

CABINET, 5 MARCH 2012

Present: Councillors Barlow, Beaver, Birch (in the Chair),
Chowney, Cooke, Finch, Kramer, Lock, Scott, and Webb.

Apologies for lateness were received from Councillor Beaver who arrived at 6.05 pm.

MATTERS FOR COUNCIL DECISION

Councillor Beaver arrived at the start of discussion on the following item.

100. HASTINGS LOCAL PLAN – PROPOSED SUBMISSION PLANNING STRATEGY

The Planning Policy Manager presented the report of the Borough Planning Officer on the Proposed Submission version of the Planning Strategy. Cabinet was asked to recommend to the Council that the Strategy be approved to enable it to be published for formal representations prior to submission to the Secretary of State.

The report was an important step in the process of preparing the proposed Planning Strategy. The Planning Strategy was the central document within the Council's emerging Local Plan. It identified the overall spatial vision and broad development strategy for the town up to 2028, and contained core policies on strategic issues. It also provided the policy framework for proposals in the Development Management Plan which was currently undergoing its first round of consultation.

A final Sustainability Appraisal Report, incorporating the requirements of Strategic Environmental Assessment, was required to be published alongside the Planning Strategy. This was appended to the report together with actions recommended in response. Some of the actions involved amendments to the appraised version of the Planning Strategy and, where that was so, they had been incorporated within the draft presented to Cabinet.

The Government's decision on the Link Road could make it necessary to amend the Planning Strategy. If this happened, it could affect the current timetable for publication. A delay in the decision could also affect progress with the Planning Strategy.

In presenting the report the Planning Policy Manager clarified paragraph 16 of the report. He reported that the South East Plan had not been revoked and that the Local Plan should be in general conformity with the South East Plan.

Councillor Finch referred to Policy C12: Sports and Leisure Facilities and requested that where the policy referred to facilities being centrally located the words, "or easily accessible" be added. This was accepted and it was agreed that this amendment would be made in accordance with the delegated authority to make final alterations to the Submission Draft.

Councillor Chowney moved approval of the recommendations to the report which was seconded by Councillor Lock.

RECOMMENDED (unanimously) – that: -

- (1) the Submission Draft of the Hastings Planning Strategy as appended to the report of the Borough Planning Officer be approved subject to the following: - The Director of Regeneration, Homes and Communities or his nominee, in consultation with the Cabinet Member for Regeneration, be delegated authority to make final alterations to the Submission Draft;
- (2) the Sustainability Appraisal be accepted as appended to the report and the recommended actions in response to its recommendations be agreed as set out in Appendix C to the report; and
- (3) the Submission Draft of the Planning Strategy, together with supporting background documents including the Sustainability Assessment, be published in accordance with Regulation 27 of the Town & Country Planning (Local Development) (England) Regulations, for a period of 12 weeks, to allow individuals to make representations on its content.

The reason for this recommendation was:

To proceed with the formal preparation process of the Planning Strategy in accordance with agreed timescales.

101. PAY POLICY

The Head of People and Organisational Development submitted a report advising Cabinet of the requirement in the Localism Act 2011 for the Council to adopt a pay policy statement. The report outlined the requirements regarding the content of the statement. The proposed statement was appended to the report.

RECOMMENDED – that the pay policy statement in the appendix to the report is adopted for the financial year 2012-13 and each subsequent financial year (until it is amended by Council).

The reasons for this recommendation were:

The Pay Policy Statement had been drafted in order to comply with section 38 of the Localism Act and had been discussed previously at Cabinet Agenda Planning.

Further comments and suggestions had been made since that meeting and the Appendix to the report was a new, shorter version which took on board those comments accordingly.

102. REVIEW OF THE CONSTITUTION

The Deputy Chief Executive and Director of Corporate Resources presented a report seeking approval of changes to the Constitution to give effect to the

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Senior Management Restructure and to take account of the Localism Act 2011. Parts 1 – 5 and 7 – 9 of the Constitution, as amended, were appended to the report. Part 6 remained unchanged and was therefore not attached.

The Working Arrangements Group had been consulted and their views taken into account in the proposals.

During debate Councillor Lock raised the issue of accessibility of the Constitution to members. He also asked if members could see a document highlighting the proposed changes to be made in the Constitution prior to consideration at Council. The Deputy Chief Executive and Director of Corporate Resources agreed to place a copy of the Constitution showing tracked changes in the members room. Councillor Kramer said that the Members Training and Development Group would consider how to engage members in the Constitution.

Councillor Birch moved approval of the recommendations to the report which was seconded by Councillor Lock.

RECOMMENDED (unanimously) – that the sections of the revised Constitution be agreed as appended to the report of the Deputy Chief Executive and Director of Corporate Resources and take effect from 1st April 2012.

