

## Minutes of a meeting of the **Policy Group** of the Purbeck District Council held in the Council Chamber, Westport House, Wareham on Wednesday 18 April 2018 at 7.00pm.

Present:-

Councillor Gary Suttle (Chairman)

Councillors Cherry Brooks, Laura Miller, Bill Pipe and Peter Webb

Also present: Councillors David Budd, Nigel Dragon, Mike Lovell and Bill Trite.

Officers in attendance for all or part of the meeting: Fiona Brown, Housing Manager; Christine Dewey, HR Manager; Bridget Downton, General Manager – Planning and Community Services; Sue Joyce, General Manager – Resources; Rebecca Kirk, General Manager – Public Health and Housing; Steve Mackenzie, Chief Executive; Chris McDermott, Senior Housing Officer (Policy and Enabling) and Kirsty Riglar, Democratic and Electoral Services Manager.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Group).

### 89.17/18 **Apologies**

An apology for absence was received from Councillor Barry Quinn.

### 90.17/18 **Urgent items**

The Chairman reported there were no urgent items.

### 91.17/18 **Public participation time**

Councillor William Knight, Chairman of Langton Matravers Parish Council and a member of the Timson Trust, addressed Members in relation to the proposal that a payment of £15,000 be made to discharge responsibility under the Trust. He reminded Members of the background to the establishment of the Trust to manage the bequest of two cottages in Langton Matravers, together with an endowment, for the housing in perpetuity of elderly local residents. He drew particular attention to the fact that Purbeck District Council did not have unencumbered ownership of this asset and no authority to dispose of it; that approval was required from the Trust and the executors. He explained that Langton Matravers Parish Council had now adopted the General Power of Competence and was therefore able to take over the ownership and management of the cottages. He therefore requested that the recommendation in the report on local government reorganisation be rejected and that the asset be transferred to the Parish Council.

### 92.17/18 **Minutes**

**Resolved** that the minutes of the meeting held on 14 March 2018 be taken as read, confirmed and signed by the Chairman.

### 93.17/18 **Declarations of Interest by Members**

There were no declarations of disclosable pecuniary interests.

### 94.17/18 **Forward Plan**

The Policy Group considered the current Forward Plan. It was noted that there were currently no items relating to the Economy and Infrastructure Portfolio included in the Forward Plan. The Chief Executive advised Members that the amount of business being brought forward to Policy Group and Council was likely to reduce over the coming months due to the progress being made on local government reorganisation (LGR) and the establishment of the Shadow Authority and Executive. Whilst the Council would retain responsibility for the delivery of services until 31 March 2019, he also flagged up the possibility of any policy decisions relating to the provision of services after 1 April 2019 may need to take into account the views of the Shadow Executive.

**Resolved** that the Forward Plan be received.

### 95.17/18 **Local Plan Review**

The General Manager – Planning and Community Services reported that the recent consultation exercise had been successful and many responses had been received. The outcomes of this would be outlined to Members at a briefing on 20 April and the Chairmen and Clerks of parish and town councils on 26 April. The consultation report would be presented to Council at its meeting in May.

### 96.17/18 **Local Government Reorganisation**

The Chief Executive presented a report seeking support for the approval of a policy for the transfer of council assets to town and parish councils prior to the creation of Dorset Council on 1 April 2019. He explained that it was proposed that properties used for the delivery of statutory services and those which generated income should transfer to Dorset Council. However, he reminded Members that the Council currently owned some small parcels of land, often on housing estates, which did not generate an income but were retained as open space and it was proposed that these be transferred to those town or parish councils which would like control of the land. It was also proposed that assets which were of local amenity value, including public toilets, be offered to the appropriate town and parish councils. In addition, it was proposed that the responsibility under the Timson Trust be discharged by a payment of £15,000 which would allow the Council to charge an appropriate rent for the cottages in Langton Matravers let to local elderly people and bring the properties onto the Council's balance sheet.

The Leader of the Council drew attention to a formal request received earlier in the day from Swanage Town Council for the transfer of specific assets in the town. This was in addition to the requests from other parish councils detailed in the report.

