

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE EXECUTIVE MEETING

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

held on 11 July 2016,

commencing at 5.00p.m.

Present:

Cllr Pain (Chair),
Councillors: Bannister, Brodrick, Hallam, King, Mrs Page and Rickman (from 5.25pm)

Officers: D. Atkinson, T. Day, B. Jolly, G. Keeping, N. Proudfoot and S. Riley.

110 APOLOGIES

There were none.

111 MINUTES

RESOLVED that the minutes of the meeting of the Executive held on 6 June 2016 be approved as a correct record.

112 DECLARATION OF MEMBERS' INTERESTS

Cllr Brodrick declared a personal but non-pecuniary interest as a Board Member of Seven Locks, Acclaim and Waterloo Housing Associations in relation to Report 3 – Use of S106 Commuted Sums for Affordable Housing.

113 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

The Executive considered a report on a draft of Supplementary Planning Document on Planning Obligations, as modified in light of public consultation, which ended on 30 September 2015. A total of 228 representations were made on the document; officers made an assessment of these comments and considered the need for further changes to the document which related to:

- A clearer assurance in the document regarding the Council's ability and commitment to monitor contributions to specific projects and supply information on the number of obligations funding specific elements of infrastructure. This is because of the pooling restrictions which now apply (no more than five obligations may fund a single project or item of infrastructure);
- Additional detail regarding the approach to submitting and completing legal agreements, to ensure they are completed in a timely and efficient manner.
- Further clarity in the document, regarding the types of development proposals which will require obligations and what type of obligations will be required. Annex 1 of the SPD sets out a table showing what obligations may be necessary by development type and size.
- Clearer acknowledgement in the document that, to aid compliance with the CIL tests, obligations must relate wherever possible to specific infrastructure projects needed to support the acceptability of specific planning permissions. This point is emphasised in the SPD but additional text has been inserted.
- Further clarification as to when monitoring fees will be sought.
- Removing sections related to the calculation and allocation of commuted sums for affordable housing projects, since these approaches are under separate review.

- Emphasising the “golden thread” that obligations must relate to those matters which help to make development acceptable – i.e. being used for a positive purpose to enable and facilitate development.

These changes were incorporated into a revised version of the Document, which formed Appendix A to the report.

RECOMMENDED TO COUNCIL: that the Draft Supplementary Planning Document on Planning Obligations (attached as Appendix A to the report, but with the inclusion of a flow-diagram showing the stages in the process) be adopted.

Summary of Reasons

A local planning authority may produce supplementary planning documents to assist in the making, consideration and determination of planning applications. An important aspect of larger planning applications is the making, monitoring and implementation of planning obligations which ensure that development is made acceptable by the provision of appropriate community infrastructure. An updated supplementary planning document on Planning Obligations was issued for consultation in 2015. The document has been modified in the light of consultation responses and further minor updates made to ensure the document is consistent with national policy and improve clarity.

114 HARBOROUGH INNOVATION CENTRE; CAFÉ AND ENTRANCE WORKS

RESOLVED that the item be deferred to a future meeting of The Executive.

Summary of Reasons

To allow the development of a full business case.

115 USE OF S106 COMMUTED SUMS FOR AFFORDABLE HOUSING

The Executive considered a report to update the approach of the Council towards the use of commuted sums paid in lieu of on-site affordable housing provision, and secured through Section 106 Agreements in order to facilitate additional affordable housing in Harborough District. In 2008 the Executive considered a paper setting out how such sums might be spent and covering the range of projects which might be suitable. Whilst a substantial amount of funding had been allocated since 2008, the Council was still holding a balance of £647,127.69. To date the Council had adopted a reactive approach to spending (responding to proposals made by others). It was considered that a more pro-active approach was needed to ensure that existing and future funds held by the Council for affordable housing was allocated to affordable housing projects in a timely manner. The report sought the approval of a new approach and also recommended that approval of funding be delegated to ensure that decisions were taken swiftly, but within a framework agreed by the Executive.

RESOLVED that:

- i) the Practice Note attached as Appendix A to the report, in relation to the use of S106 commuted sums to secure affordable housing provision across the District, be endorsed, subject to the final wording being delegated to The Leader, in conjunction with the Head of Planning and Regeneration and the Corporate Director (NP);
- ii) approval of funding towards projects promoting affordable housing provision be delegated to the Corporate Director (NP) in consultation with the Portfolio Holders for Planning and for Financial & Commercialisation; and
- iii) the commuted sums fund be titled “The Harborough Housing Fund”.

