

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY, 20 MARCH, 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

138. Apologies

None.

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

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

140. Updates from Portfolio Leaders

Culture and Sport

Hednesford Park – Heritage Lottery Funded Works

The Portfolio Leader advised that work continued on Hednesford Park with some tree works and planting being carried out before the next phase of the construction works starts. Structural surveys had been undertaken on the pavilion, and tenders received from Architects to complete the detailed design and specification for the building works, which were anticipated to start during the first half of next financial year.

A communication event was being held that day (20 March, 2014) between 11.00 am and 8.00 pm, which included the proposals and a virtual walk through

of the site showing the proposed works, together with pictures of before and after as well as details about the trees on site. Information could also be accessed from the Council's website at:

http://www.cannockchasedc.gov.uk/info/200073/parks_and_open_spaces/1352/hednesford_park_and_memorial/4

Hednesford Park – Signal Box

The Portfolio Leader reported that the Signal Box was now in situ in Hednesford Park. The move took place during the early hours of Sunday, 16 February and thanks were given to the Parks and Open Spaces Team, together with Network Rail and their contractors who had worked through the night and over the weekend to safely move the structure. The next phase of the works to repair the building (new windows) would start in the coming months, after which the building it would be used as a base for local events in the park and as a classroom for educational purposes.

Museum of Cannock Chase – Heritage Lottery Funded Works

The Portfolio Leader advised that work on the new interactive mining gallery which had started in December had an anticipated completion date of the end of March / early April and an Easter opening.

Stadium

The Portfolio Leader advised that work was being finalised on 3 costed design options for the Stadium site based on the previous consultation undertaken and discussions with Members of Cabinet held during October last year. Options would be presented to the Cabinet in early April.

Housing

Moss Road Estate Reema Flats Redevelopment Scheme

The Portfolio Leader advised that Keepmoat Homes had been selected as the Council's development partner for the Moss Road Estate Reema Flats Redevelopment Scheme. Details of the proposed scheme would be submitted for consideration by Cabinet on 10 July 2014, when scheme approval would be sought.

The Portfolio Leader referred to the Leader's budget speech, when he had stated that a highlight of 2014-15 would be the start of building the first new Council houses in Cannock Chase for over 25 years.

Changes to the Right to Buy

The Portfolio Leader advised that the Government had announced their intention to make changes to the Right to Buy (RTB) Scheme. As a result, the maximum RTB percentage discount for houses was to be increased from 60% to 70%, in line with the maximum discount for flats. No changes were proposed in relation

to the minimum discount which remained at 35% after five years tenancy and the 1% rate of increase in subsequent years. The maximum discount cap of £75,000 would also be increased in accordance with the Consumer Price index.

The changes were expected to come into effect by May 2014, subject to Parliamentary approval. Tenants would be advised of the changes in a future edition of Hometalk.

Deputy Leader and Crime and Partnerships

"Lifting the Lid on Partnerships"

The Portfolio Leader advised that a Partnership Multi-Agency Event was being held in the Civic Centre Ballroom on Friday, 21 March, 2014, to provide an opportunity to celebrate successful partnership work during 2013/14 within the District and recognise the hard work and commitment of practitioners and 'front line' staff within partner organisations which made that success possible. The event would also provide an opportunity to engage with a broader audience of interested stakeholders to gain further insight into the work of the LSP locally and identify opportunities to further improve partnership working within Cannock Chase.

141. Minutes of Cabinet Meeting of 30 January, 2014

RESOLVED:

That the Minutes of the meeting held on 30 January, 2014 be approved as a correct record and signed.

142. Forward Plan

The Forward Plan of Decisions for the period March to May, 2014 (Item 5.1 – 5.2 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period March to May, 2014 be noted.

143. 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) Environment – 24 October, 2013
- (ii) Town Centre Regeneration – 3 December, 2013

Recommendation from the Environment Policy Development Committee of 22 January, 2014

Consideration was given to the recommendation received from the Environment Policy Development Committee held on 22 January, 2014, in respect of:

Refresh of the Joint Municipal Waste Management Strategy

“That Cabinet, at its meeting to be held on 20 March 2014, is recommended to approve the refresh of the Joint Municipal Waste Management Strategy (2007-2020).”

