 2020/21 and the Minimum Revenue Provision Policy Statement, as set out in Appendix 6 to Report Item 7 to the Cabinet, be approved and adopted.*

66 FUTURE FOREST RECREATION MANAGEMENT STRATEGY PARTNERSHIP CONSULTATION

The Cabinet was advised of the findings of a “call for views” consultation led by the National Park Authority on the review of their Recreation Management Strategy 2010-2030. As one of the organisations with a remit for managing recreation in the National Park this Council was one of the 6 statutory organisations represented on the Recreation Management Strategy Steering Group, together with the Forestry Commission, Verderers of the New Forest, Natural England, the County Council and the National Park Authority.

The analysis of the responses received to the consultation was set out in the Findings Report which was attached as Appendix 1 to Report Item 7 to the Cabinet, while the proposed “Next Steps” report was attached as Appendix 2. It was expected that a new suite of actions would be developed, focussed on protecting the special landscapes of the Forest and managing recreation for local people and visitors. This would involve careful liaison between the key stakeholders and would be the subject of further consultation during the coming summer. It was noted that, in future, the Portfolio Holder for Leisure and Wellbeing would attend meetings of the Strategy Steering Group, in addition to the officers, to carry forwards this Council’s commitment to playing its part in the process.

RESOLVED:

That the content of the “Findings” and “Next Steps” reports be noted and it be confirmed that this Council will continue its commitment to partnership working to help draft the new actions for the update to the Recreation Management Strategy 2010-2030.

67 ELECTORAL REVIEW OF THE DISTRICT COUNCIL

The Cabinet was advised that a Task and Finish Group had been established by the Corporate Overview and Scrutiny Panel to explore options for reducing the membership of the Council. The Group’s recommendation, that an approach be made to the Local Government Boundary Commission for England to review the Council’s electoral arrangements with the aim of reducing the number on the Council to approximately 48, had been supported by the Panel. Members welcomed the recommendations of the Group and the Panel as set out in full in section 4 of Report Item 9 to the Cabinet.

RECOMMENDED:

That the Local Government Boundary Commission for England be requested to undertake a review of the electoral arrangements in the New Forest District with a view to reducing the number of members on the Council from 60 to approximately 48.

68 HOMELESSNESS REDUCTION ACT

Members were advised of the key changes to this Council's responsibilities that would be introduced by the Homelessness Reduction Act 2017. The Act, which was expected to come into force in April 2018, amended Part VII of the Housing Act 1996 which remained the key statute setting out local authorities' statutory duties in relation to homelessness.

There were a number of key changes compared to the current situation. The main ones that affected this Council were:

- The time period for which the local authority was responsible for responding to impending homelessness was increased from 28 days to 56 days;
- The scope of the advice that must be provided to prevent homelessness was increased and must address the varying needs of enquirers;
- Once a person had established their eligibility for assistance, in accordance with the Asylum and Immigration Act 1996, all individuals, regardless of personal circumstances or priority need, would be entitled to a formal assessment of their case;
- In the light of the formal assessment the Council must try to agree a personalised housing plan with the individual, setting out the steps that both the individual and the Council should be required to take in order to have and retain suitable accommodation. These steps must be kept under regular review;
- The duty on the Council to prevent homelessness would be extended to all applicants, regardless of priority need and intentionality in causing homelessness. The reasonable steps that the Council must take to assist them must take into account the formal assessment of their case;
- Once someone had become homeless the Council must take reasonable steps to help them, based on a formal assessment of their case. This would now be irrespective of their priority need or intentionality in causing homelessness;
- If this initial relief duty did not resolve the homelessness and the Council's duty had not been discharged the application would be assessed under the full homelessness duty as it currently existed, with priority need and intentionality in causing homelessness taken into account;
- The time period for which the Council would be responsible for providing temporary accommodation for applicants in priority need but intentionally homeless would be greater;
- The duty to protect the property of homeless applicants would be extended to all eligible applicants, regardless of priority need;
- Applicants under the homelessness legislation would no longer need to demonstrate a local connection to qualify for an assessment, personalised housing plan or the duty to prevent homelessness. Applicants the under main housing duty would still be able to be referred to an authority where they had a local connection.

