

FAREHAM

BOROUGH COUNCIL

Record of Executive Decision

Monday, 7 January 2013

Portfolio	Leisure and Community
Subject:	Localism Act 2011 - Assets of Community Value
Report of:	Director of Community
Strategy/Policy:	Community Portfolio
Corporate Objectives:	Strong and Inclusive Communities

Purpose:

This report outlines the provisions relating to the Localism Act 2011 and the implications for the Council resulting from the requirement to hold a List of Assets of Community Value. The report also proposes a procedure and decision making process for the listing of community assets.

Under the Localism Act 2011, voluntary and community organisations and parish councils can nominate an asset to be included in a 'list of assets of community value'. The local authority is required to maintain this list. If the owner of a listed asset then wants to sell the asset a moratorium period will be triggered during which the asset cannot be sold. This is intended to allow community groups time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of that period.

This report outlines the provisions relating to the 'Assets of Community Value' and the implications for the Council resulting from the requirement to hold the List of Assets of Community Value. The report also proposes a procedure and decision making process for the listing of community assets.

Options Considered:

As recommendation.

Decision:

RESOLVED that the draft procedure at Appendix A to the report is approved and published on the Council's website.

Reason:

To comply with the Assets of Community Value (ACV) regulations as contained in the Localism Act 2011, Part 5, Chapter 3.

Confirmed as a true record:

Portfolio	Leisure and Community
Subject:	Fareham Park Project - A Corporate Priority
Report of:	Director of Community
Strategy/Policy:	Community Portfolio
Corporate Objectives:	Strong and Inclusive Communities

Purpose:

To note the current progress against this corporate priority and agree the leadership and strategic direction for future work in this area.

In 2008, Fareham Park was identified by the Local Strategic Partnership (LSP) as one of the most deprived areas of the Borough and nationally as evidenced by national deprivation indices. The LSP identified the area as a high priority for all partners. Following the demise of the LSP in 2010, the Council adopted the project as a corporate priority with the aim of reducing deprivation and poverty in Fareham Park. Although some initiatives have been targeted towards this area, the corporate priority currently lacks clear leadership and direction.

This report reviews the needs of the Fareham Park area, the current initiatives aimed at helping to address the deprivation in the area and proposes that a Member and Officer Steering Group is established to oversee the delivery of this important corporate project. It also proposes that the Executive agrees to fund a 3 year Project Officer post to support the Steering Group, to collate information, engage with local service providers, local community groups and prepare bids to attract external funding to the area.

Options Considered:

At the invitation of the Executive Leader, Councillors P J Davies, A Mandry and P W Whittle, JP addressed the Executive on this item.

As recommendation with the additions of an invitation to a representative from SkillForce to be added to the list of other agencies to be invited to attend the steering group and regular project progress reports to be received by the Executive.

Decision:

RESOLVED that:

- (a) The Executive agrees to establish a Member and Officer Steering Group (as detailed in Appendix C) to oversee the delivery of the Fareham Park Project.
- (b) SkillForce be added to the list of other agencies to be invited, as at Appendix C to

the report.

- (c) The Executive approves the Terms of Reference for the Member and Officer Steering Group (as set out in Appendix D).
- (d) The Executive Member for Leisure and Community be delegated authority to approve expenditure totalling up to £20,000 on projects which help to improve skills and/or reduce deprivation in the Fareham Park Area.
- (e) The Executive agrees to fund a 3 year Project Officer post to support the Members and Officers Steering Group in the delivery of this project.
- (f) The Executive will receive regular project progress reports.

Reason:

To provide elected members and the wider community with clarity on how this important corporate priority will be taken forward by the Council.

Confirmed as a true record:

Portfolio	Strategic Planning and Environment
Subject:	Draft Development Sites and Policies Plan: Further Consultation on Policy for Solent Breezes
Report of:	Director of Planning & Environment
Strategy/Policy:	Fareham Borough Local Plan
Corporate Objectives:	A Safe and Healthy Place to Live and Work; Leisure for Health and Fun; Protect and Enhance the Environment; Strong and Inclusive Communities

Purpose:

To seek initial endorsement of the proposed policy for Solent Breezes and to agree to a specific 4-week public consultation on the draft policy.

