

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CABINET held in the Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Thursday, 19 November 2015.

- PRESENT: Councillor J D Ablewhite – Chairman.
Councillors R C Carter, D B Dew, R Harrison, J A Gray and D M Tysoe.
- APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors R B Howe and S Cawley.
- IN ATTENDANCE: Councillors Mrs A Dickinson, R Fuller and T Sanderson.

45. MINUTES

The Minutes of the meeting held on 22nd October 2015 were approved as a correct record and signed by the Chairman.

46. MEMBERS' INTERESTS

Councillor R Harrison declared a non-statutory disclosable interest in Minute No. 50 by virtue of being a St Neots Town Councillor.

During the debate on Minute No. 51 Councillor D Tysoe declared a non-statutory disclosable interest by virtue of being a Parish Council Clerk.

47. CORPORATE PLAN AND FINANCE - INTEGRATED PERFORMANCE REPORT (QUARTER 2)

The Cabinet received a report by the Corporate Team Manager and Accountancy Manager (a copy of which is appended in the Minute Book) regarding progress against the Key Activities and Corporate Indicators listed in the Council's Corporate Plan 2015/16 for the period 1st July to 30th September 2015 and updates on current projects.

Progress against the Corporate Plan objectives was reported quarterly and performance data was provided in the form of a narrative of achievement accompanied with a Red/Amber/Green status against each Key Action in the Corporate Plan.

To enable the Capita software system to be upgraded, the Cabinet approved the inclusion of a supplementary capital bid to the 2015/16 capital programme, as detailed in Appendix E of the Officer's Report. It was explained to the Cabinet that the system enabled the processing of payments received by the Council via credit and debit cards using on-line payments on the Council's website, automated phone payments and payments at the Call Centre. The system would be upgraded to a cloud based system with an additional interface to

the Leisure Centres as currently these were inputted manually.

The Cabinet expressed appreciation to Officers and Members at the progress the Council continued to make. It was noted that capital spend was being well controlled and there was consideration about project costs and how projects were financed. There was now better governance of projects and discipline of the information being input into the system on progress with projects.

As a result of planning permissions not being implemented, the Cabinet were frustrated that the New Home Bonus was not achieving as forecast. It was noted that the Council had granted ample planning permissions. However, developers were choosing to 'land bank' and not progress planning permissions which was a national issue that Government needed to address. The New Homes Bonus was calculated on the annual average completion rate over 25 years and work was underway to provide a more accurate forecast in light of the current situation.

Having considered the comments of the Overview and Scrutiny Panel the Cabinet,

RESOLVED

to:

- i. note the progress made against Key Activities and Corporate Indicators in the Corporate Plan and current projects, as summarised in Appendix A and detailed in Appendices B and C of the Officer's report.
- ii. note the Council's financial performance to the end of September, as detailed in the Financial Performance Monitoring Suite in Appendix D of the Officer's report.
- iii. approve the inclusion of a supplementary capital bid to the 2015/16 capital programme for an upgrade to the Capita payments system, as described in Appendix E of the Officer's report.

48. REVIEW OF THE COUNCIL'S LETTINGS POLICY

The Cabinet considered a report by the Head of Customer Services (a copy of which is appended in the Minute Book) as the Council's Lettings Policy had been revised following necessary changes in light of new legislation and statutory guidance.

The Council was required by law to have an allocations scheme for determining priorities in the allocation of social rented housing, which was the Lettings Policy. Following changes to legislation, the Council was required to review its allocation scheme to provide for social tenants who needed to move to be closer to work, or accept an offer of work, where failure to meet that need would cause hardship to themselves or others. The Council's Policy already provided for those people that were in work within the District, providing them with a local connection to the area. However, it did not specifically provide for those that were in receipt of a genuine offer of employment in the

District and might suffer hardship if they were unable to accept that offer.

The Council's Lettings Policy had been amended to include new local connection criteria so that households that met this criterion and needed to move between local authorities were not disadvantaged.

