

CANNOCK CHASE COUNCIL

MINUTES OF THE MEETING OF THE

CABINET

HELD ON THURSDAY, 25 JULY, 2013 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 and 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.M.	Town Centre Regeneration Portfolio Leader

Councillor B. Bottomer, Environment PDC Chair, was also in attendance.

22. Apologies

None.

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

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

24. Updates from Portfolio Leaders

Leader of the Council

Prince George – The Leader moved that congratulations should be sent on behalf of the Council to the Duke and Duchess of Cambridge on the birth of their son, Prince George.

Change in Political Composition of the Council – The Leader noted that 2 Conservative Councillors had left the Group to become UKIP Members. A report on allocation of seats to Committees and other bodies would be taken to the next Council meeting on 7 August, 2013.

Culture and Sport

Cannock Stadium Site Feasibility Work – The Portfolio Leader advised that 7 expressions of interest had been received, that were under evaluation. The feasibility work was due to commence at the end of August and be concluded by the end of the year when the matter would be reported back to Cabinet.

Hednesford Park Tennis Courts – The Portfolio Leader reported that work was continuing on renewing the tennis courts and should be completed in early August.

Sensory Room, Chase Leisure Centre – The Portfolio Leader advised that the sensory room was due to open on Friday, 2 August, 2013.

Chase It Summer Programme, 2013 – The Portfolio Leader advised that the summer programme had started on 22 July, 2013, and already there had been substantial interest.

Economic Development and Planning

Correspondence with Aidan Burley, MP – The Portfolio Leader reminded Members of public criticism from the local MP when the Council's budget for 2013-14 was set. It had been implied that, had the Council been more effective in collection of bad debts, then it would not have had to increase Council Tax by 2%. Cabinet had asked the Chief Executive to write to Mr. Burley advising him of the necessary legal procedures, and costs, associated with taking people to court, e.g. in pursuit of rent arrears, which often resulted in relatively small initial debts increasing substantially as due process was followed and additional costs incurred. Furthermore, in respect of commercial debts, it was common practice for companies to declare themselves bankrupt and for one or more of the directors to open up another business, occasionally trading under the same, or a very similar, name.

The MP had replied to advise that he had noted the Chief Executive's observations and he had forwarded copies of his letters to Brandon Lewis, Department for Communities and Local Government (DCLG), for consideration and advice. The Department was concerned that associated legislation should be reviewed in order to ensure that it remained credible, and loopholes closed to avoid instances such as those cited.

Deputy Leader and Crime and Partnerships

Draft Police and Crime Plan – The Portfolio Leader advised that the Police and Crime Commissioner had released his draft Police and Crime Plan for public consultation. He considered it important that the Council responded to the consultation, and it was agreed that he should liaise with the Partnership Team to prepare a draft response to be brought back to Cabinet on 22 August, 2013.

Housing

Moss Road Estate – The Portfolio Leader advised that works were proceeding at a good pace, and that a site visit was being arranged for Ward and Cabinet Members to view progress on site.

Corporate Improvement

Civic Building, Sharing of Accommodation – With regard to the report to be considered later on the agenda, the Portfolio Leader requested that the Chief Executive keep Members apprised of progress on an ongoing basis.

25. Minutes of Cabinet Meeting of 20 June, 2013

RESOLVED:

That the Minutes of the meeting held on 20 June, 2013 be approved as a correct record and signed.

26. Forward Plan

The Forward Plan of Decisions for the period July – September, 2013 (Item 5.1 – 5.2 of the Official Minutes of the Council), was considered.

RESOLVED:

That the Forward Plan of Decisions for the period July– September, 2013, be noted.

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

(i) Economic Development and Planning - 28 March, 2013

RESOLVED:

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

(ii) Economic Development and Planning - 28 March, 2013

28. Repurchase of Vacant Former Council Dwellings

Consideration was given to the Report of the Head of Housing and Waste Management (Item 7.1 – 7.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Council be requested to include £220,000 of Affordable Housing Grant as an additional resource within the Housing Revenue Account Capital Programmes for 2013-14 and 2014-15.
- (B) £415,000 of agreed Capital Programme expenditure for the provision of additional Council dwellings is brought forward from 2014-15 to 2013-14.
- (C) The Head of Housing and Waste Management following consultation with the Housing Portfolio Leader be authorised to determine the vacant former Council dwellings for repurchase and that the terms and conditions are agreed by the Head of Planning and Regeneration.
- (D) The Head of Housing and Waste Management be authorised to enter into a contract with the Homes and Communities Agency regarding the £220,000 of Affordable Housing Grant.
- (E) Scheme approval and permission to spend is approved for the repurchase of 10 vacant former Council dwellings.

