

MENDIP DISTRICT COUNCIL

Minutes of the meeting of Cabinet held on Monday, 11 July 2016 in the Council Chamber, Council Offices, Shepton Mallet commencing at 5.30 pm.

COUNCILLORS

PRESENT:

Philip Ham	Portfolio Holder for Transformation
Tom Killen	Vice Chair of Cabinet and Deputy Leader of the Council
John Parham	Portfolio Holder for Finance, Governance, and Corporate Services
Harvey Siggs	Chair of Cabinet and Leader of the Council
Nigel Taylor	Portfolio Holder for Neighbourhood and Community Health Services (left at 6.20 pm)
Nigel Woollcombe-Adams	Portfolio Holder for Planning, Growth and Housing Services

OTHER COUNCILLORS

PRESENT:

Bryan Beha, Peter Bradshaw, John Coles, Simon Davies, Edward Drewe, Stina Falle, John Greenhalgh, Des Harris, Bente Height, Damon Hooton, Roy Mackenzie, Jeannette Marsh, Clive Mockford, Terry Napper, John North, Mike Pullin, Dick Skidmore, Helen Sprawson-White, Alan Townsend, Danny Unwin and Ros Wyke

OFFICERS

PRESENT:

Tracy Aarons	Deputy Chief Executive
Stuart Brown	Chief Executive
Paul Deal	Section 151 Officer
Claire Dicken	Committee Officer
Stuart Finney	Group Manager, Neighbourhood Services
Debbie Lambert	Housing Officer
Donna Nolan	Deputy Chief Executive and Monitoring Officer
Sara Skirton	Group Manager
Jai Vick	Group Manager, Housing

Agenda Item Number	Subject	Actioned by
1	<p>Chair's Announcements</p> <p>The Chair explained the procedures in the case of an emergency and asked that all mobile devices be switched to silent.</p>	
2	<p>Apologies for Absence</p> <p>None</p>	

3	<p>Declarations of Interest</p> <p>None</p>	
4	<p>Public Participation</p> <p>a. Items on the agenda – there were none b. Items not on the agenda – there were none</p>	
5	<p>Previous Minutes</p> <p>The minutes for the Cabinet meeting held on 23 May 2016 were agreed as a correct record of proceedings.</p>	<p>Claire Dicken</p>
	<p>The Chairman altered the order of items as follows:</p>	
16	<p>Exclusion of The Press and Public</p> <p>Cabinet passed a resolution to exclude the press and public from the meeting during the next two items on the grounds that exempt information (as defined in Schedule 12A Local Government Act 1972) of the following description was likely to be disclosed:</p> <ul style="list-style-type: none"> • Category 1 – Information relating to any individual • Category 2 – Information which is likely to reveal the identity of an individual 	
17	<p>Irrecoverable Arrears – Housing Benefit Overpayments</p> <p>Cabinet were asked to consider the arrears which were irrecoverable, and to write off the sums as detailed in the report.</p> <p>RESOLVED</p> <p>Cabinet agreed to write off the irrecoverable arrears as set out in the report.</p>	<p>Paul Deal</p>
	<p>The Press and Public were invited back into the meeting.</p>	
6	<p>Proposed Changes Following Review of Homefinding Somerset Allocations Policy</p> <p>The Portfolio Holder for Neighbourhood and Community Health Services presented a report which stated that the Homefinder Somerset Monitoring Board had reviewed the Homefinder Common Allocations Policy in the light of ongoing changes to welfare payments and also in changes to the way in which applicants expressed an interest on properties. The review had taken account of issues raised by Local</p>	<p>Jai Vick</p>

Authorities and Landlord Partners when administering and applying the Policy. The updated draft policy had been reviewed in detail by Local Authority and Registered Providers (Housing Association and Council Landlords) and had been the subject of a consultation exercise with applicants and stakeholders.

Over 1100 applicants responded to the consultation exercise with all proposed changes being supported.

