

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY, 17 JULY, 2014 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors:

Adamson, G.	Leader of the Council
Holder, M.J.	Deputy Leader of the Council and Crime and Partnerships Portfolio Leader
Lovell, A.	Corporate Improvement Portfolio Leader
Mitchell, Mrs C.	Culture & Sport Portfolio Leader
Alcott, G.	Economic Development and Planning Portfolio Leader
Bennett, C.	Environment Portfolio Leader
Davis, Mrs. M.A.	Health and Wellbeing Portfolio Leader
Allen, F.W.C.	Housing Portfolio Leader
Todd, Mrs. D.	Town Centre Regeneration Portfolio Leader

1. Apologies

Apologies had been submitted by S. Brown, Chief Executive.

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

Councillor A. Lovell advised that he was employed by an artificial turf pitch (ATP) manufacturer. No other Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

3. Updates from Portfolio Leaders

Economic Development and Planning

Local Growth Deal Announcements

The Portfolio Leader advised that the Growth Deals between Government and each of the 39 Local Enterprise Partnerships (LEP's), were announced on 7 July, 2014. These aimed to focus on local economic priorities, driving growth and creating jobs.

Cannock Chase Council had bid into both the Greater Birmingham and Solihull

LEP (GBSLEP) and the Staffordshire and Stoke-on-Trent LEP (SSLEP) for projects aimed at unlocking growth opportunities in the District.

GBSLEP had secured £357.4m to fund 34 projects across the LEP to capitalise on the HS2 related opportunities and also to focus on key sectors such as advanced manufacturing and life sciences. By 2021, this Deal was intended to deliver 13,000 jobs, 4,000 homes, and upskill 7,633 people.

Within this, Cannock Chase Council, working with Pentalver, received approval of £1.3m capital for providing a new rail/freight interchange to help the company grow its business and create jobs and investment.

The Council had also received an invitation to discuss with Government a further raising of the Council's HRA borrowing limit to help deliver an additional 30 affordable housing units on 3 sites across the district.

The District also expected to benefit from:

- £625K revenue funding to establish a Growth Hub to provide support to businesses across the LEP looking to grow.
- £6m provided to unblock small housing sites as 80% of the District's identified housing plots (more than 3,000 units) had been available for development for three or more years.

SSLEP had secured total funding of £82.2m to fund 34 projects across the LEP aiming to open up employment sites; improve connectivity and ease congestion and support business sector growth and a skilled workforce. By 2021, this Deal would deliver at least 5,000 jobs and 1,000 homes.

No specific Cannock Chase projects had been approved, but the District hoped to benefit from:

- £250K revenue to develop the Stoke on Trent and Staffordshire Growth Hub.
- A provisional allocation of £5m from 2016/17 for a local sustainable transport package aimed at improving connectivity, traffic management and improving bus punctuality.
- A provisional allocation of £6.9m from 2016/17 for an Advanced Manufacturing Skills Hub providing skills and engineers required to grow apprenticeships and traineeships.

Environment

Redbrook Lane Fly Infestation

The Portfolio Leader advised that the Environment Agency had served notice on the owner of the site and an ongoing criminal investigation was underway.

AONB Substitution

The Portfolio Leader advised that the issue of substitution to the AONB Board,

as previously reported at Cabinet, was tabled to be discussed at the next meeting of the Board in December.

Taxi Drivers

The Portfolio Leader advised that a local liaison committee was being established to bring together all parties for round table discussions, with the first meeting scheduled to be held on 14 August, 2014.

4. Minutes of Cabinet Meeting of 17 April, 2014

RESOLVED:

That the Minutes of the meeting held on 17 April, 2014 be approved as a correct record and signed.

5. Forward Plan

The Forward Plan of Decisions for the period July to September, 2014 (Item 5.1 – 5.4 of the Official Minutes of the Council) was noted.

RESOLVED:

That the Forward Plan of Decisions for the period July to September, 2014 be noted.

6. Recommendations and References for Determination and Minutes of Policy Development and Other Committees

RESOLVED:

That the Minutes of the following Policy Development Committees be received for information:

- (i) Culture & Sport – 19 March, 2014
- (ii) Economic Development & Planning – 10 October, 2013; 25 March, 2014
- (iii) Environment – 13 March, 2014
- (iv) Health & Wellbeing – 11 March, 2014
- (v) Housing – 18 March, 2014
- (vi) Town Centre Regeneration – 27 February; 12 March, 2014

7. Annual Performance Review of Wigan Leisure and Culture Trust 2013-14

Consideration was given to the Report of the Head of Commissioning (Item 7.1 – 7.13, plus Appendices, of the Official Minutes of the Council).

RESOLVED:

That the performance of Wigan Leisure and Culture Trust (WLCT) in delivering the Culture and Leisure Services for the period 1 April 2013 to 31 March 2014, be noted.

Reasons for Decisions

The annual performance review was an integral part of the Council's contract monitoring arrangements with WLCT, enabling the Council to review the Trust's performance and commitments set out in the contract and method statements.

Appendix 1 to the report provided a detailed breakdown of WLCT's performance against performance targets for the year 1 April 2013 to 31 March 2014.

