

Public Document Pack



MINUTES OF A CABINET MEETING Council Chamber - Town Hall Wednesday, 13 April 2016 (7.30 - 8.15 pm)

Present:

Councillor Roger Ramsey (Leader of the Council), Chairman

Cabinet Member responsibility:

Councillor Damian White

Housing

Councillor Robert Benham

Environment

Councillor Meg Davis

Children and Learning

Councillor Osman Dervish

Regulatory Services and Community Safety

Councillor Melvin Wallace

Culture and Community Engagement

Councillor Clarence Barrett

Financial Management

Apologies were received for the absence of Councillors Wendy Brice-Thompson and Ron Ower.

Councillors Ray Morgon, Michael Deon Burton, David Durant, Ray Best and Jody Ganly (for part of the meeting) also attended.

There was a member of the press present.

Unless otherwise indicated, all decisions were agreed unanimously with no Member voting against.

47 DISCLOSURES OF INTEREST

Councillor Clarence Barrett made a disclosure of personal interest in item 5: Improving the safety of our schools across the borough as he lived in close proximity to the James Oglethorpe School which was one of the schools included in the pilot PSPO (Public Space Protection Order) scheme

48 MINUTES

The minutes of the meeting held on 10 February 2016 were agreed as a correct record and were signed by the Chairman.

49 **IMPROVING ROAD SAFETY OUTSIDE OUR SCHOOLS & ACROSS THE WIDER BOROUGH**

Councillor Osman Dervish, Cabinet member for Regulatory Services and Community Safety, introduced the report

Cabinet was informed that the purpose of the report was to outline a new option to augment conventional parking enforcement around schools to combat rising dangers as well as anti-social behaviour by using a Public Space Protection Order (PSPO) under the Anti-social Behaviour Crime and Policing Act 2014 (ASBCPA). The report before Members considered how this new power could most effectively be used.

Reasons for the Decision

A Public Space Protection Order provides the best opportunity to enable a safer environment for children during the school drop off and pick up. The behavioural evidence collected clearly shows that detrimental activities are occurring on a persistent and continuing nature and that the proposed prohibition will mitigate the school drop off and pick up's detrimental activities and create a safer environment.

Alternative Options Considered

Congestion Zone

A congestion zone could be set up around a school and anyone entering the zone would be charged to enter and exit the area. This would reduce the congestion in the area and would improve safety. However it would not deter parents that could afford to pay the congestion charge. This proposal was therefore rejected.

Pedestrian Zone

A Pedestrian zone could be set up along the frontage of a school and this would prohibit all vehicular access during the school drop off and pick up times. This would reduce the congestion in the area and would improve safety. However, as local residents would have no access during the school drop off and pick up times they would be disproportionately affected. This proposal was therefore rejected.

Cabinet:

1. **Considered** the report and **agreed in principle** to make Public Space Protection Orders (PSPOs) relating to detrimental activities in the locations/in the vicinity of the following schools:

Broadford Primary School, Engayne Primary School, Parsonage Farm Primary School, St. Peter's Catholic Primary School, The James Oglethorpe Primary School, Wykeham Primary School, Ardleigh Green Infants & Juniors

Schools, Crownfield Infant & Junior Schools, Gidea Park Primary School, Hylands Primary School, and Rise Park Academy School.

2. **Delegated authority** to make the order to the Deputy Chief Executive for Community and Resources, in consultation with the Cabinet Member for Regulatory Services & Community Safety where the evidential surveys and studies had identified detrimental activities taking place therefore justifying a need for the introduction of a Public Space Protection Order.
3. **Considered** the arguments set out in the report and **set the maximum** level of the fixed penalty at £100 payable within 14 days of issue of a Fixed Penalty Notice.
4. **Consented** to issue “free of charge” permits for residents who lived within a PSPO area and to extend the same to their visitors.
5. **Noted** that a statutory consultation exercise would take place prior to the introduction of any proposed PSPO. Though not exhaustive, consultees would include local Councillors, residents, school governing bodies, teachers, pupil/student parents and or carers, the Police and other emergency services. The results of the consultation would be presented to the Cabinet Member for Regulatory Services & Community Safety and in discussion with the respective Ward Members, agreement from the Cabinet Member would be sought to determine whether to proceed with the PSPO.

50 **AFFORDABLE HOUSING - COMMUTED SUMS PLANNING GUIDANCE NOTE**

Councillor Osman Dervish, Cabinet member for Regulatory Services and Community Safety, introduced the report

Cabinet was reminded that the provision of affordable housing remained a key part of the overall delivery of housing and the Council remained committed to providing more affordable homes in the borough.

The report sought Member approval for a non-statutory planning guidance note (detailed in Appendix 1 to the report) which set out the circumstances in which the Council might accept commuted sum payments to it in lieu of affordable housing being provided on-site or on an alternative site agreed by the Council. Such an approach would be in line with the flexibility provided by planning policies from the Government and the London Mayor.

Cabinet was informed that the guidance note would set out the Council’s approach to securing affordable housing and made clear that it would be the Council that determined whether a commuted sum payment to the Council was appropriate.

The note emphasised that the Council's starting point would continue to be for affordable housing to be provided on site.