Solent Breezes has been developed as a holiday home park in piece-meal fashion through various planning applications and has a long and complex planning history. Some of the planning applications for extension and/or removal of planning conditions relating to the allowed period of use have been determined by planning appeals. The appeal decisions to date have been inconsistent in approach but in the most recent case the Inspector concluded that the site cannot be regarded as being in a sustainable location suitable for permanent residential dwellings. The preparation of the Development Sites and Policies Plan is the appropriate opportunity to bring development activities within Solent Breezes under the development plan process to provide clarity and ensure consistency with other development plan policies.

Options Considered:

As recommendation.

Decision:

RESOLVED that the draft policy for Solent Breezes, as set out at Appendix A to this report, be published for a 4-week period of targeted public consultation.

Reason:

To undertake consultation on the proposed policy in order to give a clearer direction for development activities in the Solent Breezes holiday home park and to ensure further protection to life and property within the area.

Confirmed as a true record:

Portfolio	Strategic Planning and Environment
Subject:	Titchfield Conservation Area Character Appraisal & Management Strategy
Report of:	Director of Planning & Environment
Strategy/Policy:	Fareham Borough Local Plan
Corporate Objectives:	Protect and Enhance the Environment

Purpose:

This report summarises the outcome of public consultation on the draft Conservation Area Character Appraisal & Management Strategy for Titchfield Conservation Area.

The report proposes the adoption of the Conservation Area Character Appraisal & Management Strategy as evidence in support of the saved policies of the Fareham Borough Local Plan Review (June 2000), the policies contained within the Fareham Local Plan Part 1: Core Strategy and the emerging policies of the Fareham Local Plan Part 2: Development Sites & Policies.

This report relates to the Council's programme for the review of the adopted conservation area character assessments. It recommends adoption of the revised Titchfield Conservation Area Character Appraisal and Management Strategy including the making of an article 4 direction, which has taken into account the outcome of the draft document consultation and guidance produced by English Heritage

Options Considered:

As recommendation.

Decision:

RESOLVED that:

- (a) The Titchfield Conservation Area Character Appraisal and Management Strategy, as set out in Appendix A to the report (xpt-130107-r07-mfr refers), be adopted as evidence in support of the Fareham Borough Local Plan Review (June 2000), the policies contained within the Fareham Local Plan Part 1: Core Strategy and the emerging policies of the Fareham Local Plan Part 2: Development Sites & Policies;
- (b) The Executive supports the preparation of an article 4 direction, as recommended in the character appraisal document. Delegated authority was granted by the Executive to the Executive Member for Strategic Planning and Environment in July 2010 to make article 4 directions in accordance with the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and this proposal will be the subject of a further detailed report; and
- (c) Delegated authority is granted to the Director of Planning and Environment in consultation with the Executive Member for Strategic Planning and Environment to make minor factual and formatting alterations prior to publication of the adopted document.

Reason:

The documents continue the Council's programme for re-appraisal of the adopted Conservation Area Character Assessments which currently play a key role in helping to identify the heritage significance of conservation areas and in preserving and enhancing their character and appearance through the development management process and in liaison with statutory undertakers.

Confirmed as a true record:

Portfolio	Strategic Planning and Environment
Subject:	New Community North of Fareham: Design Code Programme
Report of:	Director of Planning & Environment
Strategy/Policy:	Fareham Borough Local Plan
Corporate Objectives:	Protect and Enhance the Environment

Purpose:

To advise the Executive on the process currently underway to prepare a concept masterplan and high level design policies for the New Community North of Fareham (NCNF), outline the

process required to prepare a design code to ensure that development achieves the required standard of design, and to set out proposed terms of reference for the Design Member Working Group.

LDA Design and Parsons Brinkerhoff have been commissioned to prepare a preferred concept masterplan to inform and become part of the Area Action Plan (AAP) for the NCNF. The concept masterplan will include a series of parameter plans which show the extent and broad nature of the green infrastructure, the links through the site and with the wider area, and a series of character areas. These will be the basis in developing the design policies for the NCNF in the AAP.