RESOLVED:

That the refresh of the Joint Municipal Waste Management Strategy (2007-2020) be approved.

144. Performance Review of Staffordshire South West Citizens’ Advice Bureau – 1 April, 2013 to 31 December, 2013

Consideration was given to the Report of the Head of Commissioning (item 7.1 – 7.8, plus Appendices)

RESOLVED:

That the Staffordshire South West Citizens’ Advice Bureau (SSWAB) performance in providing advice in line with the Service Level Agreement for the period 1 April, 2013 to 31 December, 2013, be noted.

Reasons for Decisions

The performance review was an integral part of the Council’s monitoring arrangements with SSWCAB, enabling the Council to review the Bureau’s performance against performance measures/indicators as set out in the Service Level Agreement.

Appendix 1 to the report provided a summary of SSWCAB’s performance for the period 1 April, 2013 to 31 December, 2013 in respect of the Service Level Agreement.

During the period there had been a number of key highlights:-

- The Bureau delivered its advice service from 2 main offices and dealt with over 17,000 contacts and over 11,000 issues from clients requiring advice and assistance;
- Clients benefited from over £1.5 million in financial gain as a result of the Bureau’s involvement in their case;
- Only 1 formal complaint has been received;
- The Bureau provided its advice services with the help and assistance of 29

staff and up to 47 volunteers; and

- In July, 2013 the Bureau had installed a new case recording system, and performance information was now being produced on a ward basis.

However, the aim of the report was to present a balanced picture of achievements and performance, including where performance needed to be improved.

145. Mandatory and Discretionary Rate Relief Policy from 2014

Consideration was given to the Report of the Head of Finance (Item 8.1 – 8.9 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The contents of the report be noted.
- (B) The decision of the Head of Finance, in consultation with the Leader of the Council, to approve the addendum to the Mandatory and Discretionary Rate Relief Policy, given at Appendix A to the report, to be applied with effect from 1 April 2014, be confirmed.
- (C) Subject to there being no additional policy changes or cost implications arising from Government prescribed and funded “Discretionary Relief”, the Head of Finance, in Consultation with the Leader of the Council, be authorised to amend the policy and put in place arrangements to award discretionary rate relief as soon as practically possible.
- (D) The matter be exempt from the call-in process as a result of the timescales involved.

Reasons for Decisions

On 21 November, 2013, Cabinet approved the Mandatory and Discretionary Rate Relief Policy, to be effective from 1 April, 2014. Since that time, new forms of discretionary rate relief had been prescribed by Government. The first of these was announced in the Chancellor’s Autumn Statement and had since been confirmed by the Department for Communities and Local Government. The most recent was announced on 17 February, 2014 and had yet to be confirmed.

Relief under the new schemes would attract full Government funding for the two years from 1 April, 2014 to 31 March, 2016. In order to implement the scheme with effect from 1 April, 2014 or as soon as practically possible thereafter, the Leader of the Council approved the addendum to the Mandatory and Discretionary Rate Relief Policy on the 28 February, 2014.

146. Discretionary Housing Payments

Consideration was given to the Report of the Head of Finance (Item 9.1 – 9.14 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The content of the report be noted.
- (B) The decision of Head of Finance, in conjunction with the Leader of Council, that tenants affected by the impact of Social Sector Size, who are actively seeking a transfer to a compliant property, be given DHP payment equivalent to the restriction in their Housing Benefit, from 1 April 2013, be confirmed.
- (C) The decision of the Head of Finance, in conjunction with the Leader of Council to adopt the Discretionary Housing Payment Policy, given at Appendix A to the report, with effect from 1 April 2014, be confirmed.
- (D) Subject to there being no additional policy changes or cost implications arising from Government funding of Discretionary Housing Payments, the Head of Finance in consultation with the Leader of the Council, will amend this policy as necessary, from time to time, to ensure that Discretionary Housing Payments are made in appropriate circumstances, as soon as practically possible.
- (E) The matter be exempt from the call-in process as a result of the timescales involved.