The Council was required to reserve a proportion of its lettings to households within this 'Right to Move' category, which the Secretary of State recommended was at least 1%. This equated to four to six lettings per year in this District and this quota system and percentage had been included within the Lettings Policy.

It had been noted that references in the footer of the document to 'Territorial Army' should be replaced with 'Regular Army Reserve' to ensure the correct use of terminology. Whereupon the Cabinet,

RESOLVED

that the amended Lettings Policy, as attached as Appendix 1 to the Officer's report be approved with references in the footer of the document to 'Territorial Army' to be supplanted with 'Regular Army Reserve'¹.

49. ESTABLISHMENT OF A PROCESS FOLLOWING THE RECEIPT OF AN EXAMINER'S REPORT INTO A NEIGHBOURHOOD PLAN

(Councillor T Sanderson, Chairman of Overview and Scrutiny Panel (Environmental Well-Being), was in attendance for this item).

The Cabinet received a report from the Planning Policy Team Leader, which was presented by two Senior Planning Policy Officers (a copy of which is appended in the Minute Book) regarding the process for determining whether a Neighbourhood Plan progressed to Referendum and the requirements of the Regulations in relation to Referendums.

St Neots Neighbourhood Plan was at the Referendum stage and the Council was receiving more expressions of interest from other Town and Parish Councils regarding Neighbourhood Plans. Therefore a process was required to be established.

Following examination of a Neighbourhood Plan, the Examiner issued a report to the Local Planning Authority and the respective Town/Parish Council who had prepared the Neighbourhood Plan. The Examiner was required to recommend one of three options:

- i. That the Neighbourhood Plan proceeded to Referendum as submitted;
- ii. That the Neighbourhood Plan was modified by the Local Planning Authority to meet the basic conditions and the modified version

¹ Following the request of the Cabinet, the definitions in the footer of the Lettings Policy related to definitions contained within the 2006 Armed Forces Act, which the Council was required to comply with. The Armed Forces Act had been amended and 'Army Reserve' was now 'Regular Reserve' and the 'Territorial Army' was now the 'Army Reserve'. These amendments would be reflected in the Council's Policy.

- proceeded to Referendum; or
- iii. That the Neighbourhood Plan did not proceed to Referendum as it failed to meet the basic conditions or legislative requirements and could not be modified to do so.

Following the examination and receipt of the Examiner's Report the Local Planning Authority had limited options. It could:

- a. Where the Examiner recommended that the Plan met the basic conditions or could meet the basic conditions, subject to modifications, act upon the Examiner's Report and progress the Neighbourhood Plan to Referendum;
- b. Propose to take a decision substantially different from the Examiner's recommendation which was wholly or partly as a result of new evidence or a different view taken by the Local Planning Authority on a particular fact. In this instance the Local Planning Authority must notify all those identified in the consultation statement and invite representations on the alternative decision. Where necessary as a result of the representations the Local Planning Authority had to reopen the examination;
- c. Decide not to progress the Neighbourhood Plan to Referendum if the Examiner's report stated that it failed to meet the basic conditions or legislative requirements and could not be modified to do so.

If a Neighbourhood Plan was successful at Referendum it would form part of the Statutory Development Plan for Huntingdonshire.

Once the Examiner's Report on a Neighbourhood Plan had been received the Cabinet would be presented with a report to determine which of the options was appropriate and, if necessary, a draft Decision Statement with modifications that the Examiner considered were required to the Plan to meet the required basic conditions.

The Chairman of the Overview and Scrutiny Panel (Environmental Well-Being), having been invited to address the Cabinet, explained that there had been a lengthy discussion on the matter at the meeting and that the Panel had agreed with the recommendations, but had suggested that it was important for Town and Parish Councils developing a Neighbourhood Plan to project plan.

