

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE EXECUTIVE MEETING

held in the Council Chamber, The Symington Building, Adam and Eve St, Market Harborough

held on 9 May 2016,

commencing at 5.00p.m.

Present:

Cllr Pain (Chair),
Councillors: Bannister Brodrick, Hallam, King and Liquorish
An apology for absence was received from Cllr Page

Officers: D. Atkinson AM Hawkins, S. Pointer, N. Proudfoot, S. Riley B. Murgatroyd K. Reed and V. Wenham

PORTFOLIO HOLDER ACTIVITY

Business Planning and Performance

Cllr Liquorish reported that he had attended Employee Relations committee on 28 April

MINUTES

RESOLVED that the minutes of the meeting of the Executive held on 7 March 2016 be approved as a correct record.

DECLARATION OF MEMBERS' INTERESTS

Item on Local Plan options assessment and selection a letter had been submitted from Merton College Cllr Hallam declared a personal interest in that element of the report as the person farming that area was known to him.

ADJOURNMENT

The Executive adjourned for a short time to read the additional letters submitted since the weekend on Item on Local Plan options assessment and selection

COMMISSIONING OF LOCAL PLAN EVIDENCE

It was reported that several pieces of work had been commissioned to support the local plan, normal procurement processes had been waived owing to reasons of urgency and continuity as the work was comprised of extensions to previous studies. The Executive asked for clarification on the reasons for the update given that the work was 18 months old. The work had been commissioned as it was important that the very latest information was available and without the update by the time the local plan was produced the information would be very old.

RESOLVED that:

i) the commissioning be noted of The Landscape Partnership to undertake further landscape assessment of settlements in the District and areas being considered for Strategic Development and Aspinall Verdi to provide advice on viability of the Local Plan proposals, on the grounds of operational need in order to help assess Local Plan options and inform decision making on the spatial distribution of development to be included in the emerging Local Plan.

ii) the expected commissioning be noted of Nathaniel Lichfield and Partners to undertake an update to the retail study which the company carried out in 2013 and MDS Transmodal to advise the Council further on Logistics and Strategic Distribution on the grounds of operational need and meeting the timescale to deliver a draft Plan.

Summary of Reasons

To ensure technical assessment of landscape around the proposed rural centre of Houghton on the Hill and areas being assessed further as potential Strategic Development Areas for local planning purposes

To ensure appropriate technical support on viability of Local Plan proposals.

To ensure the Councils Retail Study is updated with new household and retail forecasts to ensure that the Local Plan based on the most reliable data using consistent methodology.

To ensure prompt advice on the need for logistics and strategic distribution

LOCAL PLAN OPTIONS ASSESSMENT AND SELECTION

The Local Plan Options Consultation Paper included 9 Options for accommodating future development needs to 2031. Based on the response to consultation on these options, together with other relevant information, the Council must now move towards a single preferred option which will be published for consultation in November 2016 as its draft Local Plan. This can be one of the options, or a combination of options, or some other hybrid solution based on them.

This preferred option will provide the Local Plan strategy for distributing housing and general employment development across the District during the plan period. This preferred distribution strategy will underpin the Local Plan and form the basis for a number of other policies. It will also inform and underpin preparation of the Infrastructure Delivery Plan (IDP), an important element supporting the Local Plan.

The Executive considered the flexibility allowance the figure for Objectively Assessed Need (OAN) was being updated through a Housing and Economic Development Needs Assessment (HEDNA) for Leicester and Leicestershire, the initial outputs from which will not be available until July. There is a prospect that this will increase the need for housing in the District. There may also be the need to consider making some provision in the Local Plan to assist neighbouring councils to meet their needs as identified by the HEDNA. Legal advice has been received that, pending receipt of the HEDNA, the Council should be planning for flexibility by making provision for housing development above the current OAN.

An increase of about 15% in housing provision above the current OAN of 475 dwellings per annum was preferable giving an interim provision figure for planning purposes of 550 dwellings per annum, or 11,000 over the Plan Period. This is equivalent to meeting more than the 'worst case' of recent national household projections (2008 based), thus minimizing the risk of being asked to meet a higher requirement at a later stage. Taking account of commitments and completions to 30 September 2015, this would give a planned provision (including windfall sites) of about 5,000. This was not an increase in OAN (which will be done, if at all through the HEDNA), nor was it at this stage a new housing requirement (which will be set by the draft Local Plan and subsequently tested at examination).

