

NORTH DORSET DISTRICT COUNCIL

MINUTES OF THE CABINET MEETING HELD ON MONDAY, 3 OCTOBER 2011 AT 10.00 AM IN THE COUNCIL CHAMBER, NORDON, SALISBURY ROAD, BLANDFORD FORUM

Present:

Councillor Peter Webb	Leader – Building Local Capacity (Chairman)
Councillor Deborah Croney	Economy Member (Vice Chairman)
Councillor Audrey Burch	Community and Safety and Health Member
Councillor Graham Carr-Jones	Access and Affordable Housing Member
Councillor Michael Roake	Environment + Learning and Knowledge Member

Also Present:

Cllr Vic Fox
Cllr Geoff Miller
Cllr Mike Oliver
Cllr Jane Somper (for items 44 to 50 only)
Cllr Val Potheary
Cllr David Walsh
Cllr Helen Webb

Apologies: Cllr David Milsted

44. DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

45. MINUTES

The minutes of the meeting of the Committee held on 5 September 2011 were confirmed as a correct record and signed by the Chairman.

46. URGENT BUSINESS

There were no items of urgent business.

47. PREPARATION OF THE GYPSY AND TRAVELLERS AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT - CONSULTATION

Cllr Croney introduced the report and advised that the background to the report was the need to provide Gypsy and Traveller sites within the area, which the council took very seriously. Consultants had been employed to look at possible sites across the county which had been undertaken over a period of around 18 months. During this period there had been meetings with policy panels and officers to understand the best way to identify sites and meet need.

She highlighted the draft Issues and Options document which explained the process in detail from the definition of a Gypsy/Traveller and the need for Pitches to the issues affecting both the travelling and settled communities. The document asked a number of questions which would enable officers to build a picture of people's views in an authoritative manner. It also explained the methodology for establishing whether a site may or may not be suitable.

Cllr Croney continued that the consultants had identified 75 pitches over 17 shortlisted locations. Currently there was an identified need in North Dorset for about 40 pitches. This would enable a meaningful consultation to take place about the most suitable sites to meet the identified need.

The way the consultation has been structured was very much about seeking information with open questions, some of which were pertinent to the travelling communities and some to the settled communities. The report sought approval from Cabinet for a consultation period on the documents to be undertaken over a 15 week period starting in November. The responses to the consultation may whittle down the number of sites as the publicity in relation to them draws out issues, or it may bring other sites forward. It was hoped that it would also increase understanding of the need to provide sites.

Cllr Croney stressed that it was important that all councillors became involved in the consultation. Following the end of the consultation she anticipated that the responses would be fed back to both the Planning Policy Panel and Scrutiny Committees.

The Senior Planning Policy Officer explained that the consultants had undertaken a wide-spread trawl for sites. All the current unauthorised sites had been looked at and there had been a public call to anyone who felt that they had land available which could be used for the provision of a site. He continued that the sites had been filtered at various stages. At stage one sites which were within Sites of Special Scientific Interest etc were ruled out and then a second, finer, filter was made which took into account issues such as the visual element. He added that the consultants had visited each of the sites and undertaken a detailed appraisal. This had brought the process to this stage.

He continued that although there had been some publicity prior to this stage this was where public consultation would begin. He stressed that no decisions had been taken at this point and there were still lots of points and issues open for debate. It was important to gather views from as many groups and individuals as possible. He highlighted that there would be public exhibitions held in each of the market towns and the consultants would be talking to various interested groups. It was important to ensure that the consultations would be as wide spread as possible.

Cllr Croney advised that there was a risk in not taking this forward. There had been experience in the district where a number of temporary permissions had had to be granted as there was no provision in the area. This took the process and decisions out of the council's control, allowing gypsy's/travellers to pitch in areas which they feel are suitable for them but may not be suitable for the local residents. This is the first step to minimising this risk.

The Chairman explained that targets had been included within the Regional Spatial Strategy for gypsy/traveller provision but with the abolition of the RSS these targets would no longer exist. He pointed out that councils were still required to assess the need for Gypsy/Traveller provision and they had a duty to meet these needs. Consequently, there was still a need to undertake this exercise.

The Chairman stated that his understanding was that the process would produce a Development Plan Document (DPD) for all authorities in Dorset and he asked the Planning Policy Manager how this would interface with decisions of the

Development Control Committee. The Planning Policy Manager stated that the document would not grant permission for sites. It would establish a policy framework which identified the most suitable locations as allocated sites. However there were still factors to be considered at application stage, such as the number of pitches on the site, access etc. Each application would still be dealt with on its own merits.