The summary of the proposed key policy changes and the reasoning behind each change had been attached to the report and circulated to Members.

The policy consultation feedback report had also been circulated.

OPTIONS CONSIDERED

- 1) Not to accept the proposed changes
- 2) Accept some of the proposed changes
- 3) Accept all of the proposed changes.

Options 1 and 2 should be discounted as per the risk assessment set out in the report. Homefinder Somerset was a partnership of the five Local Authorities working together and Mendip could be excluded from the Partnership if the proposed changes are either not accepted or some are accepted. South Somerset District Council and Taunton Deane Borough Council had already approved the policy changes at recent Cabinet meetings.

Options 3 – Accept all of the proposed changes and continue to work together as a Countywide scheme with the other four Local Authorities as Homefinder Somerset Choice Based Lettings.

The report recommended that the proposed changes to the Homefinder Allocations Policy be adopted by the five District and Borough Councils.

The proposed policy changes were raised by the whole Homefinder partnership, over a period of 12 months, followed by a large consultation exercise which involved Local Authorities, Registered Providers, applicants and stakeholders in which all of the proposed changes were supported. Therefore, if Members approve and adopt the revised and proposed changes to the Countywide Homefinder Somerset Allocations policy, on behalf of Mendip District Council, the partnership can continue to provide a Choice Based Lettings scheme across our districts which has been a successful joint scheme since introduction in 2008.

During the discussion that followed Members noted how dependent the Council was on the skills and knowledge of the Officers. In response to queries the Officer said that there had been no additional enquiries from immigrants as a result of the recent movement of people around other parts of Europe.

	<p>Councillor Roy Mackenzie was invited to speak. He wondered if the term “decanting” should be changed or defined because it may be conceived as unpleasant. He would also prefer that children were not housed in flats. He was further concerned that it was unacceptable for more than three children to share a bedroom.</p> <p>The Officer accepted the points that had been made in terms of grammatical errors. She went on to explain each point that had been raised and the reasons the Policy had been set out as it had. The reasons were mainly due to the need to comply with existing legislation.</p> <p>RESOLVED</p> <p>That Members approve and adopt the revised Countywide Homefinder Somerset Allocations Policy.</p> <p>REASONS FOR THE RESOLUTION</p> <p>Failure to review the Homefinder Somerset Allocations Policy would leave the Council open to legal challenge having not taken into account the Council’s statutory duty under the Housing Act 1996 to review the Housing Allocation Policy and changes in legislation and best practice.</p>	
7	<p>Shape Mendip Lottery</p> <p>The Portfolio Holder for Transformation presented a report which sought to gain agreement to launch an online and fully automated Shape Mendip Lottery that would help fund discretionary support to voluntary and community (VCS) organisations active in Mendip and to enable such organisations to raise funds directly for themselves.</p> <p>The proposal was for the council to be an enabler and use the services of an External Lottery Manager (ELM) to run the lottery</p> <p>During the discussion that followed Members welcomed the proposal. In response to queries it was confirmed that the lottery would result in new funding. It was further noted that the allocation of funding would be discretionary.</p> <p>There was some concern about the cost of administration in running the scheme. Members wished that the scheme be reviewed after 6 months.</p> <p>There was some concern from the back benches that the public should not be encouraged to gamble in any form.</p>	Jane Sharp