- Other public bodies, to be specified by Regulation, were expected to be able to refer individuals who they thought may be homeless or threatened with homelessness. Effective partnership arrangements must be established to allow this to happen effectively.

It was noted that the Act also imposed requirements on applicants under the legislation to ensure that they co-operated fully with the process.

The new process required the Council to issue written decisions at key stages with these decisions subject to a formal review process and, consequently, the Act would impose significant new administrative burdens on this Council in respect of each application, and it was expected there would be a significant increase in the number of applications for assistance. As an example, it was projected that each Housing Assessment Report would take around 1 ½ hours to prepare. It had therefore been agreed that additional employees would be engaged to meet the challenges ahead. The duty to provide temporary accommodation would also increase.

The Cabinet was advised of the work currently underway through the Council's Homelessness Team to respond to the challenges of the new legislation, as set out in paragraph 7.9 of Report Item 10 to the Cabinet. The budgetary implications, including the setting aside of £150,000 to meet the additional resource implications, were set out in section 8 of the report. It was noted that part of the additional cost would be met from additional government funding.

It was noted that the Housing Portfolio Holder would be working closely with the Leisure and Wellbeing Portfolio Holder to develop essential relationships with partner organisations to meet the challenges presented by the new legislation, and in particular to address some of the underlying mental health issues that might be contributing to homelessness and street sleeping.

All members welcomed the opportunity to work on a cross-party basis to address the wider challenges presented by homelessness in the District, working to identify innovative approaches such as those that had been recognised as best practice in other areas, as exemplified by Winchester.

RESOLVED:

- (a) That the changes taking place under the Homelessness Reduction Act 2017 be noted; and
- (b) That a further report on the Government's Gold Standard Programme for managing homelessness be brought to a meeting of the Cabinet at the earliest opportunity.

69 RESPONSE TO LOCAL GOVERNMENT ASSOCIATION PEER REVIEW

The Cabinet was advised of the actions being taken to respond to the recommendations of the Local Government Association Peer Review Group following their visit to this Council in October 2017. The current situation with respect to the Review Group's 8 recommendations was summarised in section 3 of Report Item 12 to the Cabinet.

Members were advised that the Corporate Framework that was attached as Appendix 1 to the report articulated how the Council's priorities were to be delivered and identified the strategies that would help support that delivery. It was noted that, in future, reporting on performance would be closely aligned to the new Corporate Framework.

RESOLVED:

- (a) That the responses to the Peer Review Group's recommendations be noted; and
- (b) That the proposed Corporate Framework, as attached as Appendix 1 to Report Item 12 to the Cabinet, be approved.

70 CONTRACT STANDING ORDERS

Members were advised that the Standing Orders for contracts needed to be revised to reflect current procurement processes. In addition, it was proposed to increase contract threshold values, for example to allow Service Managers to let contracts up to £15,000 (currently £5,000); and also the threshold requiring contracts to be openly advertised from £25,000 to £50,000. This would allow the contracts to be made available to suppliers in the local economy, while allowing open advertising to widen competition should that be required. The proposed changes to threshold values were summarised in Annex A to the revised Contracts for Standing Orders. All contracts over £25,000 value would be overseen by the procurement team to vet the supplier selection process and ensure best value and service considerations were in place.

It was proposed that there should be greater clarity under the "Gateway Review" process to ensure that all procurement projects over the value of £25,000 were properly defined and project managed; that there was effective communication about the project; that roles and responsibilities were identified and assigned; and the opportunities and risks were identified.

RECOMMENDED:

- (a) *That the revised Contract Standing Orders, as attached as Appendix 1 to Report Item 13 to the Cabinet, be approved; and*
- (b) *That the Service Manager (Legal) in consultation with the Executive Head of Governance and Regulation be delegated authority to make minor changes to Contract Standing Orders.*
- (c) *That the scheme of delegation of powers to officers be updated to reflect the changes in the revised Contract Standing Orders.*

CHAIRMAN