Cllr Carr-Jones welcomed the approach being taken and asked if this would strengthen the authority's position with the planning inspectorate where a number of council decisions had been overturned on appeal. The Planning Policy Manager responded that the government expectation was for authorities to make adequate provision for sites and if these were available then the inspectorate would have less reason to overturn decisions.

Cllr Fox asked who owned the process. The Chairman stated that there had been a consensus to work with all authorities in Dorset but ultimately each would be required to adopt the DPD individually. The Planning Policy Manager added that if this decision had not been taken then North Dorset would have had to prepare their own plan with the associated work and costs.

Members raised a number of site specific points. Cllr Croney stated that these were precisely the kind of comments which needed to be fed into the consultation. The District Councillors had insights into issues which the general public may not have and it was important that they got involved and brought these points forward. The Chairman added that it was anticipated that the council would have its say on the consultation through the Planning Policy Panel.

The Planning Policy Manager stated that the key point was that the consultants had talked to all sorts of people and had now come up with the shortlist. This was now the stage to look at the shortlist in detail. There would be a formal draft of the sites being put forward next year and then there would be a formal consultation process on these, this would be followed by an examination in public.

The Chairman asked that it be highlighted that along with half day exhibitions in each of the market towns and discussions with various groups and interested parties the questionnaire was available on the Dorsetforyou web site to allow members of the public to provide electronic submissions.

The Chairman raised a query in relation to Question 23 of the consultation and asked how the responses to this question could be used constructively as he felt that it would be difficult to fully interpret the answers. He initially suggested that this question either be dropped or for the options to be prioritised. The Chief Executive responded that it was a pertinent question for those within the gypsy/traveller communities but perhaps not so for the general public. The Planning Policy Manager added that the supporting text explained the mechanisms but he shared the Chairman's concerns at the value of the response from some respondents. Following the debate, the Chairman decided not to seek a change at this stage.

Cllr Croney felt that public consultation would be an exercise in both gathering information and explaining the reasoning for the consultation and the issues surrounding it.

Cllr H Webb queried how gypsies and travellers would be able to respond to the questionnaire as it clearly stated that a name and address needed to be supplied in order for comments to be considered and this would not be possible for many. The

Senior Planning Policy Officer stated that many of the comments came through the Gypsy Council and many did have fixed addresses. Members asked that this be modified to read 'contact' address in the consultation documents.

Resolved

That the proposed public consultation exercise in respect of the Issues and Options Consultation Document and Site Options Summary Document of the Dorset-wide Gypsy and Traveller Site Allocations (including Travelling Showpeople) Joint Development Plan Document be agreed.

Reason for Decision

To identify sufficient sites to help meet the needs of the travelling communities and to enable more effective enforcement of unauthorised sites and to ensure that there was a full effective consultation.

48. RESPONSE TO THE GOVERNMENT'S CONSULTATION ON THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Cllr Croney introduced the report and stated that it described the approach taken in the Draft National Planning Policy Framework (NPPF) in relation to how councils should be guided by the NPPF in order to inform their own policies. It was extremely pro-growth and there was a presumption in favour of sustainable development. She continued that the general thrust of the report lacked clarity and she asked the Planning Policy Manager to detail areas of concern.

Cllr Roake raised a concern in relation to onshore windfarms and stated that development of this nature did not sit favourably with the public in North Dorset and any national policy may cause conflict. The Planning Policy Manager explained that the draft NPPF document was saying that the national policy approach should be applied to schemes that were not nationally significant. However the authority in its response were arguing that policy should be developed more locally to deal with such schemes.

Cllr Walsh asked that the initial draft of the NPPF stated if an application went against local plan policies then it should be refused. However, it was stated in the current draft document that if an application was not acceptable then Councils should look for solutions so that schemes can be approved wherever it is practical to do so. He was concerned that this would take additional resources and felt that the previous statement that 'if an application went against the local plan then it should be refused' should be reinstated.

The Planning Policy Manager stated that there was a more fundamental concern that the presumption in favour of sustainable development as drafted may be unlawful and there needed to be more refinement of the policy. The key issue was that there was no indication of how material considerations should be taken into account. The response in the papers was stating that the presumption needs to reflect the fundamental legal basis for making decisions on planning applications.

Cllr Croney asked if it was possible to firm up the response that if the authority went to the trouble of making a plan then it should carry as much weight as possible. The Planning Policy Manager stated that the authority would need hundreds of policies to deal with every eventuality, if the plan were not in place, which could

result in applications being determined by a tick box exercise. For each scheme there were local issues which needed to be debated and considered and the authority were seeking confirmation that the way the authority currently operated would continue.

Cllr Croney stated that at the end of the proposed response outlined in paragraph 44 of the report a sentence should be added emphasising the need for planning decisions to be made in conformity with the local plan. This was agreed.