Reason(s) for the Decision

The Council had been successful in a bid for £220,000 of Affordable Housing Grant from the Homes and Communities Agency (HCA) to assist in the repurchase of 10 vacant former Council houses. This additional resource did not currently form part of the HRA Capital Programme and it was, therefore, necessary to seek Council approval in order that it could be included.

The bid was conditional on the Council supporting the scheme with £830,000 of agreed HRA Capital Programme expenditure and in order that the scheme could commence this year, it was necessary that £415,000 be brought forward from 2014-15 to 2013-14. Cabinet approval for this action was therefore sought.

It was also necessary to seek from Cabinet both scheme approval and permission to spend. Proposed criteria for the repurchase of the 10 former Council dwellings was set out in the report and it was proposed that the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader, be authorised to determine the dwellings for repurchase. Terms and conditions would also need to be agreed by the Head of Planning and Regeneration.

The Council would be required to enter into a contract with the HCA regarding the provision of the £220,000 of Affordable Housing Grant. Authorisation was, therefore, sought for the Head of Housing and Waste Management to enter

into the required agreement.

29. Housing Revenue Account Capital Programmes 2012-13 and 2013-14

Consideration was given to the Report of the Head of Housing and Waste Management (Item 8.1 – 8.25 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The position with regard to actual expenditure in respect of the 2012-13 HRA Capital Programme be noted and approval be given to incur £124,919 of additional scheme costs met through the virement of existing resources in respect of the following schemes:-
- | | | | |
|-------|-------------------------------------|---|----------|
| (i) | Void Properties (Decent Homes) | - | £106,325 |
| (ii) | Redesign of Communal Entrance Halls | - | £1,916 |
| (iii) | Asbestos Testing and Removal | - | £16,678 |
- (B) The reprogramming/slippage of £862,890 of expenditure from the 2012-13 HRA Capital Programme to the 2013-14 HRA Capital Programme, as agreed by the Head of Housing, for the reasons detailed in Appendix 4 to the report be noted.
- (C) The £133,087 of expenditure brought forward from the 2013-14 HRA Capital Programme, to the 2012-13 HRA Capital Programme, as agreed by the Head of Housing for the reasons detailed in Appendix 4 to the report, be noted.
- (D) The availability and use of resources in financing the 2012-13 HRA Capital Programme be noted including the £6,426,989 of resources carried forward to 2013-14.
- (F) The current position with regard to estimated expenditure in respect of the 2013-14 HRA Capital Programme be noted and approval be given to increasing the Void Properties (Decent Homes) budget by £100,000, funded through virement from the bathroom replacement budget.
- (G) The current position regarding the estimated availability of capital resources in 2013-14 be noted and at this stage £3,217,194 of resources be carried forward to 2014-15.
- (H) Adjustments be made to the dwelling outputs in respect of the kitchen and bathroom replacement programmes within the 2012-13 "Place" Priority Delivery Plan as set out below:-
- | | |
|------|--------------------------------------|
| (i) | Kitchen Replacement – 115 dwellings |
| (ii) | Bathroom Replacement – 440 dwellings |

Reason(s) for the Decision

The report presented the outturn expenditure and use of resources in respect of the 2012-13 HRA Capital Programme and reviews the 2013-14 HRA Capital Programme in the light of the outturn expenditure and use of resources for 2012-13.

Details of the outturn expenditure for 2012-13 were presented as part of Appendix 1 to the report. Actual expenditure at 31 March, 2013 was £6,668,507 compared to the revised estimate of £7,420,750 reported to Cabinet on 31 January, 2013. The reasons for this decrease of £752,243 were detailed in Appendix 4 to the report.

Details of the outturn resources for 2012-13 were presented as part of Appendix 2. A total of £13,095,501 was available at 31 March, 2013 compared to £12,949,171 reported to Cabinet on 31 January, 2013. The reasons for this increase of £146,330 were detailed in Appendix 3 to the report.