The reason for this recommendation was:

Cabinet agreed the Senior Management Restructure on 16 November 2011. Certain aspects of the restructure required amendment to the Constitution before they could take effect. Further, the enactment of the Localism Act 2011 affected certain parts of the Constitution and some of these changes were expected to take effect from April.

103. APPOINTMENT OF MONITORING OFFICER

The Director of Corporate Resources submitted a report on the necessity of appointing a Monitoring Officer following the senior management restructure. Section 5 of the Local Government and Housing Act 1989 placed responsibility on the Monitoring Officer to oversee vires issues. In particular, reporting to the local authority if she or he thought any proposal, decision or omission would give rise to unlawfulness.

RECOMMENDED – that Jane Hartnell becomes the Monitoring Officer with effect from 1 April 2012.

The reason for this recommendation was:

The Council had to appoint a Monitoring Officer.

MATTERS FOR CABINET DECISION

104. DECLARATIONS OF INTEREST

The following councillors declared their interests in the minutes as follows:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Barlow	107 – Adoption of New Allotment Tenancy Agreement and Rules	Prejudicial – An allotment holder
Birch, Lock, Scott and Webb	100 – Hastings Local Plan – Proposed Submission Planning Strategy (in so far as any matter related to highways was discussed)	Personal – Members of the East Sussex County Council

105. MINUTES

RESOLVED – that the minutes of the meetings held on 6 February and 20 February 2012 be approved and signed by the Chair as a correct record.

106. ORE VALLEY URBAN DESIGN CODES

The Borough Planning Officer presented a report outlining the problems experienced with the operation of the Ore Valley Urban Design Codes. He also reported on the public consultation undertaken between 23rd December 2011 and 3rd February 2012 and responses received as a result of that consultation. He recommended that the Codes were rescinded.

Councillor Chowney moved approval of the recommendations to the report which was seconded by Councillor Lock.

RESOLVED (unanimously) – that: -

- (1) the Ore Valley Hastings Millennium Community Urban Design Codes be rescinded and the document no longer be used for development control purposes and as a basis for consideration of planning applications;**
- (2) the green space within the Ore Valley Urban Design Codes area will continue to be protected by planning policies contained in the existing Local Plan and similar policies in the emerging Local Plan; and**
- (3) a review of the policies contained in the Ore Valley Urban Design Codes will be undertaken to determine the extent to which they should be incorporated in the policies of the new Development Management Plan.**

The reason for this decision was:

It was considered that there was a strong case for withdrawing the Ore Valley Urban Design Codes for the reasons set out in this report.

107. ADOPTION OF NEW ALLOTMENT TENANCY AGREEMENT AND RULES

The Environment and Natural Resources Manager presented the report of the Head of Amenities and Leisure on a proposed new Allotment Tenancy Agreement and set of Rules for adoption. The new agreement and set of rules, aimed at providing clear definitions of acceptable levels of cultivation as well as outlining good practice for tenants, was appended to the report.

Throughout the process of review the Council had worked with the Site Secretaries of the allotments and undertaken consultation with tenants. The overwhelming feedback on the rules had been constructive and positive and had informed the final draft of the document.

During debate Councillor Scott referred to paragraph 6.15 b) of the proposed rules relating to the use of chemicals and asked if the wording could be strengthened. The Environment and Natural Resources Manager agreed to discuss this with the Site Secretaries with a view to strengthening the wording at the next review.

Councillor Webb moved approval of the recommendations to the report which was seconded by Councillor Scott.

RESOLVED (unanimously) – that: -

- (1) Cabinet adopt the new Tenancy Agreement and Rules to come into effect for existing tenants on 1st April 2013 and for new tenants immediately;**
- (2) Officers undertake an allotment rent review in consultation with Site Secretaries and tenants during 2012;**
- (3) Officers consider options for future management of allotments during 2012;**
- (4) Cabinet thank the Site Secretaries of the Allotments for their positive contribution to developing the new Agreement and Rules and recognise the many positive contributions received from allotment holders.**

The reasons for this decision were:

The Council's Corporate Plan for 2011/12 included a commitment to review allotment arrangements in the Borough;

Our current Tenancy Agreement was poorly worded and did not adequately clarify our expectations on levels of cultivation, provide sufficient clarity over enforcement or allow us to review rents above inflation; and

The current tenancy agreement required 12 months' notice for changes to take effect therefore requiring Cabinet to adopt the new Tenancy

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Agreement in March 2012 in time to send to every tenant on or before the 6th April 2012 to become effective in April 2013.

(Councillor Barlow left the meeting during consideration and voting on this matter having declared his prejudicial interest)

108. TRAFFIC MANAGEMENT COMMITTEE

The minutes of the meeting of the Traffic Management Committee held on 15 February 2012 were submitted.

RESOLVED – that; -

- (1) the minutes of the meeting of the Traffic Management Committee held on 15 February 2012 be received; and**
- (2) the recommendations contained in minutes nos. 8 and 9 be approved.**

(The Chair declared the meeting closed at 7.05 pm)