



MEETING OF THE CABINET
4 JANUARY 2010 - 11.01 AM – 12.01 PM

PRESENT:

Councillor Ray Auger
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith
Councillor Mike Taylor

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Strategic Director (Ian Yates)
Interim Strategic Director (Tracey Blackwell)
Corporate Head Finance & Customer Service (Richard Wyles)
Corporate Head Resources & Organisational Development (Paul Stokes)
Corporate Head Partnerships & Improvements (Robert Moreland)
Corporate Head Sustainable Communities (Teena Twelves)
Planning Policy Service Manager (Karen Sinclair)
Assets & Facilities Service Manager (Jane Booth)
Healthy Communities Service Manager (David Price)
Assets & Facilities Service Manager (Liz Banner)
Monitoring Officer (Lucy Youles)
Communications Officer (Sarah Cure)
Cabinet Support Officer (David Lambley)

Non-Cabinet Members : Councillor John Harvey



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CO53. MINUTES

The minutes of the meeting held on 7 December 2009 were approved as a correct record.

CO54. *CHOICE BASED LETTINGS

DECISION:

To approve in principle to:

- 1) The introduction of a Choice Based Lettings scheme (CBL)**
- 2) A partnership approach in preference to a stand alone scheme**

Subject to 1 and 2 above Cabinet approves authority to:

- (i) The service managers for Tenancy & Neighbourhood Services and Housing Solutions to progress negotiations with Peterborough City Council (PCC) to conclude an agreement to provide the Choice Based Letting scheme on behalf of SKDC subject to being within the indicative costs identified;**
- (ii) Delegate to the Portfolio Holder for Corporate Governance and Housing, being satisfied with the contractual arrangements and the outcomes of a full equality and diversity impact assessment, and comments received following public consultation, to make the final decision on the Choice Based letting scheme to be adopted.**

Considerations/reasons for decision:

- 1) Report number TES00040 by the Portfolio Holder for Corporate Governance and Housing.
- 2) Comments made at the meeting by the Tenancy & Neighbourhood Services Manager regarding the need for an in principle agreement in order for negotiations to continue.
- 3) Comments made by Cabinet Members regarding the need to find the most beneficial outcome for South Kesteven.

Other options considered:

There remains an option to maintain our existing approach but it is not regarded to be prudent having regard for legislation, guidance and likely impact on the service and the customer. We were also involved in discussions to join a single Lincolnshire Sub-Regional Scheme but have not been a party to those discussions since June 2009 when it became apparent that the single scheme approach would not be progressed and that alternative solutions were being drawn up along housing market areas.

CO55. HOUSING STRATEGY 2010 - 2013

DECISION:

That the Cabinet recommend the Housing Strategy for approval by Council.

Considerations/reasons for decision:

- 1) Report number CHSC0019 by the Portfolio Holder for Corporate Governance and Housing.

Other options considered:

Not developing a local housing strategy

The requirement to develop a strategic vision for housing is set out within the Local Government Act 2003 and further defined through statutory guidance "Creating Strong, Safe and Prosperous Communities". It is possible to incorporate the housing strategy entirely within the Sustainable Community Strategy, however this was not the approach taken in South Kesteven when the SCS was last refreshed and as such there is a continuing requirement to document the strategic vision for housing in the local area.

CO56. *HOUSING REVENUE ACCOUNT BUSINESS PLAN

DECISION:

- 1) **To approve the Housing Revenue Account (HRA) Business Plan for consultation through the District Wide Tenants Panel and Housing Consultative Group;**
- 2) **To delegate authority to the Portfolio Holder to approve any amendments to the Business Plan following this consultation**
- 3) **To require any major amendments to be reported back to Cabinet for approval**
- 4) **That the plan would be reviewed and updated on a regular basis to reflect prevailing circumstances.**

Considerations/reasons for decision:

- 1) Report number TSE41 by the Portfolio Holder for Corporate Governance and Housing.
- 2) Comments made by the Strategic Director and Corporate Head for Finance & Customer Services regarding the financial position of the HRA and that a required reduction in spending plans would present a challenge to the Council's ability to maintain decent homes standard.
- 3) Comments made by the Corporate Head for Finance & Customer Services regarding potential changes to the national HRA Subsidy

System.