Once these higher level design policies have been established, work will start on preparing a design code which will set out in more detail the design standards expected to be achieved in the new community.

The NCNF Design Code will be specific to the new community and will sit alongside, but be separate from the Design Guide Supplementary Planning Document (SPD) to be prepared which will provide design guidance for the rest of the Borough

Options Considered:

At the invitation of the Executive Leader, Councillors J S Forrest and P W Whittle, JP addressed the Executive on this item.
As recommendation.

Decision:

RESOLVED that:

- (a) the Executive agree the preparation of a Design Code for the New Community North of Fareham;
- (b) the Design Member Working Group be tasked with overseeing the process of preparing the NCNF Design Code which will include agreeing the programme and consultation process;
- (c) the terms of reference for the Design Member Working Group as set out at paragraph 13 of the report be approved.

Reason:

To secure a high standard of design in the New Community North of Fareham.

Confirmed as a true record:

Portfolio	Strategic Planning and Environment
Subject:	Collective Energy Switching
Report of:	Director of Planning & Environment

Strategy/Policy:

Corporate Objectives: A Balanced Housing Market; Protect and Enhance the Environment

Purpose:

To seek endorsement and approval for Fareham Borough Council to join a County wide Collective Energy Switching scheme led by Hampshire County Council.

Collective energy switching aims to enable residents to reduce their energy bills by giving them easy access to better energy prices through collective purchasing power and a simple process for switching. Schemes are mostly targeted at those who are likely to be on a higher tariff than they should be, such as those who have never switched supplier, vulnerable residents and those in fuel poverty.

Hampshire County Council has written to individual Local Authorities in the Borough to invite them to be part of a County wide Collective Energy Switching project with the aim of reaching the largest possible target market.

The process would involve Hampshire County Council tendering for a partner provider who would organise the majority of the logistics of any switch. This partnership would create a "brand", similar to Insulate Hampshire, which would utilise public confidence in the County Council and Local Authorities.

Hampshire County Council and their chosen partner would undertake the majority of the marketing, although Fareham Borough Council would be expected to help with the marketing of the brand at a local level. The overall aim would be to sign up as many residents as possible, focussing especially on those residents most in need, such as those in fuel poverty. Once residents have signed up to the project a reverse auction is run, with energy companies trying to offer the lowest tariff. Those who have signed up are then offered the new tariff and those that agree are then switched to the new provider.

Options Considered:

As recommendation.

Decision:

RESOLVED that the Executive supports Fareham Borough Council's involvement in a County wide Collective Energy Switching project.

Reason:

To help residents reduce their energy bills through collective purchasing power.

Confirmed as a true record:

Portfolio	Strategic Planning and Environment
Subject:	Consultation on Planning Performance and the Planning Guarantee
Report of:	Director of Planning & Environment
Strategy/Policy:	
Corporate Objectives:	Dynamic, Prudent and Progressive Council; Maintain and Extend Prosperity; Strong and Inclusive Communities

Purpose:

To seek endorsement and approval for Fareham Borough Council to join a County wide Collective Energy Switching scheme led by Hampshire County Council.

Collective energy switching aims to enable residents to reduce their energy bills by giving them easy access to better energy prices through collective purchasing power and a simple process for switching. Schemes are mostly targeted at those who are likely to be on a higher tariff than they should be, such as those who have never switched supplier, vulnerable residents and those in fuel poverty.

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Hampshire County Council and their chosen partner would undertake the majority of the marketing, although Fareham Borough Council would be expected to help with the marketing of the brand at a local level. The overall aim would be to sign up as many residents as possible, focussing especially on those residents most in need, such as those in fuel poverty. Once residents have signed up to the project a reverse auction is run, with energy companies trying to offer the lowest tariff. Those who have signed up are then offered the new tariff and those that agree are then switched to the new provider.

Options Considered:

At the invitation of the Executive Leader, Councillor P W Whittle, JP addressed the Executive on this item.
As recommendation.