The Member for the Langton Ward, who was the Chairman of the Timson Trust, expressed his concern that the proposed discharge of responsibility was contrary to the bequest made by Mrs Timson. He considered that given the age of the cottages the cost of maintenance would be high if they were used as temporary accommodation.

He supported the transfer of the properties to Langton Matravers Parish Council as this would ensure that the current approach continued and the parish focus retained.

Members expressed some concern that it was proposed to transfer only assets which did not generate income to town and parish councils and that the consequence of this would be that local councils increase their precept to fund the maintenance and operation of such assets. It was noted that some parish and town councils had expressed an interest in receiving such assets providing additional funding or means of generating income from additional assets were also made available to them. Some concern was also raised in relation to the timing of these proposals and the lack of discussion with individual parish and town councils about the assets within their areas. The Chief Executive explained that this report had been brought forward now as it would take some time to implement whatever policy the Council determined in relation to the transfer of assets. He added that there were already discussions taking place about the right of the current councils to transfer assets to other bodies once the Shadow Authority and Executive were created, as the current income generated by assets was included within the calculation of the budget for Dorset Council.

In response to a Member's question, the Chief Executive clarified that it was unlawful for principal councils to charge for the use of public toilets. He also confirmed there was no statutory duty for the provision of public toilets and this may not be something which Dorset Council would wish to continue.

He also clarified that under the terms of the Timson Trust, the tenants of the cottages were able to live rent-free regardless of ownership. A voluntary contribution towards the maintenance of the properties was currently paid by the tenants and collected through the Council's income system. Consequently, tenants were unable to claim housing benefits. The only way in which rent could be charged was for the responsibility under the Trust to be discharged.

In relation to the Timson Trust, Members expressed a preference for the cottages to be transferred to Langton Matravers Parish Council as it now had the General Power of Competence. However, it was agreed that it would be useful for Members to be provided with more background and context, including the nature of the original bequest and the legal advice relating to the winding up of the Trust before a recommendation was made to Council.

**Resolved that:**

- (1) a report be submitted to Council recommending that:
  - (a) all assets required for the delivery of statutory services and those capable of generating income are transferred to the new unitary Dorset Council;
  - (b) property held as public open space, free car parks and the public toilets at Corfe Castle and Studland be offered to the appropriate town and parish councils;
  - (c) where the property to be disposed of comprises public open space, the Chief Executive be delegated authority to determine objections received following the public notice; and
  - (d) the Solicitor to the Council be authorised to appoint local solicitors to complete the transfers and an exception from the Contract Procedure Rules requiring tenders to be granted, with the cost met from the Council's reserves; and

- (2) a decision about the proposed discharge of the responsibility under the Timson Trust be deferred to allow for further discussions between the Council, the Trust and Langton Matravers Parish Council and the preparation of a more detailed report for consideration.

## 97.17/18 **Scheme for redundancy**

*The Chief Executive withdrew from the meeting during consideration of this item, because his was the only post guaranteed to be made redundant as part of the formation of the new unitary Dorset Council.*

The HR Manager presented a report seeking support for proposed changes to the Council's redundancy scheme. Members were reminded that on 1 April 2019, Purbeck District Council would cease to exist and employees would be transferred to the new Dorset Council. This transfer would be operated in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and staff would transfer on their current terms and conditions of employment at that time. Staff employed by the new Dorset Council would therefore be on a variety of terms and conditions until harmonisation was completed. One difference between the Council and the other district and borough councils in the Dorset Council area was the calculation of redundancy payments, with Purbeck District Council paying less than the others. This could have a detrimental effect on the Council's employees and the local Unison branch had requested this be brought into line with the other district and borough councils as soon as possible in order to provide staff with some reassurance.

In response to Members' questions, officers explained that the only officer who would be likely to be made redundant on 31 March 2019 would be the Chief Executive. Most other staff would be transferred to the new Dorset Council; restructuring and harmonisation would not be progressed until a later stage. It was also confirmed that these changes to the redundancy scheme, if agreed by Council, would come into immediate effect.