Although it was only the second year of the 10 year contract, a strong relationship was being built between the Council and WLCT and this was represented in the adoption of a cooperative approach to performance monitoring and a mutual commitment to meeting challenges (known and evolving), business requirements and adapting to changing circumstances.

A total of 71 performance measures and targets were monitored and a number of other measures used for which there was no comparator or baseline data available. WLCT had met or exceeded performance in 53 (75%) of its targets and not met target in 18 (25%), albeit that 6 (8%) are within the 5% tolerance threshold. The other 12 (17%) are considered red. Further detailed information was contained in the main body of the report and Appendices.

No default notices had been issued, the contract had been delivered within budget, with agreement reached with WLCT over the level of financial recompense resulting from the delay in opening the swimming pool. The settlement was in accordance with the provision made in the 2013-14 budget.

The report aimed to present a balanced picture of achievements and performance against the targets set, including where performance needed to be improved.

The performance achieved during the second year of the contract was generally good, particularly in respect attendances at the two leisure centres, Cannock Park Golf Course and Community Wellbeing Teams – Arts and Sports.

8. Leisure Concessions to Serving Members of the Armed Forces

Consideration was given to the Report of the Head of Commissioning (Item 8.1 – 8.6 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The contents of the report be noted.
- (B) The leisure concessions scheme for serving members of the armed forces who are resident in the district be continued for the financial year 2014-15, in accordance with the proposals set out in the report.

Reasons for Decisions

Cabinet on 21 June, 2012 resolved that leisure concessions be introduced for serving members of the armed forces resident in the District from 30 June 2012 for an initial one year period in recognition of the commitment made by armed

forces' men and women to this country in their service throughout the world.. (Minute 8.)

Following a review by WLCT during the first year of operation of the scheme, Cabinet on 20th June, 2013 resolved to continue with the scheme for a further 12 months. (Minute 8(B).)

Having assessed the impact during the second year of operation, WLCT have agreed to continue with the scheme for the financial 2014-15, subject to an annual review and to there not being a negative financial impact upon the contract in the future.

WLCT will continue to monitor and assess the scheme to determine the costs and benefits associated with making such a concession.

9. Safeguarding Children and Vulnerable Adults Protection Policy

Consideration was given to the Report of the Head of Commissioning (Item 9.1 – 9.5, plus Appendix, of the Official Minutes of the Council).

RESOLVED:

That the revised Safeguarding Children and Vulnerable Adults Protection Policy, attached as Appendix 1 to the report, be recommended to Council for adoption.

Reasons for Decisions

The Council's existing Safeguarding Children etc. policy had been reviewed and revised to ensure that it remained in line with current legislation, statutory guidance and inter-agency procedures.

The review was undertaken with other district councils across Staffordshire as part of the Staffordshire Safeguarding Children's Board – District Councils Sub-Group, consisting of the 8 district councils in Staffordshire; the result of which was a revised joint policy aimed at providing local synergy and improved clarity for practitioners.

Where appropriate the policy had been amended to include Cannock Chase Council's policies and procedures.

10. Update on Feasibility Study for the Development of a Community Sport and Recreation Hub – Stadium Site

Consideration was given to the Report of the Head of Commissioning (Item 10.1 – 10.10, plus Appendix, of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The update on the feasibility study be noted.
- (B) The Design Masterplan for the development of a sport and recreation hub, attached as Appendix 1 to the report, be approved.
- (C) The two phase approach to deliver the Design Masterplan be approved.

- (D) Commissioning of necessary surveys on the site be approved within existing budgets.
- (E) Submission of a planning application for the Design Masterplan and payment of the associated planning fee be approved from the approved project budget.
- (F) A further detailed report on the capital and revenue costs associated with the delivery of Phase 1 and Phase 2 be received by Cabinet in due course.
- (G) Authority be delegated to the Head of Commissioning, in consultation with the Culture and Sport Portfolio Leader, to take such actions as may be necessary to progress the above resolutions within existing budgets.

Reasons for Decisions

The report provided an update to Cabinet on the feasibility study work undertaken and sought agreement to the Design Master Plan for the stadium site, the suggested 2 phase delivery approach and approval to submit a planning application in respect of the site and undertake any surveys as required.

The option outlined in the Design Masterplan included the widest range of facility types, covering a range of differing age groups, a comprehensive indoor and outdoor offer with a number of formal play areas, multi-use games area, footpaths, cycle trails and community allotments.

Progression of the planning application would potentially open up further funding opportunities for development of the site whilst at the same time enabling officers to validate the capital and revenue assessments associated with the project in more detail.

11. Adoption of St. John’s Churchyard, Heath Hayes, Cannock

Consideration was given to the Report of the Head of Commissioning (Item 11.1 – 11.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Adoption of the maintenance responsibility of the closed churchyard at St. John’s Church, Heath Hayes, as detailed in the report, be noted.
- (B) The use of and reallocation of the contingency budget to cover the one off cost required to bring the churchyard up to an acceptable standard and to provide a budget from 2015-16 to meet the ongoing maintenance cost as set out in the report be approved.

Reasons for Decisions

The Council had received a request to adopt and take over the maintenance responsibility of the closed churchyard at St. Johns Church, Heath Hayes.

Closure of St. Johns churchyard was approved on 12 October, 2011 and on the

10 September, 2012 the Parish Council notified the authority of its intention to pass on responsibility for the maintenance of the churchyard to the Council.

There was some confusion as to whether the correct process had been followed which led to an undue delay in dealing with this matter. This was a statutory requirement and the Council cannot refuse to assume responsibility for the maintenance of a closed churchyard if it was formally closed by Order and requested to do so by the Parochial Church Council (PCC) and it had previously been refused by the appropriate Parish Council; in this case Heath Hayes and Wimblebury Parish Council.

The additional responsibilities for the Council were set out in the body of the report and included the need to seek Cabinet's approval to make appropriate budgetary provision to undertake the one off works associated with bringing the churchyard up to an acceptable standard and for the ongoing maintenance regime each year. The estimated costs were £10,000 and £3,500 respectively.

12. End of Year Performance Report

Consideration was given to the Report of the Chief Executive (Item 12.1 – 12.67 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The performance information and the case studies relating to PDPs as detailed at Appendices 1-8 to the report be noted.
- (B) The actions and indicators which are rated Red or Amber be noted, and the remedial action or rescheduled delivery stated to address performance be confirmed.

Reasons for Decisions

Information for performance actions, indicators and case studies 2013/14 was included for relevant items in Appendices 1 to 8 to the report. The overall rankings for each Portfolio area, as detailed in Section 5 of the report, indicated that 74.3% of targets had been achieved during 2013/14. The recommendations reflected that the performance and any subsequent rescheduling be noted.

13. Representatives on Outside Bodies, 2014-15

Consideration was given to the Report of the Chief Executive (Item 13.1 – 13.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The appointment of representatives to outside bodies for 2014-15 be approved in accordance with the schedule attached as Appendix 1 to the report.
- (B) The Chief Executive, in consultation with the Leader of the Council, be authorised to make appointments to any additional outside bodies, as

necessary, throughout the Municipal year that would otherwise be determined by Cabinet.

Reasons for Decisions

Cabinet is annually required to appoint representatives to a number of outside bodies as detailed in the schedule at Appendix 1 to the report.

For practical purposes, i.e. to avoid the need to report the matter to Cabinet on every occasion, Cabinet was also requested to confirm the Chief Executive's authority, in consultation with the Leader of the Council, to make appointments to any additional outside bodies, as necessary, throughout the Municipal year.

14. Update on Partnership Activity

Consideration was given to the Report of the Chief Executive (Item 14.1 – 14.20 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The update on Partnership Delivery Plans be noted.
- (B) No specific areas of interest for future reports were identified at that time.

Reasons for Decisions

At the meeting of Cabinet on 21 June, 2012, the regular Partnership Update report was noted and it was resolved that, in future, an Update would be required on a quarterly basis following the LSP Strategic Board meeting cycle.

The report provided an update on the key areas of focus for the Chase Community Partnership since the last report to Cabinet, together with detailed information and case studies on specific initiatives.

The LSP had adopted its own governance structure and Terms of Reference, and, therefore, the quarterly update reports were intended to provide a summary of Partnership work for information. Any particular areas of interest to Cabinet could be reported in more detail in future Partnership Update reports, hence the recommendation that Cabinet identify specific areas of interest in respect of Partnership working.

While no specific areas of interest were identified, Cabinet expressed concern at the cuts in funding to Youth Services and associated activities, including youth clubs.

15. Final Accounts 2013/14

Consideration was given to the Report of the Head of Finance (Item 15.1 – 15.29 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The final accounts position for the year ending 31 March, 2014 be noted.
- (B) The financing of the capital programme as outlined in the report be approved.

Reasons for Decisions

The final accounts for 2013/14 showed a transfer to Working Balances of £432,000 as compared to a forecast transfer of £192,000; an increase of £240,000.

The majority of the outturn variances, including income variations were identified as part of the 2014/15 budget process and now formed part of the current year's budgets.

Planning Income was some £185,000 down on original budget and some £125,000 below the forecast outturn. A number of favourable variances offset the shortfall.

The outturn also reflected the draft position on Business Rates retention and incorporated a 25% share of pooled income with the Greater Birmingham and Solihull Business Rates pool.

16. Housing Revenue Account Provisional Outturn 2013-14

Consideration was given to the Report of the Head of Housing and Waste Management (Item 16.1 – 16.8 of the Official Minutes of the Council).

RESOLVED:

That the provisional outturn for the 2013-14 Housing Revenue Account Budget is noted.

Reasons for Decisions

The report presented the provisional outturn for the 2013-14 Housing Revenue Account Budget, as set out in Appendix 1 to the report.

Income at 31 March 2014 was £19,975,128 compared to the revised budget position of £19,261,890 reported to Council on 13 February 2013. The £713,238 increase related primarily to the generation of additional rent income as a result of an additional rent week during the year and lower than forecast current rent arrears.

Expenditure at 31 March 2014 was £19,686,178 compared to the original budget position of £19,243,230 reported to Council on 13 February 2013. The increase in expenditure related to an increased Revenue Contribution to Capital Outlay in accordance with the revised HRA Business Plan, offset by a surplus in respect of the Housing Maintenance Trading Account and budget savings in supervision and management, the provision for bad debts and capital financing.

As a result of the changes, the net surplus of £18,660 (as reported to Council on

13 February, 2013) had changed to a net surplus of £288,950.

Working balances at 31 March 2014 are now £2.795 million compared to the £1.506 million reported to Council on 13 February, 2013.

17. Housing Revenue Account Capital Programmes 2013-14 and 2014-15

Consideration was given to the Report of the Head of Housing and Waste Management (Item 17.1 – 17.22 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The position with regard to actual expenditure in respect of the 2013-14 HRA Capital Programme be noted and approval be given to incur £125,488 of additional scheme costs met through the virement of existing resources in respect of the following schemes:-
- | | | | |
|-------|---|---|---------|
| (i) | Kitchen Replacement | - | £6,698 |
| (ii) | Structural Reinstatement of PRC Dwellings | - | £70,015 |
| (iii) | Redesign of Communal Entrance Halls | - | £17,772 |
| (iv) | Asbestos Testing and Removal | - | £31,003 |
- (B) The reprogramming/slippage of £319,462 of expenditure from the 2013-14 HRA Capital Programme to the 2014-15 HRA Capital Programme, as agreed by the Head of Housing and Waste Management, for the reasons detailed in Appendix 3 to the report be noted.
- (C) The £167,687 of expenditure which had been brought forward from the 2014-15 HRA Capital Programme, to the 2013-14 HRA Capital Programme, as agreed by the Head of Housing and Waste Management for the reason detailed in Appendix 3 to the report be noted.
- (D) The availability and use of resources in financing the 2013-14 HRA Capital Programme be noted including the £3,875,138 of resources carried forward to 2014-15.
- (E) The current position with regard to estimated expenditure in respect of the 2014-15 HRA Capital Programme be noted and approval be given to incur £96,500 of additional scheme costs met through the virement of existing resources in respect of the following schemes:-
- | | | | |
|------|---|---|---------|
| (i) | Structural Reinstatement of PRC Dwellings | - | £60,000 |
| (ii) | Central Heating Programme | - | £36,500 |
- (F) The current position regarding the estimated availability of capital resources in 2014-15 be noted.

Reasons for Decisions

The report presented the outturn expenditure and use of resources in respect of

the 2013-14 HRA Capital Programme, and reviewed the 2014-15 HRA Capital Programme in the light of the outturn expenditure and use of resources for 2013-14.

Details of the outturn expenditure for 2013-14 were presented as part of Appendix 1 to the report. Actual expenditure at 31 March, 2014 was £12,581,009 compared to the revised estimate of £12,800,800 reported to Cabinet on 30 January, 2014. The reasons for this decrease of £219,791 were detailed in Appendix 3.

Details of the outturn resources for 2013-14 were presented as part of Appendix 2. A total of £16,456,147 was available at 31 March, 2014 compared to £16,729,824 reported to Cabinet on 30 January, 2014. The reasons for this decrease of £273,677 were detailed in Appendix 4.

A total of £3,875,138 of capital resources were available after financing the 2013-14 HRA Capital Programme. This compared to £3,929,024 reported to Cabinet on 30 January, 2014, a decrease of £53,886. A total of £3,875,138 of unused resources had therefore been carried forward to 2014-15.

Expenditure in respect of the 2014-15 HRA Capital Programme was now estimated to be £13,544,290. This compared to £12,966,000 when Council determined the programme on 12 February, 2014. The reasons for this increase of £578,290 were detailed in Appendix 5 and included £96,500 of additional expenditure for which approval was sought.

Estimated available resources in 2014-15 were now forecast to be £16,923,658. This compared to £16,546,024 when Council determined the programme on 12 February, 2014. The reasons for this increase of £377,634 were detailed in Appendix 6.

Following the financing of the estimated 2014-15 HRA Capital Programme, £3,379,368 of resources were anticipated to be available and if not required during 2014-15 would be carried forward to 2015-16.

18. Moss Road Estate Reema Flats Redevelopment

Consideration was given to the Report of the Head of Housing and Waste Management (Item 18.1 – 18.12 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Scheme approval and permission to spend for the Moss Road Estate Reema Flats Redevelopment Scheme be agreed.
- (B) Provision of a community centre is not progressed as part of the agreed Scheme.

Reasons for Decisions

The proposed scheme would be undertaken in partnership with Keepmoat

Homes Limited and would result in the demolition of 170 defective Reema flats and their replacement with a mixed tenure scheme of 141 houses for rent; this includes 65 Council rented dwellings.

Details of the scheme were set out in section 5 of the report and was in accordance with the agreed development brief. However, 20 houses for shared ownership and 15 houses for outright sale had been substituted with 35 houses for shared equity. A small variation had also been made to the size mix of the 65 Council houses, with the two 4/5 bedroom (8 person) houses being substituted with two further 3 bedroom (5 person) houses. The reasons for the changes were also set out in section 5.

A request had also been received from the Spectrum Residents Association for the provision of a community centre within the scheme. This did not form part of the agreed development brief and would have a significant impact on the proposed scheme, necessitating the loss of at least four houses and an additional estimated cost of £580,000. There were also concerns regarding the running costs and the long-term sustainability of any community centre which was provided.

In view of these factors it was considered that the provision of a community centre should not be progressed as part of the scheme.

19. Repurchase of Vacant Former Council Dwellings

Consideration was given to the Report of the Head of Housing and Waste Management (Item 19.1 – 19.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The action of the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, regarding the reduction in Affordable Housing Grant for the repurchase of vacant former Council dwellings be confirmed.
- (B) The vacancy requirement in respect of the Former Council Dwellings Repurchase Programme be removed.
- (C) The Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, be authorised to determine the specific former Council dwellings for repurchase and that the terms and conditions are agreed by the Head of Economic Development.

Reasons for Decisions

The Council had an agreed programme to repurchase 10 vacant former Council houses as part of the 2013-14 and 2014-15 HRA Capital Programme.

The property repurchases were to be part funded with Affordable Grant and as a grant condition, properties must have been vacant for at least 6 months.

Difficulties had been experienced in purchasing former Council properties which

meet this criteria, with only 2 dwellings being purchased to date. It was not, therefore, considered that a further 8 purchases could be completed before 31 March, 2015 when the Empty property Affordable Grant Programme ends.

In order not to prejudice the Council's further bid for £1,472,000 of Affordable Housing Grant from 2015-18 Affordable Housing Programme, the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, had informed the HCA that the Council would only be able to purchase 5 vacant dwellings, including the 2 already bought. As a result, the potential availability of Affordable Housing Grant had reduced by £110,000 and confirmation of action was sought.

A budget of £764,000 for the purchase of vacant former Council houses remained in the 2014-15 HRA Capital Programme and of this, £698,000 was fully resourced without the need for additional Affordable Housing Grant. It was, therefore, suggested that this budget should continue to be utilised to repurchase former Council properties but that the vacant requirement be removed. The other property purchase criteria agreed by Cabinet on 25 July, 2013 would, however, continue to be applied.

The specific properties which were repurchased would continue to be determined by the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, with terms and conditions being agreed by the Head of Economic Development.

20. Council Housing Estate Car Parking Problems – Provision of Dropped Kerbs

Consideration was given to the Report of the Head of Housing and Waste Management (Item 20.1 – 20.29 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) A 'dropped kerb scheme' be introduced whereby the Council funds the provision of a dropped kerb in respect of dwellings in its ownership subject to:-
 - (i) The proposed access meeting the highway requirements of Staffordshire County Council as set out in Appendix 1 of the report.
 - (ii) The tenant providing at their own expense access through the front garden boundary (where required) and a hard-standing in accordance with one of the Council's specifications attached as Appendix 2.
- (B) £100,000 of the agreed 2015-16 HRA Capital Programme budget for 'future enhancements' be brought forward to the 2014-15 HRA Capital Programme to fund the 'dropped kerb scheme'
- (C) Scheme approval and permission to spend in relation to the 'dropped kerb scheme' be agreed.

Reasons for Decisions

Car parking problems were an issue on a number of the Council's housing estates. Works to address problems on certain estates through communal parking were being undertaken through the External and Environmental Works Programme but in some areas the issues could only be resolved through the provision of individual parking spaces within the dwelling curtilage.

Other budget priorities had, however, limited the provision of individual parking spaces to properties which were included in the County Council's Minor Highway Works Programme.

It was, therefore, suggested that the Council re-introduce a 'dropped kerb scheme' whereby, provided that access met the highway requirements (Appendix 1 to the report), the Council fund a dropped kerb (and crossover where required), subject to the tenant providing an appropriate hard-standing (as set out in Appendix 2) and access through the front garden boundary (where required) at their expense.

Whilst there was no agreed 2014-15 HRA Capital Programme budget for this work, it was suggested that £100,000 of the agreed 2015-16 Capital Programme budget for 'future enhancements' be brought forward to fund a 'dropped kerb scheme' during the current year.

21. Provision of Photovoltaic Panels to Council Owned Bungalows

Consideration was given to the Report of the Head of Housing and Waste Management (Item 21.1 – 21.4 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The scheme to provide photovoltaic panels to Council owned bungalows be undertaken by "Chase Community Energy".
- (B) A compensation formula to address the loss of income if photovoltaic panels are removed as a result of Right to Buy purchases is included in the lease.

Reasons for Decisions

Two issues had arisen regarding the preparation of the "roof lease" for the provision of photovoltaic panels to additional Council owned bungalows.

Staffordshire Community Energy now wished to establish an identical community benefit society "Chase Community Energy" to deliver the scheme, as this would enable investors to obtain 50% tax relief under the "Seed Enterprise Investment Scheme". The proposed amendment had no implications other than a change in name.

Any bungalow sales under the Right to Buy (RTB) could not be conditional upon

the photovoltaic panels remaining on the property. A tenant exercising the RTB could therefore require the panels to be removed.

Whilst the risk of this was small it would be necessary to compensate "Chase Community Energy" for the loss of income should it occur. A compensation formula was proposed whereby the panels on a bungalow would lose 1/20th of their estimated £4,000 value each year and it was suggested that this should form part of the roof lease.

The costs of any compensation would be met from the capital receipts from the bungalow sale.

22. Sustainable Communities Act – Request to Support

Consideration was given to the Report of the Head of Housing and Waste Management (Item 22.1 – 22.5 of the Official Minutes of the Council).

RESOLVED:

That the proposal from Durham County Council to amend the implementation of the social sector size criteria which they had submitted to the Government under the Sustainable Communities Act be supported.

Reasons for Decisions

Durham County Council had requested the Council's support for a proposal they had submitted under the Sustainable Communities Act. A copy of the letter sent on their behalf was attached as Appendix 1 to the report.

The proposal sought to amend the implementation of the social sector size criteria (termed the "under-occupation penalty in the letter) by allowing social housing providers and tenants time to respond to the changes in housing benefit.

Specifically, the proposal stated that:-

"For a period of two years, where suitable accommodation is not available tenants liable to the under-occupation penalty should be exempted, until suitable accommodation can be found for them, in order to allow registered providers time to implement adjustments and strategies necessary to find/create accommodation."

Details of the measures adopted by the Council to mitigate the effects of the social sector size criteria were outlined in Section 5 of the report.

23. Enforcement Action for Spitting

Consideration was given to the Report of the Head of Environmental Health (Item 23.1 – 23.4 of the Official Minutes of the Council).

RESOLVED:

That the Council should take action against spitting in public places; and that this should be implemented by way of the provisions of the Environmental Protection

Act 1990.

Reasons for Decisions

Historically, spitting had aided the spread of infectious diseases, notably tuberculosis (TB). In more recent times, with improved hygiene and living standards, and routine immunisation, the public health significance had diminished.

Those Councils that had taken a stand on the issue of spitting appeared to have received considerable public support. Spitting in public places was generally regarded as a repulsive anti-social habit.

There was no specific legislation prohibiting spitting in public places. The original ban on spitting in the UK which carried a £5 fine was repealed in 1992. Recently a few local authorities had been tackling spitting using either the litter provisions in the Environmental Protection Act 1990, or by making local byelaws. There appeared to be very little established case law.

24. Trial Street Market in Cannock Town Centre

Consideration was given to the Report of the Corporate Director (Item 24.1 – 24.36 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Having reviewed the information provided concerning the street market trial, Option 2 - continue with a weekly street market – was the preferred option.
- (B) The Corporate Director, in consultation with the Portfolio Leader for Town Centre Regeneration, be authorised to:
 - (i) Agree terms for and undertake a competitive exercise to appoint a market operator, and;
 - (ii) Agree arrangements to extend the existing street market trial in Cannock Town Centre until a competitive exercise has been completed and a street market operator appointed.
- (C) The Corporate Director be authorised to commission a report on potential actions to support Cannock Indoor Market in consultation with the indoor market traders.
- (D) A budget of around £15,000 be made available from existing resources to implement the above resolutions.

Reasons for Decisions

Bescot Promotions, who operate markets in Walsall, Wednesbury and Halesowen had been operating a weekly street market in Cannock Town Centre on a trial basis since the end of November, 2013. The trial, endorsed by Cabinet

on 19 December, 2013, was considered worthy of support in the hope that the introduction of a well run street market would add vibrancy and value to the Town Centre. The aim was to complement existing retail activities within the Town Centre and to increase footfall for the benefit of all Town Centre businesses. At the end of the trial the market was to be assessed to judge whether or not it had achieved the aims of making the town centre more attractive to shoppers.

The street market trial had been in operation for a period of 7 months. Section 5 of the report evaluated the trial through the views of Cannock indoor market traders; the Retail Group who were commissioned to undertake an independent review of the impact of the street market on the town centre; Bescot Promotions; and other stakeholders and members of the public. The report also considered car park ticket sales data from the Beecroft Road car park, and footfall data from Market Hall Street to assess the impact on visitors to the town centre.

In resolving to continue with the weekly street market Cabinet took into consideration the following:

- The Council commissioned an independent assessment of the impact of the street market from a consultancy expert in markets. They undertook shopper and retailer surveys and provided their own opinion of the street market. The surveys showed that shoppers overwhelmingly support the street market with 84% saying that they would like the street market to stay.
- From the retailer survey, the views of retailers in the town was more mixed but on balance they saw the street market as a benefit.
- The conclusions of the independent assessment were summed up in their comment that the Friday street market was an asset for Cannock town centre. Customers liked it, they used it regularly, and were coming into Cannock because of it.
- It was acknowledged that the street market was having a negative impact on the indoor market, but the response to this should not be to close something which shoppers liked. Cabinet agreed that funding should be provided to report on how the indoor market could be made more attractive to shoppers and how it could be better integrated with the street market.
- Cabinet considered option 3 to run the street market less frequently as a way of reducing its impact on existing traders. However, Cabinet agreed with the independent assessors that a less frequent street market would be a different type of market and this risked losing the momentum and vitality which the weekly street market had achieved.
- Cabinet agreed that the opportunity to run the street market should be opened up to competition. This would provide the opportunity to press operators to provide a quality looking market which brought more food, specialist and craft traders into the town which would assist in reducing competition with existing retailers and traders.

- In the interim, Cabinet agreed that the existing market should continue in order not to lose the benefits which a street market brought to the town centre.

25. Draft Community Infrastructure Levy Charging Schedule and a Draft Developer Contributions Supplementary Planning Document

Consideration was given to the Report of the Head of Economic Development (Item 25.1 – 25.59 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The proposed charging rates, as detailed in paragraph 3.7 of the report, be published as a draft Community Infrastructure Levy (CIL) charging schedule for consultation purposes together with the draft list of infrastructure projects (Regulation 123 list) at Appendix A of the report, which it is intended be funded in whole or in part from CIL receipts in the first year of operation of CIL charging.
- (B) The draft Developer Contributions Supplementary Planning Document (SPD), detailed at Appendix B to the report, be published for consultation purposes to be carried out in parallel with the CIL consultation.
- (C) The Head of Economic Development, in consultation with the Economic Development and Planning Portfolio Leader, be authorised to make minor amendments to Appendices A (CIL Draft Regulation 123 List of Projects) and B (Developer Contributions SPD) if required, prior to their publication for consultation and approve details of the consultation generally in accordance with section 5 of the report.
- (D) The Economic Development and Planning Portfolio Leader be authorised to consider the results of the consultation on the Draft Charging Schedule and Regulation 123 List of infrastructure projects and, subject to there being no significant issues requiring re-assessment of the proposals, that they be taken forward to examination.
- (E) A further report be submitted to Cabinet setting out the responses to consultation on the SPD and proposals for its adoption along with the outcome of the CIL examination.

Reasons for Decisions

The Community Infrastructure Levy (CIL) was introduced by Government in 2010 as a means for Local Planning Authorities (LPAs) to fund infrastructure required to support development proposed in a Local Plan. It was seen as a fairer way of obtaining funding than the previous system, which involved greater reliance on individual planning obligations (Section 106 agreements or unilateral undertakings), predominantly from a few major developments, with many smaller schemes making no direct contribution to the funding of infrastructure. Most new development relied on infrastructure in some form or other, even if this was needed because of the cumulative impact of a large number of small

developments.

At its meeting on 21 November, 2013, Cabinet agreed to consult on proposals for a Preliminary Draft Charging Schedule. A summary of the consultation responses was set out at Appendix C to the report. The implications for proposed amendments to the Draft Charging Schedule were explained in paragraphs 5.9 to 5.11 of the report. The one proposed change to the Draft Charging Schedule was the recommendation not to levy a charge for specialist market housing complexes for the elderly.

In order to introduce CIL within the District the following key requirements needed to be met:

- There must be an up-to-date Local Plan to set the policy context for the proposed charges. The Local Plan Part 1 2006/2028 was adopted by Council on 11 June, 2014.
- There must be evidence from the Infrastructure Delivery Plan (IDP), which accompanied the Local Plan, that there was a need for some funding to be provided from CIL, having taken into account all other funding sources including S106 agreements, agreements under S278 of the Highways Act, service providers own funds, grants and loans from Government or European funding. The current evidence on the extent of the funding gap was that it amounted to over £10 million.
- The Regulations specified that in setting levy rates charging authorities “must strike an appropriate balance between” the desirability of funding infrastructure from CIL and “the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area”. The viability evidence described in paragraphs 5.5 - 5.8 of the report provided the basis for meeting this requirement.

The latest version of the IDP (May 2014) identified which projects may require funding from CIL. This had been used to compile a draft list of projects in liaison with Staffordshire County Council (education and transport) known as a Regulation 123 list which was set out at Appendix A to the report.

The consultation also included proposals for relief from charges where infrastructure costs incurred via planning obligations when added to CIL charges could make development unviable and proposals for payments by instalments set out in paragraphs 5.22 and 5.24 of the report.

Finally the introduction of CIL would mean making changes to the policies on the circumstances when S106 agreements were negotiated. As indicated in the Local Plan a revised Developer Contributions SPD had been produced for consultation to set out these changes to S106 agreements. This included policy elaboration on the process for delivering affordable housing via S106 agreements in addition to infrastructure also as indicated in the Local Plan.

26. Removal of Supporting People Grant by Staffordshire County Council

Consideration was given to the Report of the Corporate Director (Item 26.1 –

26.12 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The decision by Staffordshire County Council to remove £300,000 Supporting People grant funding from Cannock Chase Council for Social Alarms and Sheltered Housing support services as a result of the implementation of their Medium Term Financial Plan be noted.
- (B) Concern about the absence of any public consultation by Staffordshire County Council with tenants / clients who may be affected by the withdrawal or reduction of these grants be formally expressed.
- (C) The introduction of a service charge for all Council sheltered housing tenants from 1 April 2015 as an alternative way of funding the existing level of support services when the Supporting People grant is removed from 1 April 2015 be approved.
- (D) The Council should continue to provide a free service but at a reduced cost (Option 2) when the Supporting People grant was removed from 1 October, 2014.
- (E) Consequently, Council should be recommended to:
 - (i) Approve bridging funding of £107,000 to maintain the service from 1 October 2014 to 31 March 2015 funded from HRA Revenue Account working balances.
 - (ii) Approve the criteria set out in Appendix 1 and the associated funding requirement of up to £117,234 for the provision of a free social alarm service for up to 1,350 vulnerable Council tenants from 1 April 2015.
 - (iii) Approve the programme to replace existing hard wired alarm systems with dispersed alarms funded from the HRA capital allocation of £120,000 brought forward from 2015/16 financial year into the current financial year.
- (F) Subject to Council approval of (E) (i) to (iii), then:
 - (i) Permission to Spend be approved for the scheme.
 - (ii) An increase in the charges levied for out of hours call handling and lone worker arrangements for other organisations be approved.
 - (iii) Selection of a partner via a tender for the provision of the social alarms and out of hours service be approved from 2015/16 financial year.
 - (iv) Authority be delegated to the Corporate Director to take such actions as may be necessary to implement the agreed option.