	<p>RESOLVED</p> <ol style="list-style-type: none"> 1. To agree the proposal in principle, subject to any significant issues being raised, that an online Shape Mendip Lottery be launched as detailed in the attached business case. This included a financial contribution and in-kind support, subject to this being funded from existing resources. 2. That subject to due diligence, the Council uses an external lottery manager (ELM) to run and operate the lottery and shares the risk of running it with them. 3. To delegate the final arrangements of launching the lottery and appointing an ELM, including the completion of due diligence, to the Deputy Chief Executive and the Portfolio Holder for Transformation, in consultation with the 151 Officer, Leader and Chief Executive. The arrangements will include a marketing plan to local voluntary and community organisations. 4. To agree that the Shape Mendip Lottery be reviewed and reported to Cabinet in 6 months. <p>REASONS FOR THE RESOLUTION</p> <ol style="list-style-type: none"> i. To create a new income stream for VCS organisations that would help them address funding pressures and provide benefits to people and communities in Mendip and reduce budget pressures to the Council. ii. To enable voluntary and community groups to 'self help' by gaining access to their own lottery within the Shape Mendip Lottery umbrella scheme. 	
8	<p>Review of Member Representation on Strategic Partnerships and Outside Bodies</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which had been produced to give the Cabinet an opportunity to review Member representation on strategic partnerships and outside bodies.</p> <p>Cabinet were asked to note the reports that had been submitted by those who had served on outside bodies and approve the list of outside bodies for 2016/17 as set out in the report.</p> <p>The Portfolio Holder suggested that a small working group be set up to review the Outside Body arrangement and report back to Cabinet in due course. He wished to appoint Councillor Alan Townsend to chair the group. He further suggested that the group should be cross party.</p>	<p>Claire Dicken</p>

	<p>RESOLVED</p> <p>To note the reports that had been submitted by those who have served on outside bodies during 2015/16.</p> <p>That a small cross party working group be set up, Chaired by Councillor Alan Townsend to review the outside body arrangement and report back to Cabinet in due course.</p> <p>REASONS FOR THE RESOLUTION</p> <p>In order to maintain the smooth running of the outside body arrangement.</p>	
9	<p>2016/17 Better Care Fund Allocation (Including the Disabled Facilities Grants)</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which stated the Better Care Fund (BCF), which included the Disabled Facilities Grant (DFG), was now administered through the Clinical Commissioning Group (CCG) at county level. It was the only capital grant allocation that Mendip received.</p> <p>In recent years, Mendip had topped up the grant allocation of £410K and added £250K of its own resources through the Capital Investment Programme.</p> <p>In 2016/17, the grant allocation had increased to £701k and that sum was expected to be used for various health and well-being interventions in the private housing sector which included funding mandatory Disabled Facility Grants.</p> <p>OPTIONS CONSIDERED</p> <p>A number of options arose as a result of the increased grant allocation. These included:</p> <ul style="list-style-type: none"> a. Continue with the value approved in February (£660k) b. Increase the operational budget to £701k, fully utilising the BFC allocation. c. Maintain Mendip's £250k contribution making the total budget £951k. <p>By continuing to 'top-up' the grant allocation, Mendip continued its commitment to improving the private housing sector in line with Clinical Commissioning Group expectations.</p>	Paul Deal

	<p>During the discussion that followed members agreed that this funding made a significant difference to residents and that it was very worthwhile.</p> <p>RESOLVED</p> <p>To note the increase in the grant allocation and agree to continue to 'top-up' the Operational Budget by £250k of its own resources as previously agreed in February, thereby increasing the overall capital expenditure from £660k to £951k.</p> <p>REASONS FOR THE RESOLUTION</p> <ol style="list-style-type: none"> 1. Any variation to the approved level of capital expenditure required formal approval. 2. By continuing to 'top-up' the grant allocation, Mendip continued its commitment to improving the private housing sector in line with CCG expectations. 3. Higher levels of demand could be met reducing the number of residents declined funding. 	
<p>10</p>	<p>Corporate Performance Report – Quarter 4 2015/16</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which provided an overview of the Council's performance up to the end of Quarter 4 (31 March 2016) in the key areas of business relating to the Strategic Priorities and Delivery Enablers. This report represented the close out of the Council's Corporate Plan 2012-2015, which had been superseded by the new Corporate Plan 2015-2019. A new performance management framework was being developed to support the delivery of the new Corporate Plan and the business of the Council as a whole.</p> <p>Members are asked to;</p> <ol style="list-style-type: none"> 1. Consider and comment on the information contained within the report, most specifically those areas highlighted as a potential concern under the "Key Messages" section 2. Identify any issues or performance exceptions that the committee wished to highlight as a concern to Cabinet 3. Where performance exceptions were identified consider whether the proposed actions would be adequate to improve performance to the desired level and take actions to address concerns as appropriate. 4. Note that this report represented the close out of the objectives which supported the delivery of the Council's Corporate Plan 2012 to 2015. 	<p>Lesley Fogerty</p>