Resolved

That that suggested responses to the Government's draft National Planning Policy Framework be agreed.

Reason for Decision

To ensure that the Government takes the views of the authority into account before the final version of the document is approved

49. MEDIUM TERM FINANCIAL STRATEGY 2012/13 TO 2016/17.

The Chairman introduced the report and asked if the announcement made by the Chancellor that morning in relation to the freeze on Council Tax would change the numbers significantly. The Finance and Resources Manager stated that this was unlikely to make a big difference, the question would be whether the authority wanted to take advantage to keep the Council Tax rise at zero and look to see how the grant would impact and what savings would need to be achieved.

The Finance and Resources Manager talked members through the report. In terms of the general reduction in support from Central Government the authority knew where they would be in the next financial year but in future year's guesses had to be made and the strategy assumed a further reduction in grant of some £200,000.

Returning to the issue of council tax an announcement was expected at the end of November about what the Secretary of State deemed to be an excessive council tax increase. He stated that there would be number of options to be considered at the budget workshop as to whether to the council tax increase should remain at zero and the implications of this, should the authority look at the minimum level and go for this increase, or should they take their chances with a council tax referendum.

In terms of inflation assumptions had been made and projections were similar to those of the Bank of England where the current long term projection was 2%.

The Finance and Resources Manager stated that one of the key drivers in the strategy would be the issue of wage costs. There was again an assumption made that there would be a 2% settlement next year rising to 3% in the longer term.

He then highlighted paragraph 6 of the report outlining the detail of the New Homes Bonus. He highlighted the table on page 13 of the Strategy which assumed that the New Homes Bonus would continue to grow at a rate of £240,000 per year. If the authority were able to deliver 200 homes a year then this would continue. The indication for next year is that the authority were likely to be ahead of this figure.

In relation to the Capital the programme was currently underfunded by around £1/2m and discussions on options needed to be undertaken such as asset sales or borrowing. He then highlighted the disabled Facilities Grants which were mandatory and would have to be moved to revenue from 2014/15 as the resources in the capital budget run out.

He continued that the projections in the table showed that savings would need to be generated in the next couple of years but as the New Homes Bonus rises it will reduce the savings required. He added that there were risks around the projections for 2012/14 onwards as so little was known about what the Government would do.

He then drew members' attention to page 14 of the Strategy outlining the savings plan. Some savings had already been identified but it was important to ensure that these were delivered.

He advised members that at the moment the authority was moving forward with the reasonably well balanced strategy.

The Chairman asked to what extent the current Review of Services had been accommodated with the projections in the strategy and what level of perceived risk was there with joint partnerships. The Chief Executive responded that the indications in the savings plan for both were target figures. In relation to the Service Review she had been mindful of the target but it may not be realised within the agreed timescale. In relation to partnerships, it was easy to make reductions in costs when you had control but partnership services had an identity of their own, so it was not always so easy. She added that the joint committees for the partnerships were mindful of the savings expected.

She continued that the level of savings from the procurement partnership were optimistic and the level of spend had not been high. She felt that these should be revised downwards.

Resolved

That the Medium Term Financial Strategy 2012/13 to 2016/17 and the Savings Plan be approved, subject to the minor amendment in the Savings Plan in relation to Procurement Savings.

Reason for Decision

The Strategy is required as part of the Council's Policy and Budgetary Framework in order to provide a financial structure for the financing of services in the future.

50. CONSULTATION ON THE LOCALISATION OF COUNCIL TAX BENEFITS

Cllr Burch introduced the report and stated that this consultation was part of the wider programme of welfare reform. The new system would require each individual council to form their own scheme. She stated that one of her concerns was the implications this would have for the Stour Valley Partnership.

The Finance and Resources Manager highlighted that implications of the scheme were set out on page 5 of the report. He indicated that the current scheme was very complex, difficult to operate and required heavy external audit. Local schemes

could be created to be much simpler and would require no external audit.

The most unwelcome part and serious problem associated with this proposal was the reduction in the level of payment by 10%. As pensioners and certain other vulnerable groups would be excluded from the reduction this would mean a reduction of around 20% for all other claimants. Another issue was that it would not be desirable to operate three different local schemes and it would be advisable to seek to have a common scheme.

He highlighted that one of the issues raised at the Service Review Committee was the repercussions on the IT systems. These would need to be changed and the cost could be high, in the response to the consultation the authority were requesting that this cost should be covered by Central Government through their New Burden Scheme

The Chairman felt that the cost of changes was an important consideration and felt that the reimbursement should also cover training costs for staff. Mr Bliss, Stour Valley Partnership, added that he felt that the marketing and publicity costs for the new scheme should also be covered.