The Executive received a summary of the the 9 options which had been consulted on in the Autumn of 2015, when in order to assist with the process of preferred options selection two workshops were held with all Councillors invited to attend. The workshop took into account the technical appraisal of the options. The technical appraisal was based on a framework which assessed against the following factors:

- Consultation
- Deliverability comprising evidence of:
 - Land availability
 - Infrastructure

- Viability
- Planning Principle comprising assessment against
 - Sustainability
 - NPPF Core Planning Principles
 - Local Plan objectives
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In order for the Local Plan to be found sound at examination, the choice of Selected Options for further analysis must be based on a robust analysis of the evidence available at this stage. The recommendations and analysis submitted to the Executive take the results of the members' workshop into account but differ from the preferences expressed where there is clear evidence for doing so and where officers consider that it would be difficult to argue otherwise at the examination.

The Local Plan Executive Advisory Panel, at its meeting on 13 April 2016, received a briefing on the above analysis and had a thorough discussion of the justification for and evidence behind the officers' recommendations. In particular it was recognised that the selected options could not just be a simple reflection of the results of the Members' workshop on 16 March 2016 but had to also reflect the technical analysis that had been going on both before and after that event.

In relation to Thurnby/Scraptoft, there was cross-party agreement that the emerging proposals for Scraptoft North merited further examination, but that it currently extended too far to the east and that in combination with the current Scraptoft/Thurnby SDA it would constitute too much development concentrated in the same area of the district. The Advisory Panel therefore resolved to recommend to the Executive that Option 4 be pursued in addition to the three recommended by the officers (Options 2, 5 and 6) but that this be based on a scheme for a minimum of 1200 dwellings in the vicinity of Scraptoft North. This scheme would be an alternative to (but not in combination with) the Scraptoft/Thurnby SDA that has already been subject to consultation as Option 4

Cllr Galton spoke in support of the Panels' recommendations to the Executive .As a ward councillor he was not opposed to the Scraptoft Golf course being put forward for detailed assessment as it would help to bring out the issues which needed to be explored and to understand the impact of the proposal. Even if the SDA was not in the final version of the plan there would be a significant amount of development to be accommodated. The golf course option was entirely dependent on the successful relocation of the golf course to another site south east of Houghton. Planning consideration of the new golf course needed to be part of the assessment. As a result of this option coming forward later than other options assurance was sought about consultation. A concern was also raised about the current neighbourhood plan's role.

Representations in letter form were submitted to the Executive from Armstrong Rigg Planning; ; Merton College; Scraptoft Parish Council; Pegasus Group and County Councillor Dr Kevin Feltham .

Officers emphasised that there would be a full and comprehensive opportunity for all stakeholders to take part in a six week public consultation in the Autumn of 2016. With regard to the Neighbourhood plan currently in place it was explained that the neighbourhood plan linked to the old Local Plan and Scraptoft and Thurnby Parishes might wish to produce a 'next generation' plan to link to the new Local Plan

The Executive was asked if it had any objections to the proposed excluded options which it did not.

RESOLVED that:

- i) the following Selected Options be agreed for further assessment:
 - Option 2: Core Strategy Distribution;
 - Option 5: Kibworth SDA (North East proposal only);
 - Option 6: Lutterworth SDA; and
 a variation of Option 4: Scraptoft / Thurnby, but based on a minimum of 1,200 dwellings in the vicinity of Scraptoft North.
- ii) Subject to inclusion of variant Option 4 detailed in paragraphs 4.31 to 4.35 of the report that the additional costs be funded by a virement from the corporate contingency budget

- iii) That the Executive agrees that these Selected Options be subject to further tests of land availability, infrastructure requirements, transport impact, flood risk, viability, landscape impact, environmental sensitivity/ mitigation and sustainability before being reported back with a recommendation for a single preferred option. This can be one of the options, or a combination of options, or some other hybrid solution based on them.
- iv) That the Executive agrees that these Selected Options and tests be formulated on the basis that provision of housing land is to be at a rate of 550 dwellings per annum (before allowing for completions and commitments).

Summary of Reasons

To enable officers to carry out further analysis based on a smaller number of options.

To ensure that the Local Plan meets national and local planning objectives, and is based on a robust analysis in order to meet the tests of soundness at Examination.

To ensure that the Executive members have a full understanding of the factors to be taken into account in arriving at the selection of a smaller number of options for further analysis, including the results of the Members' workshops and the analysis, based on current information, of the other factors identified in the assessment methodology previously discussed by the Local Plan Executive Advisory Panel.