- 4) Comments made by Cabinet Members with regard to the need for tenants to understand the financial predicament being faced by the Council.
- 5) Comments from Cabinet Members regarding the need for the Council to closely monitor expenditure in order to not exceed the HRA's annual income.

Other options considered:

The option of not updating the Business Plan was considered but ruled out because it is not possible to effectively manage the housing service without a detailed knowledge of the income it will have and the costs required to manage and maintain the stock effectively.

CO57. *CIVILIAN PARKING ENFORCEMENT

DECISION:

To agree to recommend to Council in principle that:

- 1) Civilian Parking Enforcement is undertaken within the administrative boundary of South Kesteven District Council through partnership with the other seven authorities in Lincolnshire covering on and off street enforcement.**
- 2) Authorisation is given for Lincolnshire County Council's application to the Department for Transport for Civilian Parking Enforcement on behalf of the authority.**
- 3) South Kesteven District Council resolves to join 'The Joint Committee of England and Wales for the civil enforcement of parking and Traffic Regulations outside London' in accordance with the requirements of the Traffic Penalty Tribunal. This requires a member nomination and substitute nomination at an appropriate time**
- 4) The level of differential penalty charge as stated in Statutory Instrument 2007 No.3487, Road Traffic, England will be adopted. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 be set at band 2 PCN level, discounted by 50% for payment within 14 days, and incremented by 50% for payment after the issue of a Charge Certificate.**
- 5) Council delegate the authority to sign the partnership Memorandum of Understanding and any associated Service Level Agreement to the Chief Executive and the Leader of the Council.**
- 6) That the Council proceeds with external enforcement.**
- 7) That authorisation is given for South Kesteven District Council to use the central processing unit for the administration of the tickets and guarantee a minimum level of tickets per annum to be paid for.**

Considerations/reasons for approval:

- 1) Report number AFM0126 by the Portfolio Holder for Economic Development.
- 2) Comments from Cabinet Members expressing disappointment that more detail could not be provided and noting that there was a considerable amount of negotiation to be undertaken.
- 3) Comments from Cabinet Members noting that the Memorandum of Understanding would need to be acceptable to South Kesteven.

Other options considered:

- 1) To withdraw from the partnership arrangement and not to take part in the process; however should the remainder of the County proceed without South Kesteven District Council, it may be difficult to rejoin the service at a later date.
- 2) County not to proceed with Civilian Parking Enforcement; however there are powers within the Traffic Management Act that would allow the government to direct the authorities to undertake decriminalised parking enforcement.
- 3) Lincolnshire County Council as Highway Authority could take sole responsibility for Civilian Parking Enforcement across Lincolnshire, but as the current expertise for enforcement of off street parking is held at district level, this would not be appropriate.

CO58. *FEES & CHARGES PROPOSALS 2010/11

DECISION:

That the following fees and charges proposals be taken forward for the appropriate consultation prior to their inclusion in the 2010/11 budget, as per report number CFHCS85 and appendix:

- 1) **Market charges – page 1 of the appendix**
- 2) **Fair charges – page 2 of the appendix**
- 3) **Bus station departure charges – page 3 of the appendix**
- 4) **Cycle Centre charges – page 4 of the appendix**
- 5) **Outdoor Recreation – page 5 of the appendix**
- 6) **Grantham Cemetery – page 6 of the appendix**
- 7) **Arts centres and Corn Exchange – details of the fees and charges and the formation of a fees and charges policy to be delegated to the Corporate Head of Resources and Organisational Development, s151 officer and the Healthy Environment Portfolio Holder**
- 8) **Street Scene – page 8 of the appendix:**
 - i) **Increase of the green waste joining fee to £26**
 - ii) **Replacement costs in respect of damaged wheelie bins (where damaged by the user)**
 - iii) **To approve the production of a full business case for**

MOT testing for all hackney carriage and private hire vehicles at the Council MOT testing station that clearly sets out the resource implications and full service impact assessment.

