

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY 13 JUNE 2019 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors:

Adamson, G.	Leader of the Council
Alcott, G.	Deputy Leader of the Council and Town Centre Regeneration Portfolio Leader
Bennett, C.	Crime and Partnerships Portfolio Leader
Pearson, A.R.	Corporate Improvement Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Johnson, T.B.	Economic Development and Planning Portfolio Leader
Preece, J.P.T.L.	Environment Portfolio Leader
Martin, Mrs. C.E.	Health and Wellbeing Portfolio Leader
Kraujalis, J.T.	Housing Portfolio Leader
Woodhead, P.E.	<i>Invitee (non-voting Observer)</i>

1. Apologies

None.

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

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

3. Updates from Portfolio Leaders

Culture and Sport

The Culture and Sport Portfolio Leader advised that car parking at the 5's Pavilion had now been completed on time and in budget.

She also reported that she had been in discussions with the Head of Environment and Healthy Lifestyles regarding a report on Phase 2 of the Cannock Stadium.

Crime and Partnerships

The Crime and Partnerships Portfolio Leader reported that his portfolio had increased significantly following the merger of the Police and the Fire and Rescue Service.

Economic Development and Planning

The Economic Development and Planning Portfolio Leader advised that since being appointed to the position he had been meeting with Senior Officers to discuss his portfolio.

Housing

The Housing Portfolio Leader advised that four additional garage sites were opened on Tuesday 11 June. These would provide mainly 2 bedroom houses and 11 bungalows.

4. Minutes of Cabinet Meeting of 18 April, 2019

RESOLVED:

That the Minutes of the meeting held on 18 April, 2019, be approved as a correct record and signed.

5. Forward Plan

The Forward Plan of Decisions for the period June to August 2019 (Item 5.1 – 5.2 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period June to August 2019 be noted.

6. Representatives on Outside Bodies 2019/20

Consideration was given to the Report of the Managing Director (Item 6.1 – 6.6 of the Official Minutes of the Council).

RESOLVED:

That

- (A) The appointment of representatives to outside bodies for 2019/20, as set out in the scheduled attached as Appendix 1 to the report, be approved.
- (B) Councillor J.T. Kraujalis be appointed as the substitute member on the Cannock Chase AONB Joint Management Committee for 2019/20.
- (C) Councillor Mrs. S.M. Cartwright be appointed as the substitute member on the Staffordshire Police, Fire and Crime Panel for 2019/20.
- (D) Councillor J.T. Kraujalis be appointed as the substitute member on the Staffordshire and Stoke-on-Trent Joint Waste Management Board for 2019/20.
- (E) The Managing Director, in consultation with the Leader of the Council, be authorised to make appointments to any additional outside bodies, or amendments to existing outside bodies, as necessary, throughout the municipal year that would otherwise be determined by Cabinet.

Reasons for Decisions

Each year Cabinet was required to appoint representatives to a number of outside bodies as detailed in the schedule at Appendix 1 of the Report. This was normally done at the first Cabinet meeting following the Annual Council meeting.

For practical purposes, Cabinet was also requested to confirm the Managing Director's authority, in consultation with the Leader of the Council, to make appointments to any additional outside bodies and amend any existing outside bodies, as necessary, throughout the municipal year.

7. Annual Performance Report 2018/19

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 7.1 – 7.37 of the Official Minutes of the Council).

RESOLVED:

- (A) The performance information related to the Priority Delivery Plans as detailed in Appendices 1 to 4 of the report be noted.
- (B) The actions that have been flagged as being carried forward to 2019/20 be noted.

Reason for Decisions

Information for performance actions and indicators for each of the Priorities was set out in Appendices 1 to 4 of the report. The overall rankings for each priority area were detailed in report section 5. Overall, 72.38% of actions/projects for 2018/19 had been delivered.

8. Strategic Risk Register

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 8.1 – 8.19 of the Official Minutes of the Council).

RESOLVED:

That the Strategic Risk Register be approved and the progress made in the identification and management of the strategic risks be noted.

