

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE CABINET MEETING

held remotely on

2nd November 2020

commencing at 5.30pm

Present:

Cllr King (Chair)

Councillors (remote access): Bateman, Dann, Hallam, Knowles and Whelband

Officers present: S. Green and S. Hamilton

Officers (remote access): D. Atkinson, C. Mason, N. Proudfoot, J. Smith and V. Wenham

Guests: Ian Blelloch and Betsy Wong - Report 6

INFORMATION EXCHANGE FROM PORTFOLIO HOLDERS

Corporate and Regulatory Services

Councillor Dann reported that following the signing off of the Customer Portal, there will be a demonstration to Cabinet at 6.00pm on November 17th. In addition there will be a demonstration to all Councillors in the New Year.

Following a lengthy period, the number of residents who have needed face to face appointments has averaged to no more than two per week, evidence that the triage system has worked. This evidence can be factored into the ongoing review of Customer Services.

Strategy

Councillor King commented that at the previous Cabinet meeting the issue of the consultation response in relation to the Planning White Paper had been considered and the response has now been sent off. Copies of the response have also been sent to all three local MP's and all Members.

In the last 48 hours, a number of meetings have taken place at a senior level between himself, the Chief Executive and members of the Corporate Management Team in respect of the second lockdown.

Councillor King recognises that many residents and businesses would be deeply concerned about the implications of the lockdown on themselves, their families and businesses and Councillor King stressed that the Council would do all that it can, within the remit that it has, to support individuals, communities and businesses over the coming weeks. Information will be released as to the support the Council can provide as soon as it is able to.

A private Councillor briefing will take place on Wednesday 4th November at 6.30pm via Teams to update Councillors with the District Council's response to the Covid 19 Pandemic.

TOPICAL ISSUES

There were none.

APOLOGIES FOR ABSENCE

There were none.

MINUTES

RESOLVED that the minutes of the meeting of the Cabinet held on 5th October be approved as a correct record.

DECLARATION OF MEMBERS' INTERESTS

There were none.

ORDER OF AGENDA

Following the receipt of an urgent report, the Cabinet agreed to change the agenda order, with the urgent report being considered after Report 5. In addition the Cabinet agreed that Report 6 would be taken as the last item.

ANNUAL TREASURY MANAGEMENT REPORT 2019-2020 AND PRUDENTIAL INDICATORS

The Cabinet considered the Annual Treasury Management Report 2019-20 and Prudential Indicators. Treasury Management is an integral part of the Council's finances relating to cash flow management and financing of capital schemes and therefore underpins all of the Council's aims. The annual treasury report is a requirement of the Council's reporting procedures and covers the treasury management activity for 2019/20.

RESOLVED that:

- (i) the Annual Treasury Management Report for 2019/20 be noted.
- (ii) the Prudential Indicators for 2019/20 be noted.

Summary of Reasons

The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2019/20.

REVISIONS AND UPDATES TO THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

The Cabinet considered a report detailing revisions and updates to the Planning Obligations Supplementary Planning Document.

The Planning Obligations Supplementary Planning Document (SPD) is intended to inform planning documents and development management decisions by the Council. It is also intended to inform and guide; developers, landowners, infrastructure providers, stakeholders/partners and local communities about the approach Harborough District Council is taking to secure community infrastructure and affordable housing through planning obligations.

In order to ensure the SPD remains relevant and effective, it is important the document is as up to date as possible. It needs to take into account any changes in legislation, regulations, policies and guidance and changes in circumstances as a consequence, for example, of significant development proposals in the District and in relation to changes in internal practices and procedures.

The proposed revisions and updates to the existing January 2017 Planning Obligations SPD are, in the main, due to the policy changes within the National Planning Policy Framework 2019 (NPPF), the reforms in the Community Infrastructure Levy Regulations (CIL) (Amendments) (England) 2019 and the adoption of the Harborough Local Plan 2011 – 2031 (2019).