Concern was expressed by the Cabinet that should a Neighbourhood Plan, once adopted, be challenged that the Council would be at financial risk. It was therefore important to ensure that any Plan accorded with the Council's policies and that the motivator of devising a Plan should be to support local needs and not for supposed financial gain from Community Infrastructure Levy funds. The Cabinet was informed that unless there was general conformity with the Council's Local Plan the Examiner would not recommend that the Plan proceeded to Referendum.

Following questions it was noted that promotion of a Neighbourhood Plan and Referendum was the responsibility of the respective Town/Parish Council and that there was considerable resource implications both in terms of staff time and costs for providing assistance to a Town/Parish Council undertaking a Neighbourhood Plan, examination and Referendum. The Department for

Communities and Local Government had made grants of up to £30,000 available to local planning authorities for each Neighbourhood Plan which was expected by Government, to cover the costs of the Examination and Referendum. In concluding it was,

RESOLVED

that the Cabinet

- i. agrees the process for determining whether a Neighbourhood Plan progresses to Referendum as detailed in the Officer's report; and
- ii. notes the requirements of the Regulation in relation to Referendums as summarised in the Officer's report and set out in the Briefing Note on the Role of the Local Planning Authority in arranging the Referendum (as prepared by the Planning Advisory Service and Local Government Association attached as Appendix 1 of the Officer's report).

50. ST NEOTS NEIGHBOURHOOD PLAN EXAMINATION OUTCOME AND PROGRESSION TO REFERENDUM

(Councillor T Sanderson, Chairman of Overview and Scrutiny Panel (Environmental Well-Being), was in attendance for this item).

The Cabinet received a report from the Planning Policy Team Leader, which was presented by two Senior Planning Policy Officers (a copy of which is appended in the Minute Book) regarding whether the Council should act upon the Examiner's Report and recommended modifications, and if St Neots Neighbourhood Plan should proceed to a Referendum.

The process for determining whether a Neighbourhood Plan progressed to Referendum following the receipt of an Examiner's report was agreed by the Cabinet in Minute No. 49.

St Neots Neighbourhood Plan was the first in Huntingdonshire to progress through Examination. The Examiner had accepted that, with appropriate modifications, the Neighbourhood Plan would meet the basic conditions against which it was required to be tested to be able to progress to Referendum.

The Examination of the St Neots Neighbourhood Plan took place during January to February 2015 with the final report being issued in February 2015. The Examiner proposed a substantial number of modifications which had been discussed with St Neots Town Council. The Examiner presented options for the Town Council to consider and had agreed with their preferred modifications which included deleting the chapter on Entertainment and Leisure in order to designate Riverside Park and Regatta Meadow as local green spaces.

The Cabinet was referred to the copy of the Neighbourhood Plan submitted for Examination and the document detailing the modifications required by the Examiner, as appended to the Officer's report. It was noted that it was the responsibility of St Neots Town

Council to incorporate the amendments into a finalised copy of the Neighbourhood Plan.

It was considered that the modifications as now proposed would enable the St Neots Neighbourhood Plan to meet the basic conditions required and that there was no new evidence or a different view by the Local Planning Authority to require those identified in the consultation statement to be notified or for the Examination to be reopened.

Preparations would be made for a Referendum to be held on the St Neots Neighbourhood Plan in accordance with the Regulations and using the guidance provided by the Planning Advisory Service and Local Government Association. The Cabinet were informed that a tentative date of 4th February 2016 had been reserved for the Referendum.

The Examiner was required to recommend the area to be covered by the Referendum. In this instance it was recommended that the Referendum encompassed the St Neots Neighbourhood Plan area, as approved on 17th October 2013.

At the Referendum the electorate would be requested to vote on the question: 'Do you want Huntingdonshire District Council to use the Neighbourhood Plan for St Neots to help it decide planning applications in the neighbourhood area?'

If the results were a majority 'yes' vote, the Council would be asked to adopt the Neighbourhood Plan at its next available meeting. The Plan would then form part of the Statutory Development Plan for the area.