Summary of Reasons

A more pro-active approach is needed to ensure that existing and future funds held by the Council for affordable housing is allocated to affordable housing projects in a timely manner.

115A) PUBLIC SPACE PROTECTION ORDER – CONTROLLED DRINKING

The Executive considered a Public Places Protection Order (PSPO) that restricts the consumption of alcohol in public places in and around Market Harborough and Lutterworth Town Centres. Under the Anti-Social Behaviour, Crime and Policing Act 2014, there is provision for local authorities to introduce measures to address anti-social behaviour in public spaces. To this end the Act replaces three existing powers with one new power – the PSPO. A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place. So long as drinking is done responsibly a PSPO will only be used to tackle potential alcohol related anti-social behaviour. A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. A PSPO will cease to have effect after 3 years; however, that period can be extended if it continues to be necessary. On the 27 October 2015, the Regulatory Committee approved the commencement of consultation on a proposed PSPO for new and enhanced powers on dog controls and replacement of DPPOs. The consultation process ran from 16 November to the 29 December 2015. Further consultation was carried out with the Council's Regulatory Committee on the 15 March 2016. The feedback from the Regulatory Committee was discussed at the Community Safety Partnership (CSP) meeting on 28 April 2016. The Executive was informed that if it agreed the adoption of the PSPO, the Regulations require that where a Local Authority has made a PSPO, they must publish it on its website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.

RESOLVED that, having regard to the conditions within s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014, a Public Spaces Protection Order (PSPO) be made to control drinking in Market Harborough and Lutterworth as set out in Appendix A to the report.

Summary of Reasons

The existing Designated Public Places Orders (DPPOs) which have controlled drinking in public places since 2011 have been replaced by new legislation prompting a review. The Community Safety Partnership considered that the DPPOs have been an effective deterrent to alcohol related crime and anti-social behaviour and should be replaced with a new Public Space Protection Order (PSPO). Public consultation carried out indicated 81% support the proposal to convert the existing DPPO to a new PSPO. The consultation and engagement process included a review of the area covered by the PSPO against anti-social behaviour, criminal damage and public order offences for the last 12 months.

116 LOCAL COUNCIL TAX SUPPORT SCHEME 2017/18

The Executive was advised of plans to consult on changes to the current Local Council Tax Support Schemes operated by the billing authorities within Leicester, Leicestershire and Rutland with effect from April 2017. The Government reformed the national Council Tax Benefit scheme and abolished council tax benefits (CTB) from 1 April 2013. At the time the government said it would reimburse councils approximately 85% of the historic cost of council tax benefit to fund the schemes, but pledged no additional funding to meet increased demand. Funding has since been rolled into revenue support grant which has since been cut further. As a result of the changes the billing authorities, working with the major preceptors, established local schemes to replace the CTB scheme. The Government provided one-off transitional funding in 2013/14 if schemes met certain criteria, the main one being a minimum level of 91.5% support. Of the seven Districts, all but Harborough set their 2013/14 schemes at 91.5%; Harborough's scheme was set at 85%, Leicester City Council's at 80% and Rutland's at 75%.

Following the removal of the 2013/14 one-off transitional grant funding, the six districts, which had accepted that funding, consulted again during 2013 and for 2014/15 revised their Schemes to provide 88% support in Hinckley & Bosworth and Melton, and 85% support in Blaby, Charnwood, North West Leicestershire and Oadby & Wigston. No changes were made to the Harborough, Leicester City and Rutland schemes. For 2015/16 and 2016/17 the billing authorities have maintained their schemes at the same levels of support.

The billing authorities and major preceptors have worked together to implement the changes. All parties have contributed funding for additional administrative costs and for the provision of Discretionary Discount Funds (DDFs), to provide support for residents facing financial hardship. Although it was expected that there could be significant issues with non-payment of the element that the relevant residents would be required to pay, this has not materialised. Collection rates in Harborough remain the highest of the Leicestershire Districts with collection rates of 98.4% and 98.6% over the past three years. In addition, calls on the DDFs have been much lower than originally anticipated.