Reasons for Decisions

The social sector size criteria was implemented on 1 April, 2013 and has adversely impacted on current rent arrears, transfer and mutual exchange requests and the number of void properties.

At its inception date of 1 April, some 723 claimants were affected by the Housing Benefit restrictions. The figure reduced to 532 over the course of the financial year and continued to reduce as officers of the Housing Department and Benefit Section worked with local residents.

On 19 September, 2013 Cabinet agreed amendments to the Housing Allocation Policy to permit social housing tenants with arrears to move to smaller accommodation through a transfer or mutual exchange with arrears, so as to avoid the “catch 22” situation whereby they could not afford their rent payments but were prohibited from moving.

At the same time, the Council’s DHP Policy was amended to facilitate a “passporting” of DHP payments, equivalent to the amount of the rent restriction

from 7 October, 2013 to 31 March, 2014, to tenants affected by the restrictions and actively seeking a transfer or mutual exchange.

Based on the best information available at that time, it was expected that the proposed extension to the DHP Policy could not have been accommodated within the Government Allocation of £114,555 and so Council was asked to approve a supplementary estimate in order to increase the 2013-14 amount available for DHPs to the Government set ceiling of £286,388.

Extensive work was carried out by the Housing Department and the Benefit Section to engage with all affected tenants with a view to inviting applications for transfer or mutual exchange. As a consequence, 94 tenants had secured moves to smaller accommodation and 89 awaited appropriate offers.

Following individual discussions with affected tenants, fewer than expected had elected to request moves. DHP, resulting from size criteria restrictions, had been paid to 68 Council Tenants, of which 30 were a direct result of the passporting. 3 housing association tenants had also benefited.

147. Review of Allocations Policy

Consideration was given to the Report of the Head of Housing and Waste Management (Item 10.1 – 10.14 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The proposed amendments to the Council's Allocations Policy, as set out in Appendix 2 to the report, be agreed and implemented from 14 April, 2014.
- (B) The action of the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, in extending the property eligibility criteria in respect of a three bedroom house in Broomhill be confirmed.
- (C) Further consideration be given to the following issues as part of a further review of the Council's Allocations Policy:-
 - (i) Local association criteria in relation to households who wish to move to the District for employment reasons.
 - (ii) The property eligibility criteria for three bedroom properties.

Reasons for Decisions

Revised statutory Social Housing Guidance was issued by the Department for Communities and Local Government regarding qualification for the Housing Register. The Council was required to take account of this guidance within its Allocations Policy.

The Council's agreed eligibility criteria for the Housing Register (as set out in Appendix 1 to the report) had, therefore, been reviewed in the light of the revised statutory guidance. As a result, it was proposed that:-

- (i) A 12 month continuous residency requirement be introduced as part of the eligibility criteria for the Housing Register.
- (ii) The residency requirement be applied to all applicants with the exception of:-
 - (a) Applicants living outside the District who require sheltered accommodation and support from a close relative, provided that the relative currently lives in the District and has done so for the last 12 months.
 - (b) Armed Forces applicants who will continue to be considered in accordance with current policy.
 - (c) Existing social housing tenants who live in the Cannock Chase District.
 - (d) Homeless households who are temporarily accommodated outside the District and households who are required to "move on" from supported accommodation.

No proposed amendments had been made at this stage for applicants (including existing social housing tenants) who wished to move to the District for employment reasons. This would be considered as part of a further review of the Council's Allocations Policy, following the receipt of further statutory guidance on a proposed "Right to Move".

The Social Sector Size Criteria had reduced the demand for three bedroom houses and was being reflected in requests for houses on certain less popular estates. Further research was, however, required before any significant change was made and it was, therefore, proposed that the issue be addressed as part of the aforementioned further Allocations Policy review.