Decision:

RESOLVED that the Executive agrees the Council's response to the government consultation on 'Planning Performance and the Planning Guarantee' as set out in Appendix B to the report.

Reason:

To ensure that the Government is made aware of this Council's views before any changes are made to existing planning legislation.

Confirmed as a true record:

Portfolio	Policy & Resources
Subject:	Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2013/14
Report of:	Director of Finance & Resources
Strategy/Policy:	Finance Strategy
Corporate Objectives:	Dynamic, Prudent and Progressive Council

Purpose:

This report reviews the Council's finance strategy and makes recommendations regarding the capital programme, the revised revenue budget for 2012/13 and the revenue budget for 2013/14.

On 3 December 2012, the Executive considered the Council's capital programme, revised service budget for 2012/13 and proposed service budgets for 2013/14.

Capital Programme and Resources 2012/13 to 2016/17

The capital programme amounts to £19,903,000, and there are capital resources totalling £32,100,000 over the programme period. Whilst a surplus of capital resources exists, there are significant spending requirements emerging that require new resources to be accumulated now so that the Council can meet its future commitments.

Revised General Fund Revenue Budget 2012/13

The revised general fund revenue budget for 2012/13 amounts to £13,253,500 for service budgets with other budgets totalling £-2,795,000 giving an overall position of £10,458,500.

General Fund Revenue Budget 2013/14

The proposed general fund budget for 2013/14 totals £12,730,200 for service budgets along with £-3,055,000 for other budgets giving an overall position of £9,675,200 which is a reduction of £783,300 against the original budget for 2012/13.

Options Considered:

As recommendation.

Decision:

RESOLVED that:

(a) the capital programme for the period 2011/12 - 2015/16, amounting to

- £19,903,000 be approved;
- (b) the revised 2012/13 general fund budget, amounting to £10,458,500 be approved;
 - (c) the base 2013/14 general fund revenue budget amounting to £9,675,200 be approved;
 - (d) the Executive recommends to Council that authority to calculate the Non-domestic rate baseline for 2013/14 and subsequent years be delegated to the Director of Finance and Resources.

Reason:

To allow the Council to approve the capital programme, general fund revised revenue budget for 2012/13 and draft revenue budget for 2013/14.

Confirmed as a true record:

Portfolio	Policy & Resources
Subject:	Commercial Property Investment Acquisition Strategy
Report of:	Director of Finance & Resources
Strategy/Policy:	Asset Management Plan
Corporate Objectives:	Dynamic, Prudent and Progressive Council

Purpose:

To put in place a Commercial Property Investment Acquisition Strategy as a means to optimise returns on Council investments.

As part of the Council's on-going review of finances and new income generating opportunities, some initial investigatory work has been carried out into the possibility of generating an on-going revenue stream by increasing its investment in commercial property.

If the Council were to consider using some of its treasury related cash investments into commercial property, it is likely that a greater return could be secured, but there are several factors that would need to be considered in order to choose the most suitable investment. This could be achieved by putting in place a Commercial Property Investment Acquisition Strategy. The strategy will include the criteria that would need to be considered in order to choose the most suitable investment and measures to minimise risk.

Attached as Appendix A to the report is a draft Commercial Property Investment Acquisition Strategy for consideration by the Executive.

Options Considered:

At the invitation of the Executive Leader, Councillor P W Whittle, JP addressed the Executive on this item.

As recommendation.

Decision:

RESOLVED that:

- (a) agreed to the principle of a programme of investment in commercial property and adopt the draft Commercial Property Investment Acquisition Strategy attached as Appendix A to the report;
- (b) agreed £3 million as an appropriate amount for initial investment to fund a commercial property investment acquisition programme;
- (c) delegated authority to the Director of Finance and Resources, following consultation with the Executive Leader, to submit offers for Commercial Property Investments in accordance with the criteria set out in the Commercial Property Investment Acquisition Strategy with details of successful acquisitions being included in the periodic financial monitoring reports proposed to be reported to the Executive in paragraph e) below;
- (d) agreed to the engagement of Hellier Langston, Chartered Surveyors under the terms of the framework agreement recently put in place, to work with officers to identify suitable commercial property investments in accordance with the criteria set out in the draft Commercial Property Investment Acquisition Strategy and as required act on the Council's behalf to negotiate acquisitions; and
- (e) requested officers to design a performance measurement framework to actively manage the portfolio, to be included in the periodic financial monitoring reports to Executive.