Resolved

That the responses to the consultation as set out in the appendix to the report be approved, subject to the additions mentioned in the minute above.

Reason for Decision

To inform government of the authority's response on the significant implications for the administration of the council tax benefit.

51. CONSULTATION ON THE LOCALISATION OF BUSINESS RATES

Cllr Burch introduced the report and stated that it focused on the distribution of NNDR not any changes to the system. She asked the Finance and Resources Manager to advise members of what was a technical issue.

The Chairman queried the response to Question 26 *'Do you agree this overall approach to funding the New Homes Bonus within the rates retention system?'* He asked why the response was yes.

The Finance and Resources Manger explained that this was about the longer term funding of the New Homes Bonus. Some £960m had been set aside in the spending review to fund the new homes bonus what was now being said is that is this is not enough then some of the excess money collected from business rates should be set aside to cover this. It was felt that the authority would wish the new homes bonus to be protected.

Resolved

That the responses the consultation as set out in Appendix 2 to the report be approved.

Reason for Decision

The consultation document contains significant implications for the future funding of the Council.

In order that Officer time was utilised properly the confidential items were taken at this point in the meeting.

52. EXCLUSION OF PUBLIC AND PRESS

Under Section 100(A)(4) of the Local Government Act 1972, to exclude the public and press from the meeting during discussion of the following items (Minute No's 52 and 53).

Reason for Decision

If members of the press and public were present, there could be a disclosure to them of exempt information as defined in paragraph 4 (Minute No. 55) and paragraph 3 (Minute No.56) of Schedule 12A to the Act and the public interest in withholding the information would outweigh the public interest in disclosing that information.

53. COUNCIL TAX SECTION 13A LOCAL GOVERNMENT FINANCE ACT 1992 (DISCRETIONARY) RELIEF APPLICATION

Cllr Burch introduced the report and stated that she had nothing to add to the detail contained within the report. Mr Bliss, Stour Valley Partnership outlined the background to the report and stated that if agreed this would be a one off payment to be borne by the authority and did not set a precedent.

Resolved

That the Council Tax Section 13a (Discretionary) relief be granted.

54. OPTIONS FOR DEVELOPING THE NORTH DORSET COMMUNITY PLANNING MODEL

The Chairman introduced the report and stated it outlined various options to cover the medium term arrangements for the external community partnerships team. The Community Planning Officer outlined the detail in the report.

Resolved

That the recommendations set out in the confidential report be agreed.

The Committee came out of private session for discussion of the remaining items.

55. DELEGATED POWERS TO THE SOLICITOR TO THE COUNCIL – PROCEEDS OF CRIME ACT 2002

The Chairman introduced the report and stated that the report was a tidy up and would allow the Council's constitution to reflect legislation. It was appropriate that the Solicitor to the Council be delegated power in this area.

The Senior Solicitor stated that report recognised that the Council had the power to seek from the courts recovery of money that someone had secured through criminal activity.

Resolved

That the Solicitor to the Council be given delegated authority:-

- (a) subject to such consultation with the Leader or other relevant Portfolio Holder as he considers appropriate, to determine whether or not to pursue an application on behalf of the Council pursuant to the Proceeds of Crime Act 2002; and
- (b) power to undertake such preliminary and subsequent action as he deems necessary in order to secure and then progress any such determination

56. EQUALITY: ACHIEVING CUSTOMER EXCELLENCE AND NATIONAL EQUALITY FRAMEWORK

Cllr Carr-Jones introduced the report and stated that the Customer Service Excellence accreditation had now been dis-continued by the Cabinet Office. However, the ethos of the accreditation should be ingrained with the whole council and its staff. He felt that by continuing along similar lines would be of benefit to all.

The Chief Executive felt that to continue with this would help the council in its work with the County Council. Both authorities had a very different cultural style but the County's emphasis on access and fairness of services was close to those of this authority. In particular the work in relation to the Gillingham Hub was looking at services being delivered in a more coherent way and in one place.

She continued that the County had been trying to encourage more people to use internet contact rather than face to face but the Gillingham Hub was allowing us to show them that the Council recognised that face to face contact was still important.

Cllr Carr-Jones felt that it was important not to lose sight of the aims of the objectives and ensure that delivering customer excellence was ingrained into service business plans.

Resolved

- i) That it is recognised that the Customer Service Excellence accreditation by the Cabinet Office has ended.
- ii) That the equality action plan be approved.
- iii) That the Council should continue to work towards the criteria described in the Customer Service Excellence and National Equality Framework Excellence.

Reason for Decision

To ensure that the Council's focus on diversity, providing services for the vulnerable and equality are embedded within the Core Values, competencies and

Community Priorities.

The meeting closed at 12.45 pm.

CHAIRMAN