However, as an interim measure, it was suggested that the Head of Housing and Waste Management be authorised to extend the existing property eligibility criteria in respect of three bedroom properties to additional households where there have been no qualifying expressions of interest after one advertisement.

As this situation occurred with regard to a three bedroom house in Broomhill during the week commencing 17 February, 2014, the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, extended the property eligibility criteria to households who would normally be eligible for a two bedroom dwelling. Confirmation of action was, therefore, sought.

Proposed amendments to the Council's Allocations Policy were set out in Appendix 2 to the report.

148. Provision of Photovoltaic (Solar) Panels to Further Council Owned Properties

Consideration was given to the Report of the Head of Housing and Waste Management (Item 11.1 – 11.11 of the Official Minutes of the Council).

RESOLVED:

That

- (A) A scheme to provide photovoltaic panels to up to 300 Council properties, through a community share issue be undertaken by Southern Staffordshire Community Energy, in accordance with a “roof lease” scheme
- (B) Subject to the agreement of appropriate terms and conditions, the Head of Planning and Regeneration, following consultation with the Head of Housing and Waste Management, be authorised to enter into the necessary Agreements with Southern Staffordshire Community Energy.
- (C) The Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, be authorised to determine the properties included in the scheme.
- (D) A further report be received in due course regarding the evaluation of the scheme.

Reasons for Decisions

The Housing Policy Development Committee on 20 January, 2014 considered proposals from Southern Staffordshire Community Energy (SSCE) to provide Photovoltaic (PV) panels to further Council owned dwellings, through a community share issue. The Committee supported the principle of the proposed scheme and agreed that following further development, a report be submitted for consideration by Cabinet.

SSCE could potentially install PV panels to up to 300 Council properties, subject to raising the necessary capital funding through a community share issue and procuring the PV panels in the region of £2,500 per dwelling. The panels would be owned and installed by SSCE in accordance with a “roof lease” from the Council, the principles of which would be similar to those already adopted for the Norton Canes PV panel pilot scheme. Subject to the necessary approvals, the PV panels could be installed during 2014-15.

As a result of the reduction in “feed in tariffs”, the “PV energy provider market” had contracted substantially due to the “rate of return”. The rate of return required by the SSCE scheme was, however, less than that generally expected by the “PV energy provider market” and was therefore considered to be viable at current “feed in tariff” levels.

Whilst SSCE believe the scheme to be deliverable, it was, ultimately, subject both to SSCE being able to procure the panels at a sufficiently attractive rate to be viable and to being able to raise the funds through a share issue.

Tenants would benefit from up to 30% savings in their electricity costs, whilst it was also hoped to be able to establish a small “community fund” for reinvestment in other projects within the Cannock Chase area.

It was, therefore, proposed that the SSCE scheme be undertaken and that the Head of Planning and Regeneration following consultation with the Head of Housing and Waste Management, be authorised to agree terms and conditions. It was further proposed that properties be selected by the Head of Housing and Waste Management, following consultation with the housing Portfolio Leader in accordance with the selection criteria detailed within the report.

The proposed scheme would be subject to evaluation, the results of which would be the subject of a future report.

149. Berwick Drive Garage Site, Cannock

Consideration was given to the Report of the Head of Housing and Waste Management (Item 12.1 – 12.7 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The tenancies of the occupied garages at the Berwick Drive garage site, Cannock be terminated with the existing garage tenants given priority for the allocation of a garage on an alternative site.
- (B) The site (as shown on the plan attached as Appendix 1 to the report) is utilised for the provision of 5 two bedroom Council houses for social rent.
- (C) Scheme approval and permission to spend is granted for the design of a proposed scheme.
- (D) Following the completion of the design works and the receipt of planning consent, Cabinet receive a further report on a proposed new build scheme for the Berwick Drive site.

Reasons for Decisions

The agreed three year HRA Capital Programme included budgetary provision for 7 additional Council dwellings where proposals had not yet been identified. It was proposed that 5 of the dwellings should be provided (in the form of two bedroom houses) on the Council’s garage site at Berwick Drive, Cannock where 27 of the 35 garages were vacant. As a consequence, the tenancies of the 8 occupied garages would need to be terminated.