The Cabinet was advised that it was the responsibility of the respective Town/Parish Council to promote the Referendum and that the Extra Burden Grant should meet the costs of the Referendum.

In discussing the tentative date of the Referendum, the Cabinet suggested that due to adverse weather, Winter was not the optimal time to hold a Referendum. In order to enable better community engagement in the process through a larger turnout, the Cabinet requested that St Neots Town Council be approached to consider holding the Referendum in May 2016 alongside the scheduled elections.

The Chairman of Overview and Scrutiny Panel (Environmental Well-Being), having been invited to address the Cabinet, explained that the Panel were concerned at the likely turnout if a Referendum was held during winter and that it should be made clear to St Neots Town Council as to their responsibilities in relation to the Plan process.

The Cabinet agreed that St Neots Town Council had been successful to progress the Neighbourhood Plan to this stage. Whereupon it was,

RESOLVED

that the Cabinet:

- i. agrees that the District Council should act upon the Examiner's report and recommended modifications, and progress St Neots Neighbourhood Plan to Referendum.
- ii. that St Neots Town Council be requested to consider holding the Referendum in May alongside the planned elections to enable better community engagement in the process through larger turnout.

51. FINDINGS AND RECOMMENDATIONS OF AFFORDABLE HOUSING WORKING GROUP

(Councillor R Fuller, Chairman of Working Group was in attendance for this item).

The Cabinet received a report at the request of the Overview and Scrutiny Panel (Social Well-being) from the Policy, Performance and Transformation Manager (Scrutiny) (a copy of which is appended in the Minute Book) to consider and respond to the findings and final recommendations of the Affordable Housing Working Group.

The Chairman of Working Group, Councillor R Fuller, having been invited to present the report to the Cabinet, explained that the Working Group had originally been established in March 2014 by the Overview and Scrutiny (Social Well-being) Panel to investigate the policies and procedures of Registered Providers. In July/August 2014 the Group's remit was amended to undertake a study on affordable housing.

It was noted that there had been incidences where a Town or Parish Council had not supported an affordable development on an exceptions site which had resulted in the non-delivery of affordable housing. The Cabinet agreed that early engagement with Town and Parish Councils was essential to prevent misinformation, to gain their support and to prevent pressure groups forming. It was hoped that Ward Members would assist in this role. However, in the event that a Town or Parish Council did not support a viable exceptions site, the Cabinet endorsed the view that the Council should take decisions that were in the best interests of the area and should fulfil its duty to meet identified affordable housing need.

The Cabinet supported that a systematic assessment should be conducted of all land to identify potential sites for affordable housing to then be matched to needs and noted that the Strategic Housing Land Availability Assessment was a significant task.

It was explained that the Working Group had considered Government initiatives and their impact on the supply of new affordable housing. The policy target of 40% affordable housing still applied to all developments but there was the availability of negotiation where this was not viable. The Cabinet noted that 40% affordable housing was being achieved on smaller developments.

During the discussions Councillor D Tysoe declared a non-statutory disclosable interest by virtue of being a Parish Council Clerk.

The Working Group had been informed that the Council could seek affordable housing contributions where there was a clear case of

disaggregation of the site, where a developer intended to build on separate parts of a larger site over a long period. The Council's current threshold was 15 homes on urban sites due to previous Government policy. The Cabinet supported the Working Group's recommendation that the threshold for developments on which on-site affordable housing could be sought should be lowered from 15 to 10.

Whilst referring to Community Land Trusts, the Cabinet noted that the Working Group had been acquainted with examples of Community Land Trusts in various areas, including in East Cambridgeshire. The Cabinet concurred with the opinion of the Working Group that the Council should not devote this level of resource to encouraging Community Land Trusts in Huntingdonshire but considered that they should be recognised, amongst the potential tools available to local communities for delivering affordable housing.