Members' attention was drawn to the guidance where commuted sum payments to the Council which might be appropriate were listed and this included situations where on-site affordable housing would prejudice other planning and regeneration objectives being achieved, would work against the development of a 'mixed and balanced' community, and/or would be poorly located relative to transport and jobs. Additionally, the report suggested that affordable housing on-site might be inappropriate where it would result in a modest number of new homes that could be difficult to manage and maintain.

In addition, the note set out a financial formula to enable the Council and the developer to calculate a commuted sum payment to the Council in lieu of provision on-site or at an alternative site agreed by the Council.

The note also confirmed that the proposed approach was being followed by many other authorities. It highlighted some of the benefits that might follow from its adoption.

The report made clear that the policies of the Havering Local Development Framework would continue to provide the formal policy context for the consideration of such proposals and would retain the statutory pre-eminence afforded by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Cabinet was informed that the report and the recommended draft guidance note dealt only with commuted sums to be paid to the Council for affordable housing. It did not encompass developer contributions for other purposes such as site specific mitigation measures linked to a proposed development which would remain outside of the scope of the report.

In order for the process to proceed, Members were asked to note that the guidance note was being adopted on an interim basis and was concurrently the subject of public consultation and that at the conclusion of this a further report with recommendations for Council would be brought back to Cabinet.

Reasons for the decision:

To provide the Council with a robust, transparent and practical methodology for establishing how much commuted sum payments should be in cases where it is not appropriate for affordable housing to be provided on site or on an alternative site. The guidance note identifies the circumstances where such an approach may be appropriate.

Other options considered:

The absence of explicit criteria setting out where commuted sum payment may be appropriate and a financial formula model for calculating such payments is unhelpful for both the Council and prospective developers and may adversely affect the successful delivery of more affordable homes.

Alternative approaches to calculating a commuted sum provision have been considered and rejected as they are not considered to be financially neutral and would incentivise the developer to provide a commuted sum in lieu of on-site provision, fail to achieve the maximum viable levels of affordable housing contribution or alternatively fail to sufficiently recognise the importance of assessing viability at a scheme by scheme level.

Cabinet:

- 1 **Approved** the planning guidance note (as set out in Appendix 1 to the report) for public consultation purposes;
- 2 **Approved** the use of the note on an interim basis as 'good practice' guidance to show the circumstances in which commuted sum payments to the Council might be appropriate in lieu of on-site / off-site provision pending formal adoption by Full Council;
- 3 **Approved** publication of the guidance note on the Council's website as an interim guide pending formal adoption by Full Council; and
- 4 **Noted** that recommendations 1 and 2 notwithstanding, the current national planning legislation would continue to afford the policies in the Havering Local Development Framework (as part of the statutory Development Plan) greater weight than the guidance note in the formal planning decision-making process.

51 **CORPORATE PLAN 2016-17**

Councillor Clarence Barrett, Cabinet member for Financial Management, introduced the report

Cabinet was reminded that the Corporate Plan set out the Council's mission statement: **Clean | Safe | Proud** and the activities that the Council proposed to undertake to 'support our community', 'use our influence and 'lead by example' during the 2016/17 financial year.

The Corporate Plan would be used to inform service planning and to ensure that the Council's operational activities and measures were linked back to its overarching mission statement. Members were also asked to note that the report front page contained a typographical error. The report before them was not itself a key decision.

Reasons for the decision:

To provide the Council with a Corporate Plan for the forthcoming year based on its mission statement - **Clean | Safe | Proud**.

Alternative Options Considered

There were no alternative options.

Cabinet:

- 1 **Approved** the planning guidance note (as set out in Appendix 1 to the report) for public consultation purposes;
- 2 **Approved** the use of the note on an interim basis as 'good practice' guidance to show the circumstances in which commuted sum payments to the Council might be appropriate in lieu of on-site / off-site provision pending formal adoption by Full Council;
- 3 **Approved** publication of the guidance note on the Council's website as an interim guide pending formal adoption by Full Council; and
- 4 **Noted** that recommendations 1 and 2 notwithstanding, the current national planning legislation would continue to afford the policies in the Havering Local Development Framework (as part of the statutory Development Plan) greater weight than the guidance note in the formal planning decision-making process.

52 **CORPORATE PERFORMANCE REPORT - Q3 2015-16**

Councillor Clarence Barrett, Cabinet member for Financial Management, introduced the report

Members were reminded that the Corporate Performance Report provided an overview of the Council's performance for each of its strategic goals (Clean, Safe and Proud). The report highlighted areas of strong performance and potential areas for improvement.

The report identified where the Council was performing well (**Green**) and not so well (**Amber** and **Red**). The "RAG" ratings for 2015/16 were as follows:

A green arrow (↑) meant that performance was better and a red arrow (↓) meant performance was worse. An amber arrow (→) meant that performance had remained the same.

Reasons for the decision:

To provide Cabinet Members with an update on the Council's performance for each of the strategic goals (Clean, Safe and Proud).

Other options considered:

There were no alternative options.

Cabinet:

1. **Reviewed** the levels of performance set out in **Appendix 1** to the report and the corrective action that was being taken, and
2. **Noted** the content of the Demand Pressures Dashboard attached as **Appendix 2** to the report.

Chairman

This page is intentionally left blank