In summary, the proposed revisions and updates to the existing SPD take account of and include:-

- Updates in relation to the Local Plan policies namely IN1 – Infrastructure provision which seeks to facilitate and provide sufficient infrastructure to mitigate the impacts of new development and support sustainable growth of local communities;
- A revision of the affordable housing provision requirements in accordance with the Local Plan Policy H2 – Affordable Housing – which supports the development of an appropriate mix of housing including low cost affordable homes to rent through social housing providers which are secured through planning obligations;
- Updated guidance on developer viability as outlined in National Planning Policy Guidance – viability to be considered upfront as part of the plan-making process clarifying the costs of complying with plan policies as reflected in the land value, rather than an assessment made at the planning application stage;
- Reforms to CIL Regulation 123 and the lifting of restrictions on the pooling of more than five obligations for the same project or type of infrastructure;
- Revision of the monitoring fee to accord with Part 10 of the CIL regulations which confirms a local planning authority may lawfully include a monitoring fee as a planning obligation if it is fairly and reasonably related in scale and kind to the development proposed and does not exceed the local authority's estimate of its cost of monitoring the development over the lifetime of the related planning obligations;
- Inclusion of a proposed indemnity agreement – part of the Council's on-going enhancement of the audit process, ensuring transparency and accountability: this is considered necessary in relation to the use and spending of developer contributions by external partners;
- A proposed 'End to End' flow chart which visually outlines the planning obligations process and shows the key stages and participants involved in that process.

The proposed revisions and updates to the SPD will require a period of public consultation to commence soon as practicable for a minimum of 6 weeks, and if the consultation runs over the Christmas period the consultation length will be extended. The Consultation will comprise, for example of links on the Council's website and direct email and/or written contact to external partners, stakeholders, landowners, developers, Councils, parish and town councils, local communities and organisations.

Appropriate communications will accompany the consultation to ensure it is brought to the attention of the wider community.

RESOLVED that the Draft Supplementary Planning Document, attached as Appendix A to the report, be approved for public and stakeholder consultation.

Summary of Reasons

To enable a revised and updated draft Supplementary Planning Document (SPD) – Planning Obligations to be considered and to issue it for a period of public consultation.

THE INFRASTRUCTURE FUNDING STATEMENT

The Cabinet considered the content of the Infrastructure Funding Statement (IFS).

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 came into force on 1st September 2019 and made important changes to the operation of CIL and S106 planning obligations including the lifting of the ‘pooling restrictions’ on the number of planning obligations that can be used to fund a single project or piece of infrastructure.

This change has an important impact on both the collection and the spending of developer contributions and will allow an increased number of obligations which can now be pooled to one project or infrastructure. Planning obligations are still required to meet the statutory tests under Regulation 122 of the CIL Regulations which are:

- Necessary to make a development acceptable in planning terms
- Directly related to a development
- Fairly and reasonably related in scale and kind to a development

Whilst the restriction on the pooling of contributions has been lifted, the Government has introduced a requirement for councils to prepare an annual Infrastructure Funding Statement (IFS) which is to be published by 31st December each year and thereafter, at least annually.

Over £2.8 million of S106 planning obligations were received in the financial year 2019/20, comprising of affordable housing, community facilities, health, off-site recreation (allotments/greenways/sports) police and cemetery.

Circa £3.9 million of planning obligations were spent in the financial year 2019/20 and 207 affordable housing secured.

RESOLVED that the Infrastructure Funding Statement (IFS), attached as Appendix A to the report, be approved for publication.

Summary of Reasons

To enable the content of the IFS to be considered and to approve its publication.

BUILT FACILITIES STRATEGY

The Cabinet considered the report detailing the recommendations of the Built Sports Facilities Strategy. The Built Sports Facilities Strategy (BSFS) has been prepared by HDC's appointed consultant (Nortoft) during 2019. The Strategy preparation has been supported by a Steering Group consisting of officers, Leicestershire and Rutland Sport, Sport England and Nortoft.

The preparation of the Strategy is a technical exercise and includes gathering usage and team information from Sports Clubs, stakeholders and other users of Built Sports Facilities. Additionally, the Council's Community Partnerships Team has gathered data concerning Community and Village Halls.