	<p>During the discussion that followed Members were pleased to note there had been more expressions of praise than complaints.</p> <p>Members noted that the Council would be keeping a close eye on the progress of the political situation following the Brexit vote.</p> <p>In response to queries the Officer confirmed that lessons were learnt from each complaint.</p> <p>Members wished that consideration be given to whether it was possible to further increase the marketing of Mendip.</p> <p>RESOLVED</p> <ol style="list-style-type: none"> 1. To note the report most specifically those areas highlighted as a potential concern under the “Key Messages” section 2. That where performance exceptions were identified it was considered the proposed actions would be adequate to improve performance to the desired level. 3. Note that the report represented the close out of the objectives which supported the delivery of the council’s Corporate Plan 2012 to 2015. <p>REASONS FOR THE RESOLUTION</p> <p>Robust performance management arrangements were essential in ensuring the organisation was managed in an efficient and effective way, was delivering its goals, and that resources were available where they were needed.</p>	
11	<p>Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016</p> <p>The Group Manager, Neighbourhood Services presented a report which stated that the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 (the Regulations) had come into force in May 2016. The new regulations introduced the ability to issue an Fix Penalty Notice (FPN) to persons believed to have committed an offence of fly-tipping. The FPNs offered a person the opportunity to discharge their liability to conviction for the offence by the payment of a fixed penalty. The legislation allowed the FPNs to be used for offences under Section 33 of the Environmental Protection Act 1990.</p> <p>The new provisions provided for a fine of not less than £150 and not more than £400 as specified by the waste collection authority, and £200 if no amount was specified by the authority.</p>	Stuart Finney

	<p>OPTIONS CONSIDERED</p> <p>The legislation allowed the fine for a FPN to be set between £150 and £400. Taking into account the cost of clearing up small fly tips, enforcement, and investigatory time, setting the level at the maximum £400, discounted to £250 if paid within 10 days would seem appropriate.</p> <p>This level of fine would properly reflect the damage to the environment and local community and the cost to the local authority in clearing the waste material and detecting the offence. It should also act as a deterrent against future offending.</p> <p>There was a discussion about the difference between litter and fly-tipping. Members noted guidance was provided within the legislation.</p> <p>One Member wished that offenders be charged for the cost of clearing away the fly-tipping, above and beyond the fixed penalty.</p> <p>RESOLVED</p> <p>a) To set the Penalty Charge for Unauthorised Deposit of Waste (Fixed Penalty Notices) at £400 (four hundred pounds) and offer a discount to £250 if paid within 10 days.</p> <p>b) Authorise the Group Manager – Neighbourhood Services in consultation with the Portfolio Holder to amend the Environmental Protection Fixed Penalty Notice Enforcement Policy, (Environmental Offences) as necessary, to reflect the introduction of Penalty Charge for Unauthorised Deposit of Waste.</p> <p>REASONS FOR THE RESOLUTION</p> <p>The implementation of a Penalty Charge for Unauthorised Deposit of Waste would contribute to the Council’s commitment to a stronger approach to enforcement.</p>	
<p>12</p>	<p>Portfolio Holder Decisions</p> <p>None.</p>	
<p>13</p>	<p>Forward Plan</p> <p>Noted.</p>	
<p>14</p>	<p>Minutes for Information</p> <p>The following minutes were noted: Draft Scrutiny Board Minutes 16 May 2016</p>	

The meeting closed at approximately 6.30 pm.