OFFER FROM WILLIAM DAVIS FOR HARBOROUGH DISTRICT COUNCIL TO ACQUIRE PUBLIC OPEN SPACE IN BROUGHTON ASTLEY

The Executive considered an offer from William Davis for the District Council to acquire public open space at Coventry Road, Broughton Astley.

William Davis in accordance with the provisions included within the s. 106 agreement dated 19 May 2015 has served notice offering the option that Harborough District Council acquire the public open space at Coventry Road, Broughton Astley associated with the development.

There is a risk, based on the wording within the Section 106 agreement, that if the land is not transferred to Harborough District Council, that the land may not remain as public open space, and there may be difficulties in requiring retention as public open space. There are potential financial implications for the Council if it pursued an acquisition.

William Davis has expressed a preference for the land to be retained and managed by a management company

RESOLVED that: the Executive agrees not to pursue the land acquisition as offered by William Davis

Summary of Reasons

To avoid further burden to the Council's budget.

To accept William Davis's preference for the land to be retained and managed by a management committee

PUBLIC SPACES PROTECTION ORDER – ENHANCED DOG CONTROL POWERS

It was reported that there are a number of byelaws that currently deal with the exclusion and restriction of dogs from certain areas whilst fouling is addressed through use of the Dogs (Fouling of Land) Act 1996 (DFLA). Part 6 of The Clean Neighbourhoods & Environment Act 2005 (CNEA) brought in new powers to deal with dogs through the introduction of Dog Control Orders (DCOs). Such orders allowed local authorities to create a more convenient and consistent method of addressing dog related issues. On 20 October 2014 the power to make DCOs was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act). Section 59 of the Act provides local

authorities with powers to make Public Spaces Protection Orders (PSPO) within their administrative area. These orders are intended to address activities carried out in public spaces which have a detrimental impact on the quality of life of those in the locality. The existing Dog Control Order remains in force until a PSPO is approved.

The proposed PSPO will cover:

- Fouling
- Direction to put a dog on a lead
- Provision of a means, or a suitable receptacle to pick up dog faeces

For a period of one month after the introduction of the PSPO officers will use their discretion and adopt an informal/educational approach to the enforcement of the new legislation. During this period a campaign will run aimed at alerting the public to the new laws and to engage with the parishes, particularly on the issue of replacement signage and patrolling of hotspots.

There will be a cost for signage and a requirement for further press notices. There will also be a cost for new and replacement signage alerting the public to the new dog controls. It is estimated this cost will be approximately £3000, although under the new legislation signage is whatever the authority deems appropriate. The current dog warden contract allows for the provision of 300 signs per year. The cost of the revised signage will be funded through a virement from the corporate contingency budget.

There are resources available in the new dog warden contract for some patrolling. There are also resources available in the Council's Planning Enforcement Team to help enforce the new Order. Resources will need to be reviewed 12 months after adoption of the PSPO to assess the impact of the new Order and of any further resources required for its enforcement.

RESOLVED that:

i), having regard to the conditions within s.59 of the Antisocial Behaviour, Crime and Policing Act 2014, a Public Spaces Protection Order (PSPO) is made to provide new and enhanced powers to tackle dog fouling and other forms of irresponsible dog ownership.

ii) the new PSPO includes the following offences (as set out in Appendix 1):

- Dog Fouling
- Leads by Order
- Means to pick up

iii) a budget of £3,000 be allocated for new and replacement signage from the corporate contingency budget to be erected advertising the new measures.

Summary of reasons

The new PSPO will provide authorised officers with new and enhanced powers to tackle dog fouling and other forms of irresponsible dog ownership, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act).

MICROCHIPPING OF DOGS(ENGLAND) REGULATIONS 2015

The Executive were presented with the details of the regulations relating to microchipping of dogs which came into force on 6 April 2016. The Executive considered how the Council would enforce such regulations. It was noted that the Council currently has a number of duties with regards to dogs, including, seizure of stray dogs, and the inspection of boarding and/or breeding establishments and the investigation of dog related complaints. If during the course of this work it is identified that a dog is not microchipped, the keeper, if known, shall be issued with a notice requiring the dog to be microchipped within 21 days.

If the notice is not complied with, an authorised officer may arrange for the dog to be microchipped at the expense of the keeper and/or prosecution of the offence shall be considered in line with the Council's Enforcement Policy.

There are no additional resources available to pro-actively patrol the district to identify dogs that are not microchipped. Consequently the enforcement proposal sets out a targeted approach to implementing the Regulations.