Information concerning demographics and projected growth areas within the District has been collected and liaison with neighbouring Local Authorities has taken place to assess their provision of facilities and any cross-boundary use of those facilities.

Detailed information concerning the demand and use for swimming pool space has been undertaken by commissioning Sports England's Facilities Planning Modelling (FPM). The FPM results will allow the Authority to make informed decisions concerning the future of swimming pool provision in the District.

Councillor Galton was invited to speak on this item and expressed his concerns in relation to a number of points within the report as follows :-

1. The proposed accessibility standards for village and community halls which omits Scraftoft, Thurnby and Bushby within the 800m catchment, thereby resulting in a 10 minutes drive time catchment.
2. Inconsistencies in the conclusions of the report regarding the capacity of dry facilities such as sports hall facilities and the expectation for people to go to other areas to access these facilities.
3. The report details that almost all of the Scraftoft Strategic Development Area (SDA) is within an 800m walking distance of either the new Scraftoft Community Hub and Scraftoft Village Hall. Furthermore the report concludes that funding should go to existing facilities rather than a new community building within the SDA. However the Village Hall does not have any parking, and the Community Hub has limited parking.
4. Previous infrastructure reports in relation to the Scraftoft and Thurnby areas stated the requirement for sports hall provision in this area which could serve as a local hub to meet the needs of the rural parishes and fringe settlements, and furthermore concluded that a new provision was required and that new growth would contribute towards the funding of indoor sports facilities in this area.

The Chief Officer Planning and Regeneration confirmed that the Strategy had been tested extensively and the conclusions are the views of the consultant and professional and sporting bodies. In relation to the proposed accessibility standards for village and community halls the Strategy listed those which were most appropriate to an 800m catchment. The Strategy aims to fully provide for the Scraftoft SDA and the existing community.

RESOLVED that the report be deferred in order to address issues raised.

BEEBY ROAD, SCRAPTOFT – TRANSFER OF OPEN SPACE TO SCRAPTOFT PARISH COUNCIL

The Cabinet considered the report on the transfer of the Beeby Road Scraptoft Open Space, Woodland and Grotto to Scraptoft Parish Council with a commuted sum for maintenance.

The Cabinet noted that planning permission had been granted in 2012 and between 2012 and 2020 a significant number of meetings and amount of correspondence had taken place. Concern was raised over the extensive amount of time and utilisation of resources in order to adopt the Open Space.

The Chief Executive responded that this issue had been a particularly difficult case for a number of reasons. Currently a review is being conducted on the Section 106 process. In addition the Council is lobbying the government on ways to deal with this type of process and on the powers given to local authorities.

RESOLVED that:

- (i) the transfer of the open space, sports pitch and woodland at Beeby Road Scraptoft to Scraptoft Parish Council be approved as permitted in the agreement dated 2 August 2012.
- (ii) authority be delegated to the Chief Officer – Governance working with the Chief Officer - Planning and Regeneration to give effect to the transfer.

Summary of Reasons

To ensure that open space is effectively managed locally by the most appropriate organisation.

COVID 19 – RESPONSE

The Cabinet considered an urgent report which updated Members on the delegated authority in place to respond to the proposed second lockdown due to come into force on the 5th November 2020.

The responsibility for responding to an emergency situation is delegated to the Joint Chief Executives. The current delegation, as determined by the Leader, gives delegated authority to the Joint Chief Executives. This delegation is required to be amended to reflect that the authority is now delegated to the Chief Executive which reflects the structure approved by Council in September 2020.

The Cabinet noted that the Financial Procedures have also been updated to reflect the authority given to the Joint Chief Executives and that this should be read as if the reference to Joint Chief Executives is a reference to the Chief Executive.

The Council will enter into the response stage to the second lockdown in response to the Covid 19 pandemic.

RESOLVED that:

- (i) the amendments to the Scheme of Delegation as set out in Appendix A to the report be noted.
- (ii) the Council remains in an emergency response position to the Covid 19 pandemic.