A total of £6,426,994 of capital resources were available after financing the 2012-13 HRA Capital Programme. This compared to the £5,528,421 reported to Cabinet on 31 January, 2013, an increase of £898,573. A total of £6,426,994 of unused resources was, therefore, carried forward to 2013-14.

Expenditure in respect of the 2013-14 HRA Capital Programme was now estimated to be £12,889,800. This compared to £12,160,000 when Council determined the programme on 13 February, 2013. The reasons for the increase of £729,800 were detailed in Appendix 6 to the report and included £100,000 of additional expenditure in respect of Void Properties (Decent Homes) for which approval was sought.

Estimated available resources in 2013-14 were now forecast to be £16,106,994. This compared to £15,176,421 when Council determined the programme on 13 February, 2013. The reasons for this increase of £930,573 were detailed in Appendix 5 to the report.

Following the financing of the estimated 2013-14 HRA Capital Programme, £3,217,194 of resources were anticipated to be available and if not required during 2013-14 would be carried forward to 2014-15.

The expenditure variations in relation to the kitchen and bathroom programmes would result in changes to the dwelling outputs in the 2013-14 "Place" Priority Delivery Plan. It was suggested that these be amended in accordance with the revised outputs set out in paragraph 5.11 to the report.

30. Housing Revenue Account Provisional Outturn 2012-13

Consideration was given to the Report of the Head of Housing and Waste Management (Item 9.1 – 9.8 of the Official Minutes of the Council).

RESOLVED:

That the provisional outturn for the 2012-13 Housing Revenue Account Budget be noted.

Reason(s) for the Decision

The report presented the provisional outturn for the 2012-13 Housing Revenue Account Budget, as set out in Appendix 1.

Income at 31 March, 2013 was £19,166,301 compared to the revised budget position of £19,102,130 reported to Cabinet on 31 January, 2013. The £64,171 increase in income related primarily to the generation of additional rent income as a result of a lower rate of void dwellings.

Expenditure at 31 March, 2013 was £18,580,958 compared to the revised budget position of £19,535,960 reported to Cabinet on 31 January, 2013. The decrease in expenditure related primarily to savings in maintenance costs (voids and gas maintenance), supervision and management (employee and equipment costs), the provision for bad debts and capital financing. These savings had, however, been offset primarily by a £106,330 increase in the Revenue Contribution to Capital Outlay for void dwellings requiring decent homes works funded through savings in respect of minor void works. The net effect of these changes was £955,001 of budget savings.

As a result of the changes, the net deficit of £433,830 (as reported to Cabinet on 31 January, 2013) had changed to a net surplus of £585,342.

Working balances at 31 March, 2013 were now £2.506 million compared to £1.487 million reported to Cabinet on 31 January, 2013.

31. Gritting of Council Town Centre Car Parks

Consideration was given to the Report of the Head of Housing and Waste Management (Item 10.1 – 10.5 of the Official Minutes of the Council).

RESOLVED:

That the Council owned town centre car parks and bus stations detailed in Appendix 1 to the report be gritted during the winters of 2013-14 and future years.

Reason(s) for the Decision

The three year General Fund Revenue Budget for 2013-14 to 2015-16 included (as a "growth item") £27,500 per annum for the winter gritting of town centre car parks, subject to Cabinet's consideration of the results of the 2012-13 pilot scheme.

The results of the pilot scheme were presented in the report and this was considered to have been a success. The pilot scheme had also enabled a number of deficiencies in relation to the initial service standard to be identified. These included the gritting of the Cannock and Rugeley Town Centre bus stations which are not designated highways and were, therefore, the Council's responsibility.

It was, therefore, proposed that the winter gritting of the Council owned town centre car parks and bus stations (identified in Appendix 1 to the report) should continue during the winters of 2013-14 and future years.

32. Interim Planning Policy on Planning Obligations Relating to Impact of New Residential Development on the Cannock Chase Area of Conservation

Consideration was given to the Report of the Head of Planning and Regeneration (Item 11.1 – 11.19 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The interim policies aimed at mitigating the impact of residential development on the Cannock Chase SAC set out at paragraphs 5.7 to 5.8 of the report be applied with immediate effect in relation to planning applications for residential development which were currently subject to consultation and to any future applications submitted prior to adoption of a formal Supplementary Planning Document relating to the same policy issues.
- (B) The Council should participate in taking forward the policy making process by adoption of a joint Supplementary Planning Document with the other Local Planning Authorities in the Cannock Chase Special Area of Conservation partnership which would supersede the interim policy and that a budget of up to £5,000 be made available for this purpose.