It was noted amongst the Cabinet that there was a need to prevent and allay fears that affordable housing on rural exception sites developed on charitable land could be purchased by a person without a local connection.

The Cabinet accepted that there was a will and appetite to deliver affordable housing but land owners would not offer land for minimal financial gain. Therefore the Council needed to consider what it could do to enable the development of dwellings that were affordable to allow local people of all ages to remain living where they wanted to. The Cabinet endorsed the recommendations made by the Affordable Housing Working Group and as a result of the discussions the Cabinet also resolved that the Council would take legal advice to explore options to protect local houses for local people on rural development schemes through, amongst other things, covenants, joint ventures and charitable mechanisms.

The Cabinet expressed congratulations to the Working Group for the comprehensive report, whereupon it was,

RESOLVED

that during the development of the Housing Strategy for 2016-19 and the Local Plan to 2036:

- i. the Council should actively promote the provision of affordable housing on exceptions sites to Town and Parish Councils;
- ii. where a Parish Council does not support an exceptions site, the Council should continue to fulfil its duty to meet identified affordable housing need;
- iii. a systematic assessment should be carried out of all land to identify potential sites for affordable housing to then be matched to needs (Strategic Housing Land Availability Assessment);
- iv. the threshold for developments on which on-site affordable housing can be sought should be lowered from 15 to 10; and
- v. agree to take legal advice to explore options to protect local houses for local people on rural development schemes through, amongst other things, covenants, joint ventures and charitable mechanisms.

52. LOCAL PLAN TO 2036 UPDATE

(Councillor T Sanderson, Chairman of Overview and Scrutiny Panel (Environmental Well-Being), was in attendance for this item).

The Cabinet received a report from the Head of Development (a copy of which is appended in the Minute Book) regarding the Government's new timescales for the plan preparation process and the progress on the preparation of the Huntingdonshire Local Plan to 2036.

Government had announced that it expected new Local Plans '... to be written ...' by early 2017. By the end of March 2017 Local Plans needed to be at least at the second statutory stage of the Local Plan Examination process – known as the Submission stage. This was the point at which the Local Plan could be deemed to be 'written' by the Local Planning Authority, although it would still be subject to an Examination in Public by an independent Planning Inspector. Where Local Planning Authorities were not making sufficient progress in preparing new Local Plans the Government had indicated that it would use sanctions if required to intervene.

The Local Plan was being prepared in the format of a single Local Plan document containing Huntingdonshire's Planning Strategy, Development Management Policies and Site Allocations. When adopted the Local Plan would be the District Council's most up to date statement of Planning Policy and form the statutory Development Plan for Huntingdonshire, along with any Neighbourhood Plans that were formally 'made' following a local Referendum, the Cambridgeshire County Council's Minerals and Waste Core Strategy (2011) and Site Specific Proposals Plan (2012). It would be compliant with national planning policy and replace the existing Huntingdonshire Development Plan Documents which were the Huntingdonshire Local Plan 1995, the Huntingdonshire Local Plan Alteration 2002, the Huntingdonshire Core Strategy (2009) and the Huntingdon West Area Action Plan (2011).

Over the years a series of Supplementary Planning Documents (SPDs) had been prepared to complement and provide relevant detail on the current Development Plan policies. It was permissible to maintain a suite of SPDs to complement Local Plan policies and there would need to be a process and programme for considering which SPDs should be removed or updated and whether new SPDs were required.

The next stage in the process was the formal statutory stages, known as the Proposed Submission, Submission, Examination and Adoption stages. The Examination stage was where the finalised and detailed Local Plan and its supporting evidence base was tested by an independent Planning Inspector. If it was found to be 'sound' the Plan could be adopted as part of the Development Plan for Huntingdonshire.

It was explained to the Cabinet that there were key pieces of supporting evidence for the Local Plan that needed to be completed such as the traffic modelling and an updated Strategic Flood Risk Assessment. In order to complete the Supporting Evidence the Cabinet was advised that the Council would need to commission

Consultants and that the Planning Policy budget included provision for this.