Summary of Reasons

To ensure that the Council has in place appropriate governance arrangements to enable it to make decisions promptly in response to the ongoing Covid emergency situation.

SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the following item on the grounds that the matters yet to be discussed involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972.

REDEVELOPMENT OF LAND AT NASEBY CLOSE, MARKET HARBOROUGH – OFFER RECEIVED FROM PLATFORM HOUSING GROUP

The Cabinet considered a report detailing the offer made by Platform Housing for the land at Naseby Close, Market Harborough.

RESOLVED that:

- (i) the provisional offer from Platform Housing Group as set out in 2.1 – 2.3 of the report subject to contract be accepted.
- (ii) the Project Sponsor be authorised to submit a planning application to show 100% affordable homes for the house types, designs and plans as illustrated in Table 1 (paragraph 2.2 of the report).
- (iii) following the determination of the planning application referred to in 2 above, authority be delegated to the Chief Officer, Finance and Assets to proceed on the basis as set out in paragraph 5.1 (b) i and/or ii or paragraph 5.1 (c) i and/or ii of the report as appropriate.

Summary of Reasons

An updated Outline Business Case was considered by Cabinet in September 2020. Cabinet resolved that Option 2 to the report be approved in principal and the Chief Officer Finance & Assets be asked to negotiate an acceptable agreement with the Platform Housing Group, including the way forward to obtain planning consent for the development, and to report back to Cabinet for a decision.

An acceptable offer has now been received from Platform Housing Group and Cabinet are asked to consider.

MANOR FIELDS, THURNBY – COMMUNITY CAFÉ AND HUB PROJECT BY ST.LUKE’S PAROCHIAL COUNCIL (SLPC)

The Cabinet considered a report detailing the request from St Luke’s Parochial Council (SLPC) to refurbish, remodel and extend the redundant pavilion at Manor Field, Thurnby to provide a community café and hub, together with improved parking.

RESOLVED that:

- (i) subject to all necessary planning and building regulation approvals, as appropriate, being in place, the grant of a 125 year lease of the land and building shown for identification purposes only on the plan attached at Appendix C to the report be approved in principle, to SLPC, or its charitable subsidiary, for the conversion of the redundant pavilion into a community café and hub.

- (ii) Subject to the approval of (i) above,

the proposed disposal of public open space be advertised in the local newspaper in accordance with the requirement of the Local Government Act 1972; and

authority be delegated to the Chief Officer, Finance and Assets, to consider any representations received in consultation with the Portfolio Holder; and

Subject to the determination of any representations received as set out above that:-

- a) an agreement be entered into between HDC and SLPC whereby SLPC is responsible for the compensation of the beneficiaries for agreeing the amendment to the covenant; and
 - b) the tri-partite option agreement be completed between the beneficiaries of the covenant; HDC and SLPC to allow the covenant to be amended;
- (iii) authority be delegated to the Chief Officer Finance & Assets (CM) in consultation with the Chief Officer, Governance to take any necessary and appropriate actions to complete the agreements outlined in (i) and (ii) above.

Summary of Reasons

To facilitate the social benefits from improved community facilities, thereby supporting the sports and recreation plan of the Thurnby & Bushby Parish Council.

HARBOROUGH DISTRICT COMMERCIAL SERVICES LIMITED – REPORT TO THE SHAREHOLDER

The Cabinet considered a report detailing an update of the performance of the Company and seeking approval of the adoption of the Business Plan for 2020/21 prior to the adoption by the Board of Harborough District Commercial Services Ltd.

RESOLVED that:

- (i) the Business Plan for 2020/21 (attached as Appendix A to the report) be approved by the Cabinet as Shareholder, as required under Clause 6.3 of the Governance Agreement; and
- (ii) the filed Accounts for 2018/19 attached as Appendix B to the report are noted.

Summary of Reasons

In accordance with the Company's governance arrangements to consider the Business Case for approval by the Board and the final accounts submitted by the Company for 2018/19.

The meeting ended at 7.45 pm