In order to progress the design of a proposed scheme, it was necessary to

appoint an architect and scheme approval and permission to spend in respect of this was requested.

Following the completion of the design work, a further report would be submitted to Cabinet regarding a detailed scheme and the programming of its implementation.

150. Cannock Chase Local Plan – Statement of Community Involvement

Consideration was given to the Report of the Head of Planning and Regeneration (Item 13.1 – 13.34 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The Statement of Community Involvement (attached as Appendix 1 to the report) be adopted.
- (B) The supporting user guide (attached as Appendix 2 to the report) be adopted.
- (C) The Head of Planning and Regeneration, in consultation with the Economic Development and Planning Portfolio Leader, be authorised to make any non-substantive changes considered necessary to the documents.

Reasons for Decisions

The Planning and Compulsory Purchase Act, 2004 requires the Council to produce a 'Statement of Community Involvement' (SCI) that set out how the Council intended to achieve continuous community involvement in the preparation of plans and decision making for planning applications. The current SCI was adopted by Cabinet in June, 2006 under the Town and Country Planning (Local Development) (England) Regulations, 2004. At that time the SCI was identified as a development plan document in the same way as the Local Plan and therefore subject to independent examination.

Amendments to the regulations in 2008 no longer identified the SCI as a development plan document, thereby removing a requirement for independent examination. It was, therefore, possible to update an SCI more easily. Whilst the process for producing an updated SCI was no longer set out by regulation it was considered good practice to hold a period of public consultation (6 weeks) on a draft SCI update prior to consideration of representations and subsequent adoption by Cabinet.

A report was presented to Cabinet on 17 January, 2013 where a six week period of public consultation was agreed for an updated draft Statement of Community Involvement. The consultation period ran concurrently with the period for the Local Plan Publication document between 14 February and 28 March, 2013. No

representations were received. The version of the SCI presented for adoption had been simplified from the draft version issued for consultation and aimed to present the specific steps that the Council would take to achieve community involvement with greater clarity. The SCI did not propose new planning policy or identify new development sites, but primarily considered how best to involve different sectors of the community in plan preparation and in determining planning applications. The SCI had been updated to reflect the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011 and the National Planning Policy Framework (NPPF) 2012.

The SCI set out how all sections of the community, from individual members of the public through to representative organisations, had better opportunities to participate in planning in the District. It dealt with community involvement in the preparation of the Local Plan and Supplementary Planning Documents (SPD) and in the determination of planning applications as well as community involvement in recently introduced planning procedures such as the community infrastructure levy (CIL) and neighbourhood planning.

151. Quarter 3 Performance Report 2013-14

Consideration was given to the Report of the Chief Executive (Item 14.1 – 14.76 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The performance information and the case studies relating to Priority Delivery Plans, as detailed in Appendices 1-8 to the report, be noted.
- (B) The actions and indicators rated Red or Amber be noted, and the remedial action or rescheduled delivery stated to address the problem be noted.
- (C) The General Fund financial performance against budget for the third quarter, detailed at Appendix 9 to the report, be noted.

Reasons for Decisions

Information for performance actions, indicators and case studies 2013/14 is included for relevant items in Appendices 1 to 8. The overall rankings for each Portfolio area are detailed in Section 5 below, indicating that 76.5% of targets have been achieved during the third quarter of 2013/14. The recommendations reflect that this performance and any subsequent rescheduling are noted.

152. Quarter 3 Performance Review of Wigan Leisure and Culture Trust 2013-14

Consideration was given to the Report of the Head of Commissioning (Item 15.1 – 15.64 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 October to 31 December, 2013 and year to date be noted.

Reasons for Decisions

The 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 third quarter of this financial year, 1 October to 31 December 2013 and year to date.