RESOLVED that

- i) It be noted that on the 6 April 2016 the legislation requiring the compulsory microchipping of dogs came into force.
- ii) the enforcement proposal of the Microchipping of Dogs (England) Regulations as detailed in section 4.6 of the report be approved
- iii) Authority be delegated to the Regulatory Services Manager to authorise any person ("an authorised person") to act for the purpose of enforcing the Regulations in the District of Harborough.

Summary of Reasons

From 6th April 2016 it is mandatory for all relevant dogs to be micro-chipped and the keeper of the dog will be responsible for making sure that all the details on the micro-chip are kept up to date and stored on an approved database.

Authorised persons of the Council will be able to undertake enforcement action for non-compliance of the Regulations following the service of a notice on the keeper of the dog.

A micro-chipped dog should reduce the number of incidents of straying and dangerous dogs and it will assist the authorised persons in identifying the keepers of dogs who are causing problems in the local community.

PERFORMANCE END OF QUARTER 4 2015/16

The Executive was presented with details of the performance of the Council against the Corporate Delivery Plan for Quarter 4 of the 2015/16 financial year. At the end of Quarter 4: 9 (17.0%) Key Activities had been completed. 35 (66.0%) Key Activities had a status of Green, 5 (9.4%) had Amber status. 3 Key Activities (5.7%) were classed as Red status. 1 Key Activity (1.9%) was withdrawn and deferred until the 2016/17 year. Details of Performance indicators which were classed as 'red' were submitted along with mitigating factors. Some of the red key activities were those which the Council had decided in year that it no longer wished to pursue.

RESOLVED that the performance of the Council at the end of the Quarter 4 of the 2015/16 financial year be noted.

Summary of Reasons

Performance is monitored and reported on to Officers and Members on a quarterly basis, as part of the Council's Performance Management Framework. Performance Reports are submitted to both Scrutiny and the Executive on a quarterly basis.

CORPORATE RISK AND OPPORTUNITY REGISTER QUARTER 4 2015/16

The Executive considered the Council's Corporate Risks and Opportunities at the end of Quarter 4 of the 2015/16 year. It was reported that three new Corporate Risks were added to the Corporate Risk and Opportunity Register during Quarter 4 of the 2015/16 year. No new Corporate Opportunities were added to the Corporate Risk and Opportunity Register during Quarter 4 of the 2015/16 year.

The new risks added were:

- CR 26 Local Plan: Risk of intervention by the Secretary of State if the Local Plan has not been produced by 'early 2017', as referred to in a Ministerial Statement by Brandon Lewis in

July 2015. (NB there is no definition of what is meant by 'produced', no exact date given and no further guidance as to how the intervention will be done).

- CR 27 Local Plan: Risk of reduction in receipts from New Homes Bonus and increased uncertainty of timely housing delivery as a result of housing development not coming forward.
- CR 28 Clawback of ERDF funds relating to previous capital investment.

RESOLVED that the items contained within the Council's Corporate Risk and Opportunity Register (attached at Appendix A), be noted.

Summary of Reasons

Monitoring of the Council's Corporate Risks and Opportunities is prescribed by the Council's Risk and Opportunity Management Framework.

NOTES AND RECOMMENDATIONS OF MEETINGS OF EXECUTIVE ADVISORY PANELS

The Executive received the notes of the Local Planning Executive Advisory Panel

RESOLVED that:

i) the record of the following meeting be noted:

- Local Planning Executive Advisory Panel: 24 February 2016 (Appendix A)

ii) the recommendations contained in the notes of the meeting be agreed.

Summary of Reasons

The arrangements for the Executive Advisory Panels require that they report back to Executive with notes of their meetings.

SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the remainder of the meeting on the grounds that the matter yet to be discussed involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A to the Local Government Act 1972.

HOWARD WATSON SYMINGTON MEMORIAL CHARITY –REPORT TO THE TRUSTEES

The Executive considered the outcome of the recent recruitment campaign for new Trustees of the Howard Watson Symington Memorial Charity (The Trust) and noted the proposal received regarding the future operational of the Trust

RESOLVED that:

- i) The Executive exercising its function of administration of the Trust approve the recommendations of the interview panel
- ii) Having considered the proposal received regarding the future operation of the Trust as set out in Appendix B to the report the proposal be referred to the new trustees for their decision..
- iii) Authority be delegated to the Head of Legal and Democratic Services to take whatever legal action is required to implement the decision of the Executive in its capacity as Trustee.as set out above

Summary of Reasons

The Council needs to ensure that it complies with its obligations as a trustee under the Charities Act 2006 and also its legal powers under the Local Government Act 1972.

The meeting closed at 7pm