Reason:

Due to the low returns being received by the Council from treasury related investments and which is likely to continue into the medium term, to inform the Executive of the option of investing in commercial property investments with acquisitions subject to the criteria set out in the draft Commercial Investment Property Acquisition Strategy.

Confirmed as a true record:

Portfolio

Policy & Resources

Subject:

Local Council Tax Support Scheme 2013/14

Report of:

Director of Finance & Resources

Strategy/Policy:

Corporate Objectives:

Dynamic, Prudent and Progressive Council

Purpose:

To provide the Executive with the results of public consultation and seek approval of the Fareham Local Council Tax Support scheme and related changes to council tax discounts

and exemptions, effective from 1st April 2013.

In October 2012, the Executive agreed a draft Local Council Tax Support scheme for the purposes of a public consultation exercise. An extensive consultation exercise was carried out during October and November, and over 600 responses were received.

The consultation process also sought views on a number of possible changes to certain discounts and exemptions for council tax relating to empty properties and second homes.

Having analysed the responses from the consultation, a detailed Equalities Impact Assessment has been concluded, and a final scheme has now been prepared for the Executive to consider. This will enable a scheme to be recommended to Full council later in the month and prior to the deadline of 31st January 2013.

Options Considered:

All Executive Members had been granted a dispensation by the Monitoring Officer to enable discussion and a decision to be taken on this item.

Following discussion by the Executive, the original recommendations contained in the report were amended and agreed as the decisions listed below.

Decision:

RESOLVED that the Executive agreed:

- (a) to approve the final Council Tax Support scheme, as set out in the report;
- (b) to introduce transitional protection arrangements for 2013/14 as set out in paragraphs 19-22 of the report, which offer additional financial support to claimants, meet the minimum Government criteria and enable the Council to apply for Transition Grant;
- (c) to fund the net shortfall of the transitional arrangements (estimated to be £18,000 for Fareham Borough Council), from the budget allocated to the Hardship Fund in 2013/14;
- (d) to approve the local discounts, exemptions and premiums for second homes and empty properties within the Borough;
- (e) to recommend the final scheme to Full Council for adoption; and
- (f) that delegated authority be given to The Director of Finance and Resources to make any necessary minor amendments, and to publish the final scheme prior to 1st April 2013.

Reason:

To enable a Council Tax Support scheme to be agreed in advance of the 31st January 2013 deadline.

Confirmed as a true record:

Portfolio	Policy & Resources
Subject:	Disposal of Land Adjoining 268 Brook Lane
Report of:	Director of Finance & Resources
Strategy/Policy:	Asset Management Plan
Corporate Objectives:	Dynamic, Prudent and Progressive Council

Purpose:

To request the Executive to consider the options regarding a strip of land adjoining 268 Brook Lane, Sarisbury Green.

A strip of land originally acquired for a greenway route is no longer required for that purpose. The land has been licensed on a temporary basis to the owners of 268 Brook Lane but options exist for a longer term agreement for the occupation of the land or for the disposal of the land on the open market.

Options Considered:

The Executive received a deputation from Mr Nigel Worwood in relation to this item. At the invitation of the Executive Leader, Councillor Mrs M E Ellerton addressed the Executive on this item.

Following a debate on the matter, an amended recommendation was proposed and duly seconded to leave the current licence arrangements in place and therefore not dispose of the land. Upon being put to the vote, the motion was declared CARRIED (5 Executive Members voting for, 1 against).

Decision:

RESOLVED that the land is not disposed of, thus allowing the existing licence arrangements to continue.

Reason:

Following a debate on the matter, an amended recommendation was proposed and duly seconded to leave the current licence arrangements in place and therefore not dispose of the land. Upon being put to the vote, the motion was declared CARRIED (5 Executive Members voting for, 1 against).

Confirmed as a true record: