

CABINET

Tuesday, 26th July, 2016 at 7.00 p.m.
at the Council Offices, Farnborough

Councillor D.E. Clifford (Leader of the Council)
a Councillor K.H. Muschamp (Deputy Leader and Business, Safety and Regulation Portfolio)

Councillor Sue Carter (Leisure and Youth Portfolio)
Councillor Barbara Hurst (Health and Housing Portfolio)
Councillor G.B. Lyon (Concessions and Community Support Portfolio)
a Councillor P.G. Taylor (Corporate Services Portfolio)
Councillor M.J. Tennant (Environment and Service Delivery Portfolio)

Apologies for absence were submitted on behalf of Councillors K.H. Muschamp and P.G. Taylor.

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **9th August, 2016**.

105. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 28th June, 2016 were confirmed and signed by the Chairman.

106. **DIGITAL ADVERTISING –** (Environment and Service Delivery)

The Cabinet considered the Head of Financial Services' Report No. FIN1614, which set out the proposed next steps in the digital advertising project.

Members were informed that the project formed part of the income generation strand of the Council's 8-Point Plan for achieving financial sustainability. The project also linked to the second strand of the 8-Point Plan, by seeking to make better use of the Council's existing assets and maximising their revenue return. Members were reminded that the Cabinet had, previously, approved the addition of digital advertising to the interactive wayfinders being installed as part of the Activation Aldershot project and the principle of pursuing further digital advertising opportunities. Since that time, a project team had been set up and initial market testing had identified a number of possible options for digital advertising. It was now proposed to employ a consultant to provide expert industry advice and to advise whether the options identified would be viable. The consultant would be appointed using the Council's normal procurement processes.

It was explained that, in expanding its advertising activities, it was

necessary for the Council to consider any risks to its reputation that this might bring about. A draft Advertising Policy was attached to the Report, which set out categories of advertising that would be unacceptable to the Council and other categories that the Council might choose to refuse on a case-by-case basis. Members considered these lists and decided that two items, relating to weapons, dangerous products or materials and religions or religious beliefs, should be moved from the unacceptable list to the list of categories that the Council might refuse.

The Cabinet RESOLVED that

- (i) the Head of Financial Services, in consultation with the Head of Service or Director responsible for procurement and the Cabinet Member for Corporate Services, be authorised to procure and appoint a consultant to support the project, to be funded from the flexible use of capital receipts, up to a value of £40,000; and
- (ii) the draft Advertising Policy, as set out in Appendix B of the Head of Financial Services Report No. FIN1614 and amended at the meeting, be approved.

107. RUSHMOOR LOCAL PLAN WORK PROGRAMME –
(Environment and Service Delivery)

The Cabinet considered the Head of Planning's Report No. PLN1624, which provided an update on the future work programme for the preparation for the new Rushmoor Local Plan. It was explained that it was necessary to make some changes to the work programme due to a number of factors, including the need to refresh the Joint Strategic Housing Market Assessment and Employment Land Review. The revised timetable was set out in the Report and this showed a delay of around four months in the adoption of the Local Plan. It was noted that further delays could not be ruled out as the project progressed.

Members discussed the timetable and expressed support for the production of an accurate evidence base. It was noted that, as the Council had a sound Core Strategy, any risks to the Council would be minimised over the coming period.

The Cabinet RESOLVED that

- (i) the revised timetable for the next steps in the preparation of the Rushmoor Local Plan, as set out in paragraph 5.2 of the Head of Planning's Report No. PLN1624, be approved;
- (ii) an updated Rushmoor Local Development Scheme 2016 – 2019, incorporating the timetable changes agreed at resolution (i) above, be approved for publication on the Council's website, with effect from 1st August, 2016; and

- (iii) the Head of Planning, in consultation with the Cabinet Member for Environment and Service Delivery, be authorised to make any necessary minor amendments to the Local Development Scheme.

108. **SECTION 106 DEVELOPER CONTRIBUTIONS ON SMALL SCALE RESIDENTIAL SITES AND AFFORDABLE HOUSING PROVISION –**
(Business, Safety and Regulation)

The Cabinet considered the Head of Planning's Report No. PLN1622, which set out a proposal to cease seeking contributions, under Section 106 agreements, towards infrastructure from small scale residential development of ten dwellings or less. It was also proposed to implement national planning guidance changes to the way in which affordable housing requirements were sought on sites where a vacant building was to be demolished or re-used.