Reason(s) for the Decision

Evidence produced to identify what impact the scale and distribution of housing proposed in the Local Plan would have on the integrity of the Cannock Chase Special Area of Conservation (SAC) indicated that the "in combination" effects of any housing proposals involving a net increase of one or more dwellings would have an adverse effect. The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") require that where potential adverse effects on the integrity of the SAC are identified, mitigation measures may be a solution to avoid or reduce those impacts in order to enable plans or projects to proceed. These provisions applied both to individual planning applications and the Local Plan as a whole. The only other circumstances in

which a plan or project may proceed where adverse effects were identified was where there was an imperative reason of overriding public interest, which only applied in exceptional circumstances. Since designation of the SAC in 2005 the Council has had a duty to apply the provisions of the Habitat Regulations taking account of available evidence on impact of planning proposals.

The Local Plan, whose examination was scheduled to commence on 24 September, included a policy (CP13, reproduced at Appendix 1) requiring all new housing development to contribute to mitigation of impact on the SAC. As the evidence showed that all proposals for housing development either currently in the system as planning applications, or likely to be received as applications before adoption of the plan would have an adverse impact unless appropriate mitigation was provided, an interim policy was needed to secure appropriate mitigation pending the adoption of the Local Plan, in order to enable these applications to be supported. It was impracticable for applicants submitting small scale housing schemes to propose their own bespoke mitigation measures, but without an appropriate mitigation solution being available on a case by case basis the only alternative would be to refuse permission for these developments. This approach would clearly conflict with the key policy objective of meeting objectively assessed local housing need.

Legal advice obtained from Solicitors Bircham Dyson Bell, who had specialist knowledge in this area, recommended that the SAC partnership commenced work on a joint Supplementary Planning Document. An initial draft of this could form a basis for decision making on applications on an interim basis. Although they identified that there was a risk that use of a draft policy which had not yet been subject to formal consultation would be open to challenge, making decisions to grant planning permission without giving appropriate consideration to impacts on the SAC would also leave such decisions open to challenge.

33. Local Validation Criteria for Planning Applications

Consideration was given to the Report of the Head of Planning and Regeneration (Item 12.1 – 12.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Subject to (B), below, the updated local validation document, together with the revised national requirements which took effect on 25 June, 2013, be published as a combined document setting out Cannock Chase Council's overall validation requirements to be effective from 31 July, 2013.
- (B) Any minor changes arising from the consultation process and minor future changes required to keep the document up to date be determined by the Head of Planning and Regeneration in consultation with the Portfolio Leader for Planning and Economic Development.

Reason(s) for the Decision

Two recent changes in legislation obligate the Council, acting as Local Planning Authority, to comply with the following provisions in relation to local validation requirements –

- The Growth and Infrastructure Act 2013 which received Royal Assent on 25/04/2013 (section 5) limits the power of an LPA to require information to accompany planning applications in the following way –
 - 1) Information requests must be reasonable having regard to the nature and scale of the proposed development; and
 - 2) It being reasonable to think that the subject matter will be material to the determination of the application.
- An amendment to the Town and Country Planning (Development Management Procedure) (England) Order 2010 requires that published local validation documents be less than 2 years old on 31 July, 2013 and thereafter be kept under review to maintain their currency as less than 2 years old.

Further amendments to the Development Management Procedure Order applying to the whole of England and taking effect on 25 June, 2013 change the definition of “reserved matters”, the circumstances when Design and Access Statements are required to accompany applications and the content of those statements. These changes had been incorporated into the draft document.

The current local validation document dated from 2008 and had not been comprehensively reviewed since then. In addition to the statutory obligations identified above, it was clearly in the interests of the efficient and effective operation of development management processes to have a set of well explained, relevant information requirements tailored to the scale and complexity of applications. This would give applicants/agents consistent guidance on how to prepare their applications and enables the specialist information needs of statutory consultees e.g. Natural England, Environment Agency, local highway authority to be met. In addition it would enable the local community to have sufficient information to make informed comments on applications. Finally it would ensure that Members had the appropriate information in addition to the contents of officers’ reports where the Planning Control Committee was the decision maker.

