4. MINUTES

The minutes of the Growth, Infrastructure and Environment Policy Committee meeting held on 21 June 2016 were agreed as a correct record, and signed by the Chairman.
5. PROPOSED COMMUNITY ASSETS STRATEGY

Members considered the report of the Head of Environmental Services, which sought to update the Committee on the proposed Community Assets Strategy following consultation with members, town and parish councils, and its earlier consideration by the Growth, Infrastructure and Environment Policy Committee on 21 June 2016. It was noted that the report had been referred back to the Committee for further consideration regarding the Council’s future approach to the adoption of public open spaces, playgrounds, Sustainable Urban Drainage Schemes (SUDS), and street and footway lighting.

In summarising the salient points in his report, the Head of Environmental Services informed the Committee of the Council’s current practice regarding the adoption of assets using Section 106 monies contributed by developers. Members were advised that, due to the increase in development and the anticipated future housing growth within the District, and the associated costs and responsibility for maintaining public areas and playgrounds, it was necessary for the Council to consider whether to continue to adopt such assets or whether, in the future, these should instead be transferred directly from the developer to town/parish councils or management companies.

The Committee was asked to consider three options listed in the report to determine whether the Council should:

1. continue with its current processes;
2. increase the required Section 106 contribution from developers to cover maintenance costs for a longer period; or
3. cease adopting new assets from developers.

In response to a member’s query, the Chairman clarified that, if the Council was minded to continue to adopt new open spaces and play areas, as detailed in Option 1, there would continue to be an upfront cost to the developer for Section 106 monies as a commuted sum to cover maintenance costs for ten years, although Option 2 allowed for this sum to be increased to 15 years, or longer. Members noted that, following this period, the costs would need to be met by the Council and therefore would be passed onto council tax payers. Alternatively, if the assets were passed from the developer to a management company on completion of the development, as detailed in Option 3, each purchaser would enter into a contract with the management company, as part of the purchase contract, and, as the home owner, they would be responsible for the yearly charges. This service charge would stay with the property and passed on, should the property be sold at a later date. The Committee was advised that, currently, in the event of the asset being transferred from the developer to the town/parish council via the Section 106 process, the maintenance costs would be met from the town/parish precept.
The Director of Community Services stressed the importance of developing long term, robust and sustainable management and maintenance strategies. She informed members that, should the Council decide to cease adopting new community assets, there would be changes made to the initial development management enquiry and application processes to focus on communication and detailed discussions regarding the developers’ future intentions for the management of such public spaces, once the development had been completed. The Committee was advised that a Supplementary Planning Document (SPD) would be drawn up which would set out guidelines for developers and officers as part of the process when discussing and determining applications for new developments, so that strict requirements for the ongoing maintenance of public open spaces would form part of the planning approval conditions.

Members discussed how a change in the Council’s policy not to adopt assets from new developments could be implemented and agreed that, should the Council decide to change its policy in this way, it should only affect new applications after the date agreed for the policy change.

There were some concerns regarding the potential situation if a management company responsible for a public open space went into liquidation. Members were of the opinion that, in such circumstances, another management company would be likely to take over the contract and assume responsibility for maintenance costs in exchange for the service charge income received from residents. It was suggested that it might be prudent to obtain a security bond from developers so that in the event of a company ceasing to trade, monies would be available for maintenance costs to be met. Officers advised that they would look into the legal and practical aspects of this suggestion.

The Committee discussed street lighting and it was suggested that developers could deal with street lighting in the same way as public open spaces, transferring ownership and maintenance to either the town/parish council or a management company. Cllr Mason Billig advised members that, in parts of Europe, it was common legal requirement for each house to be fitted with a light so that residents provided their own form of street lighting.

Members considered the three options listed in the report for the Council’s future approach to the adoption of public open space, playgrounds, SUDS, and street and footway lighting. Following a vote, members decided that Option 3 was the Committee’s preferred option but it was suggested that the wording should be altered to the following:

“This Council will accept no further transfer of S106 infrastructure (other than those developments currently in the pipeline and being considered as part of the development management process). The Council’s expectation being that the developer is expected to make arrangements for the adoption of open spaces, street lighting, SUDs etc as part of the development management process and to arrange long term robust management and maintenance strategies to cover all future maintenance responsibilities”.

It was suggested and agreed by the Committee that a three-week consultation should take place, after which the draft strategy would be referred to Cabinet. It was further suggested that, should the Committee’s recommendations be approved by Cabinet, an implementation date for the strategy should be set for April 2017.

Members requested that an update on the progress of the consultation be given at the next meeting of the Committee.

Following a further vote on the amendments to Option 3, above, it was;

RESOLVED:

1. to support Option 3 (as amended above) as the Council’s future approach to the adoption of Community Assets;

2. that a three-week consultation be undertaken, prior to Cabinet’s consideration of the draft strategy;

and

3. to RECOMMEND TO CABINET that the Strategy be implemented with effect from April 2017.

6. DATE OF NEXT MEETING

Members noted the date of the next meeting and it was confirmed that the next phase of the Market Towns Initiative would be considered at this meeting.

The Chairman advised the Committee that they had been invited to attend the next meeting of the Stronger Communities and Leisure Policy Committee on 3 November 2016 at 2pm, as there would be a presentation to members regarding Corporate Social Responsibility. Members were advised that this work crossed over between Communities and Economic Development so would be of interest to the Growth, Infrastructure and Environment Policy Committee’s members.

(The meeting closed at 3.10 pm)

Chairman