Members were informed that, in 2014, the Government had introduced changes to the circumstances under which affordable housing and Section 106 contributions could be sought. This had been subject to a successful legal challenge by a group of local authorities and the Government's guidance was therefore withdrawn. Subsequently, the Government had challenged the High Court ruling and the Court of Appeal had overturned the decision. The Government had acted quickly to reinstate the guidance and had informed all local planning authorities. The Report set out the details of the policy changes and how this could affect infrastructure and affordable housing in Rushmoor. It was proposed to cease seeking contributions in respect of developments of smaller sites, in accordance with the guidance. It was further proposed to authorise the Head of Planning to instruct the Solicitor of the Council to enter into deeds of variation to remove obligations seeking contributions from developments of ten dwellings or less, which had been entered into since 2014 but where the development had not yet been implemented.

Members agreed that a representation should be made to the relevant Government Minister to set out the Council's concerns in relation to certain elements of the Government's guidance in this respect.

The Cabinet RESOLVED that

- (i) except in special circumstances, infrastructure contributions through planning contributions should no longer be sought from developments of ten units or less and with a maximum combined gross floorspace of no more than 1,000 square metres be approved;
- (ii) in appropriate cases, the vacant building credit provisions be applied in order to comply with the National Planning Practice Guidance, as amended on 19th May, 2016; and
- (iii) the Head of Planning be authorised to instruct the Solicitor to the Council to enter into deeds of variation to amend Section 106

planning obligations previously entered into, in respect of infrastructure contributions from residential developments of ten units or less.

109. **FARNBOROUGH AIRPORT COMMUNITY ENVIRONMENTAL FUND –**
(Environment and Service Delivery)

The Cabinet considered the Head of Community and Environmental Services' Report No. COMM1615, which sought approval to award grants from the Farnborough Airport Community Environmental Fund to assist local projects and to amend a grant previously awarded to the Mayfield Community Partnership.

The Cabinet Member for Environment and Service Delivery had considered two applications and had recommended that both awards should be made.

It was reported that, in May 2016, the Mayfield Community Partnership had been awarded a £2,000 grant for the first stage of the Hawley Community Garden project. This had been completed under budget at £845 and the Partnership had requested permission to use the remainder of the funds on the next stage of the project.

The Cabinet RESOLVED that

- (i) grants be awarded from the Farnborough Airport Community Environmental Fund to the following organisations:

Farnborough Bowling Club	£3,500
Fernhill Primary School	£8,032

- (ii) the Mayfield Community Partnership be authorised to use the remainder of their grant on the next stage of the project.

110. **GRANTS TO VOLUNTARY ORGANISATIONS –**
(Concessions and Community Support)

The Cabinet received the Head of Community and Environmental Services' Report No. COMM1616, which set out details of applications for grants from voluntary organisations. In accordance with the agreed procedure for the allocation of grants, the Cabinet Member for Concessions and Community Support had approved six grants for £1,000 or less. In addition, the Cabinet Member had approved two awards in respect of the cost of public liability insurance for two street parties to celebrate the Queen's Official 90th Birthday on 11th June, 2016. The Cabinet Member also recommended that Limbcare should receive an award of £1,774 towards the cost of a stand alone ticket validator and replacement tyres and batteries for mobility scooters.

The Cabinet

- (iii) **NOTED** that the following grants totalling £3,200 had been approved by the Cabinet Member for Concessions and Community Support:

Aldershot and Fleet RUFC	£550
Aldershot Rotary Club	£500
Friends of Brickfields Country Park	£300
Home-Start Rushmoor and Hart	£350
Mayfield Community Partnership	£500
Southwood Church	£1,000

- (iv) **NOTED** that the following grants totalling £158, in respect of insurance payments for two street parties, had been approved by the Cabinet Member for Concessions and Community Support:

Highfield Gardens, Aldershot	£79
Whites Road, Farnborough	£79

- (v) **RESOLVED** that a grant of £1,774 to Limbicare be approved.

111. **COMMERCIAL PROPERTY ACQUISITIONS –**
(Corporate Services)

The Cabinet considered the Solicitor to the Council's Report No. LEG1609, which provided an update on the progress towards investing in commercial property assets, using capital resources, in order to generate revenue income.

Members heard that making better use of property and assets was one of the projects forming part of the 8-Point Plan. The Council had been receiving help and advice from Eastleigh Borough Council for some time to help to develop an approach to property investment and refresh the Council's Asset Management Strategy. This work had enabled officers to identify commercial property opportunities where acquiring such assets would provide a better return for the Council than having the money in a bank.