Reasons for Decisions

Staffordshire County Council had funded a range of services for vulnerable individuals across Staffordshire. The Council had three contracts with Staffordshire County Council to deliver supported housing services in respect of

sheltered housing (c£90,000) and community alarms (c£214,000) as well as a contract to accept tele-care referrals handled by the social alarms service. There were a range of other voluntary sector providers in Cannock Chase who were funded in similar way for providing mental health services, domestic violence and elderly support.

In December, 2013, Staffordshire County Council approved their Medium Term Financial Plan which included a reduction in the Supporting People budget of £11m by £4m in 2014/15 and a further £2m in 2015/16. The County Council no longer received a ring fenced grant for Supporting People – instead, it was included in the overall revenue allocation received from central government.

The County Council conducted a review of the services funded by what were known as Supporting People grants and had come to a number of conclusions about services which would result in the withdrawal or reduction of existing levels of funding. The County Council confirmed that they did not intend to conduct any public consultation on these issues.

The recommendations in the report were in response to confirmation by Staffordshire County Council that 100% of the grant funding for social alarms would be removed as at 30 September 2014 (£214,000 p.a.) and 100% of the grant funding for sheltered housing support (£90,000 p.a.) would be removed by 31 March 2015. Other service providers in Cannock Chase affected by these County Council decisions were also identified.

27. Removal and Replacement of Bus Shelters in the District

Consideration was given to the Report of the Corporate Director (Item 27.1 – 27.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The list of bus shelter improvements identified in Appendix 1 from the General Fund Reserve for bus shelters in 2014/15 be approved.
- (B) Permission to spend the capital funds of £24,000 be approved and Officers be authorised to take all appropriate actions to implement these decisions.
- (C) The use of underspends from the Town Centre Improvement Fund allocations to meet the cost of £5,600 to rectify safety issues with the surface of Cannock bus station be approved.

Reasons for Decisions

Cabinet on 16 October, 2008 previously determined policy on the maintenance of bus shelters which were the responsibility of Cannock Chase Council.

The Cabinet minute from the meeting confirmed that “the 18 Council owned bus shelters at the bus stations in Cannock, Hednesford and Rugeley be maintained; that the remaining Council owned bus shelters across the District be no longer repaired or maintained and be removed without replacement if they present a

health and safety hazard to the public". Maintenance budgets were adjusted accordingly based on this policy decision.

Consequently, some improvements had been made to certain bus shelters in the District as a result of specific funding but there were a number of other bus shelters that were now posing safety issues due to a lack of maintenance in the past 5.5 years, which needed to be addressed.

28. Exclusion of the Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph(s) 1, 2 and 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY, 17 JULY, 2014 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

29. Housing Revenue Account Borrowing Programme

Consideration was given to the Not for Publication Report of the Head of Housing and Waste Management (Item 29.1 – 29.8 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The action of the Head of Housing and Waste Management, following consultation with the Head of Finance and the Housing Portfolio Leader, regarding a bid to the Department for Communities and Local Government for £2,810,000 of additional borrowing approval to provide 30 additional Council dwellings, in accordance with the schedule of sites attached as Appendix 1 to the report, be confirmed.
- (B) The potential use of £300,000 of agreed uncommitted resources to support the bid be noted.
- (C) A further report be submitted on the proposed schemes if the Council's bid is successful.

Reasons for Decisions

The Department for Communities and Local Government (DCLG) invited bids from local authorities to increase their Housing Revenue Account (HRA) borrowing limits in order to provide additional affordable housing.

The Council had an HRA borrowing cap of £85.029 million. Whilst borrowing to this maximum formed part of the agreed HRA Business Plan, there was revenue capacity to increase the amount subject to the Government increasing the existing cap.

The HRA Borrowing Programme therefore provided the opportunity to increase the Council's new build programme. However, bids needed to be submitted by 16 June 2014 and as a result it was not possible for a proposed bid to be considered by Council.

A bid for £2,810,000 of additional borrowing approval had therefore been

submitted by the Head of Housing and Waste Management following consultation with the Head of Finance and the Housing Portfolio Leader. Confirmation of action was, therefore, sought.

The bid related to the provision of 30 additional Council dwellings on three sites as set out in Appendix 1 to the report.

The DCLG bidding guidance expected local authorities to contribute existing resources to reduce their HRA borrowing request. In order to increase the prospects of success, £300,000 of Council resources had, therefore, been provisionally allocated to the three schemes. Cabinet were, therefore, asked to note the potential use of these uncommitted resources.

The additional borrowing approvals formed part of the Local Growth Fund and bids required the support of the Local Enterprise Partnership. The Council's bid was supported by the Greater Birmingham and Solihull LEP.

Should the Council's bid be successful, a further report would be submitted regarding the development of the proposed schemes.

The meeting closed at 5.50 pm

LEADER