- iv) Not to proceed with the proposal to charge for the green waste collection service for the next financial year**
- 9) Healthy Communities – page 9 of the appendix**
- 10) Environmental Protection – pages 10-12 of the appendix**
- 11) Helpline service – page 13 of the appendix**
- 12) Re-affirm the decision to consult on the proposed car parking charges as presented at the Cabinet meeting on 7 December 2009 with the introduction of evening and Sunday charging at Council car parks.**

Considerations/reasons for decision:

- 1) Report number CFHCS85 and appendices by the Portfolio Holder for Resources and Assets.
- 2) Comments received from the Resources PDG and Communities PDG regarding fees and charges.
- 3) Noting comments from the Communities PDG in support of the proposed car parking charges, with the exception of half hourly charging, and charges for evenings and Sundays.
- 4) Noting that there was a requirement for some flexibility with charges for the Arts Centres and Corn Exchange and the need for this to be finalised.
- 5) Comments made by the Corporate Head for Finance & Customer Services regarding the Resources PDG's wishes to see the implications of requiring the Council to undertake MOT testing for all hackney carriage and private hire vehicles.
- 6) Comments made by Cabinet Members that suggested that the introduction of an annual charge for green waste would reduce recycling rates and would result in the Council not meeting its obligations to the Lincolnshire Waste Partnership.
- 7) Comments from Cabinet Members that the hire of stall for market functions should include a footnote to state that additional ancillary charges may be made.

CO59. *BUDGET REQUIREMENT FOR 2010/11

DECISION:

General Fund

- 1) To note the provisional settlement for 2010/11.**
- 2) To agree a provisional target General Fund Budget Requirement of £16.454m for 2010/11 (inclusive of Special Expenses) for consultation purposes. This provisional target is based on a 2.5% Council Tax increase.**
- 3) Request public feedback from the local forum meetings in**

January and consultation contained within SKtoday and the Council's website, in time for its consideration of the budget plans in February.

- 4) Agree to review the target at recommendation 2 above, at the Cabinet meeting in February, in light of the outcome of consultation and other updated information.
- 5) Agree to update the naming of the Capacity Building Priority Setting and Service Improvement reserve to the Priority Themes and Service Improvement reserve)

Housing Revenue Account

- 6) Approve an indicative rent increase of 3.1% for consultation purposes with the tenant consultation forums on options for rent increases.
- 7) Agree to review the proposed rent increase at the February meeting together with proposals regarding garage rents and other service charges.

Capital Programme

- 8) Agree to receive detailed reports setting out recommendations for the Capital Programme for both the General Fund and Housing Revenue Account, at the February Cabinet Meeting.

Considerations/reasons for decision:

- 1) Report number CHFCS84 and addendum by the Portfolio Holder for Resources and Assets.
- 2) Comments made by the Corporate Head for Finance & Customer Services.
- 3) Noting that the date for rent convergence had now been set to 2013 which resulted in a 3.1% notional rent increase. The Council would ensure that residents were aware that this increase was as a result of the change to the convergence date, as RPI had been negative in September.

CO60. *TRANSFER OF STAMFORD RECREATION GROUND TO STAMFORD TOWN COUNCIL

DECISION:

To authorise the transfer the freehold ownership of Stamford Recreation Ground shown edged red on the plan attached to report AFM0123 at Stamford to Stamford Town Council at a nominal purchase price to be used for recreational purposes only subject to the Town Council paying the costs of transfer incurred by the District Council and subject to the Portfolio Holder for Assets and Resources agreeing the terms of the transfer agreement in respect of a right of pre-emption in favour of the District Council.