It was reported that four bids on commercial properties had been successful so far, being: Unit No. 20 Blackwater Valley Industrial Estate, Aldershot; Wellesley House, Eelmoor Road; Farnborough, Optrex Business Park, Rotherwick, Hook; and; No. 168 High Street, Guildford. In each case, the full year effect in terms of revenue that could be generated from rental income and other financial information were set out in the exempt appendix to the Report. The appendix also provided details of a number of properties where a purchase would not be proceeding for various reasons and four properties that the Council was bidding for, currently.

The Cabinet expressed its continued support for this approach.

The Cabinet NOTED the good progress being made with this 8-Point Plan project and the effect on the Council's revenue position, as set out in the Solicitor to the Council's Report No. LEG1609.

112. EXCLUSION OF THE PUBLIC –

RESOLVED: That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the under mentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against the item:

Report Para. No.	Schedule 12A Para. No.	Category
113	3	Information relating to financial or business affairs

**THE FOLLOWING ITEM WAS CONSIDERED
IN THE ABSENCE OF THE PUBLIC**

113. DEVELOPMENT OF A DEPOT –
(Corporate Services)

The Cabinet considered the Solicitor to the Council's Exempt Report No. LEG1610, which provided an update regarding the provision of a depot to support the waste, recycling, street cleansing and grounds maintenance contract. It also sought approval to pursue an alternative site in order to provide the Council with the best chance to deliver a depot by Autumn 2017.

Members were reminded that the Council had identified Canna Enterprise Centre, Lysons Avenue, Ash Vale as a suitable site to provide a depot. The Cabinet, at its meeting on 20th October, 2015, had agreed to the purchase of this site and, at the time, it was thought that Guildford Borough Council would treat the site as an allocated employment site and its use as a depot would be accepted. It later transpired that a planning application was required for change of use and Guildford Borough Council had, at the pre application stage, indicated it was likely to recommend refusal of the planning application. Given this advice, Rushmoor had sought counsel's opinion and this had suggested that the advice from Guildford Borough Council had been misguided and should not result in the planning application being refused. This opinion had been forwarded to Guildford Borough Council and it now appeared that a recommendation for approval of the planning application would be made. In light of this, only essential works would be carried out at present at the alternative site at Hawley Lane, Farnborough, pending the determination of the planning application.

The Cabinet RESOLVED that

(i) the Head of Community and Environmental Services be authorised to:

- in consultation with the Cabinet Member for Environment and Service Delivery and the Solicitor to the Council, appeal against any refusal for a depot on the Canna site or against any inappropriate conditions or to appeal for non determination;
- undertake the topographic survey and the ground investigations works at Hawley Lane;
- if planning is refused for the Canna site or if the application is not determined within the eight week period:
 - conduct pre application consultations and to undertake all preliminary work to submit a planning application for the development of the Hawley Lane site as a depot and travelling show persons site;
 - in consultation with the Solicitor to the Council, make an application to the Highway Authority for the diversion of the public footpath across the site at Hawley Lane, using appropriate legal powers;
- tender and appoint a demolition contractor and submit a prior approval notification to Guildford Borough Council for the demolition works and a Section 80 notice to the building regulation service to secure a developable site at the earliest point in time;
- undertake the procurement of a design and build contract for the provision of the depot facilities at either site;

(ii) the Solicitor to the Council be authorised to:

- enter into negotiations to reach agreement to secure the surrender of the current leases at the Hawley Lane site and enter into any legal documentation necessary to secure alternative provision, including any legal documentation to secure alternative community use provision on other land;
- if an appeal is submitted on the Canna site, submit a planning application to Guildford Borough Council for a small industrial site on that site;
- if the depot is developed at the Hawley Lane site, take all necessary steps to procure the redevelopment of the Canna site as a small industrial site, subject to a further report to the

Cabinet on the costs thereof, or to dispose of the site with the benefit of planning permission;

- (iii) the Head of Planning be authorised to ensure that the evolution of the planning policy context provided in the draft Local Plan includes an appropriate land allocation on the Hawley Lane site, based on the findings of the evidence base, which has identified a need to find land to accommodate Travelling Showpeople and enhance the delivery of small employment sites in the Borough, whilst also protecting the potential for the site to accommodate a depot; and
- (iv) the Head of Financial Services be authorised to vary the Capital Programme to create:
 - a budget of £50,000 for the development of a planning application for the construction of a depot on land at Hawley Lane;
 - a budget of £20,000 to allow for the development of a planning application for a small industrial estate at the Canna site, should it be required;
 - a budget of £40,000 to meet the costs of plan preparation for both the Canna site and Hawley Lane site.

The Meeting closed at 7.35 p.m.

D.E. CLIFFORD
LEADER OF THE COUNCIL