Members expressed their support for the proposed changes and the need to ensure that the Council's employees were not at a significant disadvantage upon transfer to the new Dorset Council.

**Resolved** that a report be submitted to Council recommending approval of changes to the Council's scheme for redundancy to harmonise the multiplier of 1.75 with that of the other district and borough councils that will form the Dorset Council.

## 98.17/18 **Self-Build and Custom Housebuilding Register**

The Senior Housing Officer (Policy and Enabling) presented a report proposing that the Council sets local eligibility conditions for entry onto the Council's Self-Build and Custom Housebuilding Register and to seeking approval of fees in connection with the operation of the Register. She reminded Members that the Self-Build and Custom Housebuilding Act 2016 required the Council to hold a register of individuals and groups of individuals (private home builders who work as a collective) looking to acquire land to build or commission their own home and to have regard to this register in carrying out planning and other functions. Regulations allowed the Council to set local eligibility conditions for entry to Part 1 of the register based on local connection and financial register. Those not meeting such conditions were only eligible for entry to

Part 2 of the register. Given the challenge of identifying enough land for development to meet local housing need, it was proposed that the Council adopt both.

The Housing Portfolio Holder expressed her support for the proposals and drew particular attention to the need to introduce local eligibility conditions for Part 1 of the register which reflected local demand, rather than establishing an artificially high level of demand for self-build plots for which the Council would have a duty to provide sufficient development permissions to meet this demand.

In response to a Member's question, the Housing Portfolio Holder explained that the inclusion of any person in the service of the regular armed forces as deeming to satisfy the local connection test whilst in service would support the Dorset Armed Forces Community Covenant. She understood that this referred to persons in full-time service, rather than reservists, as they were likely to have moved a lot due to postings. Officers confirmed that this reflected the eligibility criteria included in the Dorset Home Choice Allocations Policy but would clarify this for the benefit of Members.

The majority of Members expressed their support for the proposed setting of local eligibility conditions in order to contribute to the aim of meeting the housing needs of local people. It was also considered that this would assist in guarding against the self-building of second homes. However, the Economy and Infrastructure Portfolio Holder expressed some concern that the introduction of local eligibility criteria could be a barrier to promoting economic growth areas as it may deter people who wish to build their own houses from moving to Purbeck. Officers explained that anyone not meeting the proposed criteria would be eligible for entry to Part 2 of the register but there would not be a requirement placed upon the Council to provide plots for these. It was noted that, if approved by Council, the criteria would be kept under review.

**Resolved** that a report be submitted to Council recommending the setting of the local eligibility conditions in paragraphs 5.12 (subject to the exception for members of the Armed Forces) and 5.15 of the report, together with the approval of the fees set out in Appendix 1.

#### 99.17/18 **Housing Needs Team – additional member of staff**

The Housing Manager presented a report seeking support for the employment of an additional Housing Needs Officer on a two year fixed term contract. The Homelessness Reduction Act 2017, implemented on 3 April 2018, placed duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also required housing authorities to provide homelessness services to all those affected irrespective of whether they are in priority need or intentionally homeless. The Ministry of Housing Communities and Local Government had forecast that the increase in homelessness applications in England was likely to be in the region of 26%. This would therefore result in a significant impact on caseloads for the Housing Needs Team and additional resource would be required.

The Housing Portfolio Holder expressed her support for the proposal. She reminded Members that the Housing Needs Team had achieved an excellent result in a recent peer review and an additional member of staff would help to retain the current level of service.

In response to a Member's question, the Housing Manager confirmed that discussions were taking place with Purbeck Citizens Advice about how they may be able to assist the Council to fulfil its new duties without impinging on this role.

**Resolved** that a report be submitted to Council recommending approval of the employment of an additional 0.8FT Housing Needs Officer working 30 hours a week on a two year fixed term contract at a cost of £23,150 (including on-costs) per annum.

The meeting ended at 8:35pm.

Chairman