A comprehensive review of local validation requirements had been undertaken and combined with the latest national requirements. A summary of the subject areas covered and the consultation undertaken is set out in section 5 of the report. The draft document was also available on the Council’s website with paper copies in reception and Members’ group rooms.

34. Permission to Spend – Stile Cop Cemetery Extension

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

RESOLVED:

That permission to spend on the extension of Stile Cop Cemetery as included in the Council's Capital Programme for 2013-14, be approved.

Reason(s) for the Decision

In order to provide additional burial space as detailed in the Bereavement Services Plan 2009, it was necessary for Cabinet to consider the granting of permission to spend, to extend Stile Cop Cemetery (Phase 2).

The proposed extension works would provide for another 1,000 adult graves which at the current burial rate was sufficient for another 7-10 years.

It was anticipated that subject to the granting of planning permission later this year, contractors would be appointed and the work, which was likely to take between 3 and 6 months, weather and conditions permitting, could start on site in early 2014.

35. General Fund – Final Accounts, 2012-13

Consideration was given to the Report of the Head of Finance (Item 14.1 – 14.24 of the Official Minutes of the Council).

RESOLVED:

That the final accounts position for the year ending 31 March 2013 be noted.

Reason(s) for the Decision

The accounts for 2012-13 were closed and the formal Statement of Accounts had been submitted for External Audit, and hence might be subject to change. However, it was considered very unlikely this would have a material impact on the revenue or capital outturn.

The final accounts for 2012/13 showed an under spending against the budget of £45,000.

The majority of the outturn variances, including income variations were identified as part of the 2013/14 budget process and now formed part of the current year's budgets.

36. Civic Building, Sharing of Accommodation

Consideration was given to the Report of the Chief Executive (Item No. 15.1 – 15.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Cabinet recommend to Council that a scheme for Civic Centre accommodation works of £500,000 be included in the 2013-14 Capital Programme and that Contract Procedure Rules be waived to ensure the work is carried out as a matter of urgency.
- (B) The Chief Executive in consultation with the Leader of the Council be authorised to agree the term of the lease for the Partnership Trust.
- (C) Subject to paragraphs (A) and (B), above, a spend of £500,000 to enable works to be carried out to the Civic building be approved to ensure the Council can take advantage of sharing accommodation with partner agencies.

Reason(s) for the Decision

The Council was again facing Central Government funding cuts and needed to explore ways in which it could drive efficiency savings and protect front line services.

A recent study had demonstrated that it would be possible for the Civic Building to accommodate up to 140 extra persons, if the principles of 'agile working' were adopted.

Agile working principles included 'hot desking', where appropriate, and providing only minimal storage on site.

The Staffordshire Partnership Trust had indicated that they would be keen to move into the Civic Building following the closure of Ivy House in Cannock, and had now confirmed their intent.

The Police had also expressed an interest in moving staff into the building, and a letter of intent had been received.

To take advantage of the situation, a capital spend of up to £500,000 had been identified as needed to carry out the necessary modifications to the building. It had been agreed that the cost will be split 50:50 with Staffordshire County Council, and, therefore, approval was required from Council to spend upto £250,000 of its own resources.

It was envisaged that the costs involved in moving Police Officers into the

building would be met largely by the Police, but negotiations were only at a very early stage.

Employees of the County Council already occupy part of the building's first floor and were paying a commercial rent to the Council.

Depending on the outcome of final negotiations, the income to the Council from all of the above was estimated to be in excess of £200,000 per annum.

37. 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) 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, 25 JULY, 2013 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

38. Home Improvement Agency Procurement and Participation Agreement with Staffordshire County Council and Staffordshire Local Authorities

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Item 17.1 – 17.112 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Service Specification at Appendix 1 to the report, forming the basis of the procurement exercise and the procurement timescales, be supported.
- (B) The Participation Agreement at Appendix 2 to the report, be agreed and supported.

Reason(s) for the Decision

In 2003 the current arrangements for Home Improvement Agencies (HIA's) were implemented, which set up three organisations providing HIA services across Staffordshire. Separate arrangements were made for Stoke – on - Trent.

The County Council had been considering the situation regarding procurement for several years and had now concluded that the service should be retendered as 10 years had elapsed since the original scheme was set up. The current providers would be considered as part of the current tendering exercise.

Agreement on the principles of the Service Specification and the process were sought from members, as well as agreement of the Participation Agreement proposed by Staffordshire County Council.

The meeting closed at 4.40 p.m.

LEADER