Considerations/reasons for decision:

- 1) Report number AFM0123 by the Portfolio Holders for Assets and Resources and Healthy Environment.
- 2) Noting that a consultation had been carried out and that two objections to the transfer had been received.
- 3) Comments by Cabinet Members regarding their concerns that the transfer document should determine the condition the land should be left in if it were to be transferred back to South Kesteven District Council.
- 4) Comments by Cabinet Members regarding lack of sight of Stamford Town Council's business plan to give confidence of its preparedness for ongoing appropriate management.
- 5) Comments from the Monitoring Officer regarding the ongoing work to produce the transfer document.

Other options considered:

- 1) Not to proceed with the transfer, therefore all current maintenance costs would continue;
- 2) To sell this land on the open market with the restrictive covenant, which would bring about costs of advertising etc.

CO61. *REVISION TO LOCAL DEVELOPMENT SCHEME

DECISION:

- 1) To approve the revised Local Development Scheme and that it is formally submitted to the Secretary of State**
- 2) The revised Local Development Scheme comes into effect on the 15th February 2010 or from such later date that may be required by the Secretary of State and on which the Council receives notice that such requirements have been met.**

Considerations/reasons for decision:

- 1) Report number PLA800 by the Portfolio Holder for Economic Development.
- 2) Noting that it was a legal requirement for the authority to maintain an up to date Local Development Scheme.
- 3) Assurance from the Corporate Head for Sustainable Communities that the Council would use in house skills wherever possible and would only use consultants when absolutely necessary.

Other options considered:

Do not revise the LDS. This is not considered to be appropriate given that there is a legal requirement for the authority to prepare and maintain an up to date LDS.

CO62. *CORE STRATEGY DEVELOPMENT PLAN DOCUMENT: AMENDMENT TO AFFORDABLE HOUSING POLICY (H3)

DECISION:

That Cabinet recommends to Council that the amendments to Policy H3 set out in Appendix B of report PLA803 be agreed and, following consultation, be submitted to the Core Strategy Examination.

Considerations/reasons for decision:

- 1) Report number PLA803 by the Portfolio Holder for Economic Development.
- 2) Comments made by Cabinet Members regarding the change from a requirement of 40% affordable housing to 35% due to the market conditions within the district.
- 3) Comments made by the Planning Policy Service Manager.

Other options considered:

Do not amend Policy H3. Although ultimately it will be for the Inspector to determine whether the Council's proposed amendment to Policy H3 is appropriate, proposing a change to the Policy ensures the Inspector is aware of the Council's formal view on this matter.

CO63. ALIGNING SKILLS AND RESOURCES TO DELIVER PRIORITIES

DECISION:

To note the principles of the "Next Steps" approach to aligning resources and building capacity, and agree a presentation to Full Council in January 2010 outlining the process.

Considerations/reasons for decision:

- 1) Report number CM1 by the Leader of the Council.
- 2) Comments made by the Chief Executive regarding the need to align resources to meet the Council's priorities.

Other options considered:

The Council could choose to retain the current arrangements in relation to organisational culture, approach and structure. However, the council needs to anticipate the future demands and challenges, not least from an economic perspective and will need to ensure it is well placed to deliver current and future priorities. To do this, the necessary skills and resources need to be secured and sufficient capacity aligned in priority areas.

CO64. *UNACCEPTABLE BEHAVIOUR POLICY

DECISION:

To adopt the Unacceptable Behaviour Policy appended to report ENV464.

Considerations/reasons for decision:

- 1) Report number ENV464 by the Portfolio Holder for Healthy Environment.
- 2) Comments made by the Healthy Communities Service Manager regarding the replacement of the Violence to Staff Policy and the results of the consultation on the Unacceptable Behaviour Policy.
- 3) Confirmation from the Tenancy & Neighbourhood Services Manager that the Council's tenancy agreement did allow for action to be taken against tenants who engaged in unacceptable behaviour.

Other options considered:

The policy will enable the statutory responsibilities of the council to be discharged and failure to clarify the council's policy in respect of unacceptable behaviour could lead to the council breaching its statutory duty.

DATE DECISIONS ARE EFFECTIVE

Decisions CO54-CO64 as made on 4 January 2010 can be implemented on 13 January 2009 unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.

South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ

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