The Cabinet was advised that the National Planning Policy Framework requirement was to identify a supply of sites for years 1-10 and, where possible, for years 11-15. The District Council had developed the Local Plan with the intention of identifying a supply of specific, developable sites for years 1-15. The traffic modelling work still to be completed was in part required to consider whether and how the proposed allocation at Wyton Airfield could be delivered.

The Chairman of Overview and Scrutiny Panel (Environmental Well-Being), having been invited to address the Cabinet, explained that the Panel had welcomed the approach that the Council was taking in devising the Local Plan.

In endorsing the proposed way forward the Cabinet refined the recommendation contained within the Officer's report and endorsed that alongside the evidence referred to in paragraphs 3.5 and 3.6 of the Officer's report, the District Council explores the identification of a supply of sites for years 1-10 from the date of adoption only if it appears that identifying sites for years 11-15 will unduly delay the submission of the Local Plan.

In concluding the discussions the Cabinet agreed that in addition to the recommendations contained within the Officer's report that as a priority, infrastructure requirements for Wyton Airfield should be further scoped with a view they could be identified and fully costed, whereupon it was,

RESOLVED:

that the Cabinet:

- i. notes the Government's new timescales for the Plan preparation process;
- ii. notes the progress on preparation of the Huntingdonshire Local Plan to 2036;
- iii. endorses the proposed way forward that alongside the evidence referred to in paragraphs 3.5 and 3.6 of the Officer's report, the District Council explores the identification of a supply of sites for years 1-10 from the date of adoption only if it appears that identifying sites for years 11-15 will unduly delay the submission of the Local Plan;
- iv. that as a priority, infrastructure requirements for Wyton Airfield are further scoped with a view they can be identified and fully costed;
- v. that the Cabinet receives quarterly update reports.

At the conclusion of the above, at 8.45pm, item Councillor D Dew left the meeting.

53. TREASURY MANAGEMENT 6-MONTH PERFORMANCE REVIEW

By way of a report from the Head of Resources (a copy of which appended in the Minute Book) the Cabinet was updated on the

Council's treasury management activity for the first 6 months of the year, including investment and borrowing activity and treasury performance.

It was noted to the Cabinet that with the forthcoming Commercial Investment Strategy Business Plan it was anticipated that the Treasury Management report would evolve into a more substantial document.

At 8.48pm Councillor D Dew returned to the meeting.

Best practice and prescribed treasury management guidance required that Members were informed in respect of treasury management activity. As a result the Cabinet,

RESOLVED

to note the Treasury Management performance for the first 6 months of 2015/16; and

RECOMMENDS

the Treasury Management 6-month performance report to Council for consideration.

54. HINCHINGBROOKE COUNTRY PARK JOINT GROUP

RESOLVED

The notes of Hinchingsbrooke Country Park Joint Group meeting held on 16th October 2015 were received and noted.

55. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting because the business to be transacted contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees.

56. ONE LEISURE NEGOTIATIONS

The Cabinet gave consideration to a confidential report by the One Leisure Business Manager - Development (a copy of which is appended in the Minute Book) requesting approval of delegated authority to the Corporate Director (Delivery) after consultation with the Executive Member for Commercial Activities, regarding negotiations relating to One Leisure, as contained within the confidential report.

Having considered the comments of the Overview and Scrutiny Panel (Economic Well-Being) the Cabinet were assured that there would be

no financial risk to the Council.

The Cabinet considered the additional recommendation from the Overview and Scrutiny Panel (Economic Well-Being) and concluded that it was more appropriate for the Panel to receive a report once negotiations had concluded. Subsequently the Cabinet,

RESOLVED

to approve delegated authority to the Corporate Director (Delivery) after consultation with the Executive Member for Commercial Activities, regarding negotiations relating to One Leisure, as contained within the confidential report.

Chairman