It is considered timely to review and consult on the current scheme and any potential change to the current level of working age support. Government guidance supports the regular review of the scheme. Initial discussions have taken place with the Chief Finance Officers of all the Leicestershire Councils who in the context of reducing Revenue Support Grant (from which LTCS is funded from) and a desire to continue funding for discretionary discount funds for those in hardship (funded by all preceptors) support two key activities

- (a) A joint public consultation by the City Council and the Leicestershire billing authorities
- (b) Modelling of the impact of changing the level of support from the current 85% to 80%, 75% and 70%

The s151 Officer has agreed that these activities are necessary to inform Member consideration of a change in the scheme later this year. To this effect, a joint public consultation led by the City Council is proposed to take place over 12 weeks over the summer. The consultation will be hosted by the City Council will links from the billing authorities' websites. This Council will ensure through a communications strategy and social media awareness that relevant bodies/individuals are aware of the consultation. The billing authorities and preceptors are separately commissioning some modelling to look at the impact of changes on Council Tax collection and impact on particular groups that are impacted by any change in the future.

The results of the consultation will need to be considered by the billing authorities, in liaison with the major preceptors in the autumn, so that any changes can be included in the tax base for 2017/18 which is due to be agreed in December 2016.

NOTED:

- (i) that a joint public consultation is to be undertaken in Summer 2016 in liaison with the County Council, Leicester City Council and other District Councils regarding potential changes to the levels of council tax support provided to working age claimants; and
- (ii) that revised schemes, if appropriate, would need to be considered and approved by each Council prior to the setting of the Council Taxbase for 2017/18 in December.

Summary of Reasons

To enable the review of Council Tax Support Schemes, in liaison with billing authorities and major preceptor authorities (the County Council, Police and Fire authorities) so that resulting changes can be reflected in 2017/18 revenue budgets.

117 HOMESearch, HOUSING ADVICE AND HOMELESSNESS SERVICE REVIEW: KEY FINDINGS

The Executive was advised on the key findings of a Service Review, commissioned to review the value for money and quality of the Choice Based Lettings, Housing Options and Homelessness Service, ensuring it met statutory duties, objectives of the council and was fit for purpose now and in the future. For the purpose of this review, the service has been split into.

- a) Housing Register & Choice Based Lettings
- b) Housing Advice & Homelessness

The review will inform the review of Statutory Policies and Strategies later in the year. It was noted that the role of the Council in enabling the supply of affordable housing through section 106 schemes was outside the scope of this review. As part of this review, consultation has taken place with service users, stakeholders and Housing staff.

In respect of Housing Register & Choice Based Lettings (CBL), key findings of the review included:

- having a Housing Register and CBL system is effective at discharging the statutory function to prioritise social tenancies to home seekers in emergency housing need.
- the Council should review its Allocations Policy, particularly the Low and Medium Banding, to ensure the register is efficient and effective. This should be carried out in partnership with CBL partners due to interdependence with the shared CBL software. The review has also highlighted that the supply of affordable housing will never meet the demand.
- Although not self sustaining, some of the costs of running the CBL scheme are offset by income from Registered Providers to advertise their properties through the scheme. Registered Providers have confirmed that CBL meets their business needs in terms of letting properties as quickly as possible and keeping void times to a minimum.
- The review has suggested that the Council should work with other Leicestershire Districts and Boroughs to assess the viability of procuring new CBL software. The review concluded that the Council should use the software discussions to explore a shared service with one or more other Districts/ Boroughs to deliver remaining CBL back office functions.
- Further work should also be carried out on outsourcing as an alternative to both the Leicestershire CBL partnership and a potential shared service. The outsourcing of CBL was considered as part of the review and should be explored further once in-house efficiencies are banked.

In respect of Housing Advice & Homelessness, key findings of the review included:

- the draft findings of the Peer Review indicate that the Housing Advice and Homelessness service performs very well and is effective at early intervention/ preventing homelessness which is very costly to the council
- there is a need to review the current approach to procuring temporary accommodation to ensure value for money.
- The Council should review its funding arrangements to ensure support for homeless prevention is a priority. There was potential to focus more of the Councils funding into housing related support, whilst acknowledging wider needs of the district.
- there should be more self help tools and online advice in addition to signposting and information.
- due to the potential gains in effectiveness and efficiency identified in the review, combined with the fluctuations and increase in demands for the homelessness service, it was recommended not to progress with outsourcing at this stage.

A high-level action plan to address the findings of the Review was included as Appendix A to the report.

RESOLVED: that the action plan set out in Appendix A to the report be approved.

Summary of Reasons

To ensure the value for money and quality of the Housing Service, ensuring that it meets statutory duties, objectives of the Council and is fit for purpose now and in the future.

118 TO CONSIDER ANY MATTERS OF SPECIAL URGENCY

There were none.

The meeting closed at 6.52 pm