During the quarter there had been a number of key highlights as detailed in the report, and of a total of 65 performance measures and targets WLCT had met or exceeded performance in 49 (75%) of its targets; and not met target in 16 (25%), albeit that 2 (3%) were within the 5% tolerance threshold. The other 14 (22%) were considered red.

The aim of the report was also to present a balanced picture of achievements and performance against the targets set, including where performance needed to be improved, and key issues had been identified in this regard.

153. Floral Display and General Planting Schemes

Consideration was given to the Report of the Head of Commissioning (Item 16.1 – 16.8 of the Official Minutes of the Council).

RESOLVED:

That the Council should continue with the current level of floral displays and planting schemes and supplement the existing contribution from the contingency budget of £9,770 with a further £7,200 (Business Rates) by using the operational contingency budget within the Parks and Open Spaces Team. (Total Cost £16,970).

(It was noted that the reduction of the contingency budget may have a potential impact upon the operation of the Parks and Open Spaces service in the future, given that budgets were still being allocated appropriately following the previous external contractor (Fountains Plc) going into administration in January, 2012 and following Cabinet's decision on 18 April, 2013 to provide the service in-house for a period of 5 years.)

Reasons for Decisions

The Council had for a number of years operated a traffic island sponsorship scheme to raise additional income to support the provision of the existing floral displays and general planting arrangements across the district. The sponsorship

scheme had worked well in providing additional income, which after paying for the plants on specific traffic islands, contributed around £1,100 towards the cost of other floral displays across the district. The remaining cost of maintaining floral displays and general planting schemes was met from the variation order provision within the former contract and more recently from the Street Scene contingency budget.

However, the Council had been informed by the Valuation Office Agency (Executive Agency of HM Revenues and Customs) that the advertising rights in respect of the sponsored display notices were subject to the payment of Non-Domestic Rates (NDR). The Council's Local Taxation and Benefits Section would, therefore, have to issue rates bills in accordance with the Rating List.

The decision would have a direct impact upon the current floral display and planting arrangements across the district. The NDR (2014-15) for an island amounted to just over £282 and hence the ongoing cost ranged from £5,086 (18 islands rated to date) to £9 043 for all 32 sponsored islands. The impact of the change was that the additional income received from sponsorship and used to support the planting of other floral displays across the district had been eroded and there were insufficient budgets to continue with the existing planting schemes.

The current arrangements were being analysed and reassessed with a view to retaining only those where there was a clear business case. Similarly the option to pass on the rates liability via increased sponsorship fees would be considered although it was likely to be prohibitive in the current financial climate.

In light of the financial difficulties the Council would face in the future, a review of the current service provision was considered necessary. To maintain the current service would require additional resources of between £4,000 and £7,200 (reflecting the 20% of the additional business rates to be retained by the Council). Whereas a discontinuation of the service would save the Council £21,263 assuming hanging baskets and housing planting budgets are retained.

Consequently, Cabinet was requested to consider the options set out in the report and to determine which was appropriate for the provision of floral displays and general planting schemes across the district in the future.

154. 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 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, 20 MARCH, 2014 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

155. S.106 ASDA – Deed of Variation

Consideration was given to the Not for Publication Report of the Corporate Director (Item 18.1 – 18.4, plus Appendices, of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Deed of Variation with McLagan Investments Limited (attached as Appendix 1 to the report), be approved.
- (B) Agree that the matter is urgent and should not be subject to call-in because the Council's interests would be likely to be seriously affected by any delay caused by the Call-In procedure due to the need to comply with the deadline of 31 March, 2014 to return the interest payment to ASDA.

Reasons for Decisions

The Council received the sum of £527,500 from ASDA Stores Limited (ASDA) on 4 May, 2005 to construct an ATP on the Stadium site and to improve football facilities at Newlands Lane, Heath Hayes. The original S106 agreement had a payback clause after 5 years if funds were not spent in full by 4 May, 2010.

Agreement was reached in principle with ASDA in 2006 to vary the requirements of the original S106 to enable the ATP to be constructed elsewhere. In 2008 the Council put forward Cardinal Griffin RC High School as a site for the ATP and ASDA then agreed as follows:

- location of ATP to be at Cardinal Griffin RC High School or within a 5 mile radius of Avon Rd ASDA store to be approved by ASDA
- remove requirement to improve football facilities at Newlands Lane
- extension of time to spend funds from 4 May 2010 to 4 May 2012.

The wording of a Deed of Variation which set out the changes to the original S106 was agreed between the Council and ASDA by June, 2009 and relying on this the Council proceed to arrange for the construction of the ATP at Cardinal Griffin RC High School. However, the ASDA Board subsequently refused to approve this Deed of Variation in January, 2010.

The Council remain in possession of the original sum plus interest because it used gap funding to bridge the funding gap to enable the ATP to be constructed pending resolution of the dispute with ASDA. Despite numerous attempts over the past four years, no resolution of these matters could be achieved.

Following a new set of negotiations with ASDA representatives from late 2013, an option existed to resolve this whereby the Council retained the original sum of £527,500 for investment in sports facilities in the District (preferred option is the stadium site, Pye Green Road) in return for paying back all interest on this sum to ASDA, which has been estimated as not less than £116,647.72p, plus acknowledge the role of ASDA as funder in publicity materials issued by the Council. The £527,500 would have to be spent by 2020 (within six years) and if not, any unspent funds would then have to be automatically returned to ASDA, with interest.

156. Civil Parking Enforcement

Consideration was given to the Not for Publication Report of the Head of Housing and Waste Management (Item 19.1 – 19.11 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The Council ceases to undertake Civil Parking Enforcement on behalf of Staffordshire County Council with effect from 31 March 2015.
- (B) Staffordshire County Council and the Council's three shared service partners (Lichfield, South Staffordshire and Tamworth) are informed of the Council's decision.
- (C) The Head of Housing and Waste Management be authorised to procure alternative arrangements for income collection and "off-street" enforcement action in respect of the Council's charged car parks and enter into the required agreements.

Reasons for Decisions

Civil Parking Enforcement (CPE) is delivered throughout Staffordshire by the District Councils in accordance with Partnership Agreements with Staffordshire County Council. CPE is a County Council responsibility and under the terms of the Partnership Agreements any deficit is met by the County Council.

In Cannock Chase, frontline enforcement is undertaken through a shared service Agreement with Lichfield, South Staffordshire and Tamworth, which provides for a single enforcement contract (held by APCOA Parking UK Limited) held by Cannock Chase Council.

Following a review of CPE in Staffordshire, the County Council had decided to seek new arrangements for its delivery and are to serve a 12 month notice on District Councils (including Cannock Chase) to terminate the current Partnership Agreements with effect from 31 March, 2015.

The County Council were considering five alternative options, details of which were set out in the report. These included the negotiation of new Agreements with District Councils, a shared service for “on and off street parking” and direct provision by the Council.

Discussions had been held with County Council officers regarding the continued delivery of CPE by the Council. However, CPE operated at a deficit in all District Councils with an estimated 2013-14 deficit of £28,500 for Cannock Chase and the County Council were seeking to transfer some of the financial risk to a partner agency. Whilst the mechanism for achieving this was not stated, it was assumed that this would be through the provision of a “fixed fee” for CPE enforcements.

Whilst there were some advantages in relation to the Council continuing to deliver CPE, it was considered that these were “outweighed” by the potential financial risks and the need to focus on activities which were the direct responsibility of the District Council. It was, therefore, proposed that the Council cease to deliver CPE with effect from 31 March, 2015 and that the County Council and the Council’s shared service partners be informed accordingly.

The Council was, however, directly responsible for “off-street” enforcement action in respect of its “charged” car parks. This was also undertaken (together with income collection) as part of the APCOA contract with consequent economies of scale. Subject to a decision to cease the delivery of CPE, it was proposed that the Head of Housing and Waste Management be authorised to procure alternative arrangements. This was likely to be part of a County Council contract for delivering CPE or through a shared contract with other District Councils.

The meeting closed at 4.50 pm

LEADER