Reason for Decision

All strategic risks and associated action plans had been reviewed and the Council's risk profile was summarised as shown below:

Risk Colour	Number of Risks at 1 October 2018	Number of Risks at 1 April 2019
Red	1	1
Amber	4	4
Green	0	0
TOTAL	5	5

9. Annual Performance Review 2018/19 of Wigan Leisure and Culture Trust

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 9.1 – 9.60 of the Official Minutes of the Council).

RESOLVED:

That the performance of Wigan Leisure and Culture Trust in delivering the Culture and Leisure Services for the period 1 April 2018 to 31 March 2019 be noted.

Reasons for Decision

Performance achieved during the seventh year of the contract with Wigan Leisure and Culture Trust (WLCT) was good. Participation rates at all of the sites (excluding the golf course) exceeded target and represented an upturn; in some cases significant, from the previous year's performance. In particular, it was noted that the health and fitness visits to the two leisure centres arrested the trend of recent years and performed strongly during the year. The opening of new facilities at Chase Leisure Centre was also proving successful.

As the contract relationship continued to develop, WLCT would need to ensure that the culture and leisure facilities and services continued to:-

- Be in line with the Council's Corporate Plan, Priorities and Objectives;
- Be evidence driven and aligned to the needs of the community;
- Contribute to meeting the health needs of the District;
- Influence decision makers and fund holders; and
- Demonstrate where and how culture and leisure services could make an impact on a range of outcomes.

10. Review of Leisure Concessions to Serving Members of the Armed Forces 2019/20

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (item 10.1 – 10.6 of the Official Minutes of the Council).

The Corporate Improvement Portfolio Leader advised that he had asked the Culture and Sport Portfolio Leader to look into providing a similar concession for children in care to enable them to access the facilities more easily and encourage them to meet more people. The Culture and Sport Portfolio Leader confirmed that she had discussed this with the Head of Environment and Healthy Lifestyles and Inspiring Healthy Lifestyles (IHL). IHL had advised that they provided a similar concession in Wigan and were currently investigating the possible numbers involved in order to establish the costings.

RESOLVED:

That:

- (A) The contents of the report be noted.
- (B) The leisure concessions scheme for serving members of the Armed Forces who were resident in the District for the 2019/20 financial year be continued, in accordance with the proposals set out in the report.

Reason for Decisions

Cabinet was recommended to continue with the offer of leisure concessions for serving members of the Armed Forces for 2019/20 in recognition of the commitment made by armed forces men and women to this country in their service throughout the world.

11. Indoor and Built Sports Facilities Strategy and Playing Pitch Strategy 2019-2036

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 11.1 – 11.355 of the Official Minutes of the Council).

The Environment Portfolio Leader raised concern that no consultation responses/feedback from Norton Canes appeared to be included in the report. This needed noting due to the amount of development funding coming into the area. The Head of Environment and Healthy Lifestyles replied that the Staffordshire branch of the FA had been advised of the missing information. They were the body that would be represented on the board established to monitor delivery of the strategies.

The Leader added that this was a “live” document and therefore, if Members considered any information was missing, they should contact the Head of Environment and Healthy Lifestyles or the Culture and Sport Portfolio Leader accordingly. The Culture and Sport Portfolio Leader confirmed that she would advise all Members of this.

RESOLVED:

That:

- (A) The adoption of Cannock Chase Council’s Indoor and Built Sports Facilities Strategy and Action Plan 2019-2036 be approved.
- (B) The adoption of Cannock Chase Council’s Playing Pitch Strategy 2019-2036 be approved.
- (C) The Head of Environment and Healthy Lifestyles, in consultation with the Culture and Sport Portfolio Leader, be authorised to review, amend and prioritise actions in the aforementioned documents in line with the expectations of the Council, Sport England and National Governing Bodies for Sport, available funding and project sustainability and delivery.
- (D) Any capital investment required to deliver any actions in the aforementioned documents be subject to further Cabinet approval.

Reasons for Decisions

Having up-to-date strategies would contribute to the Council’s Local Plan Review, provide the evidence required to help protect existing facilities (indoor and outdoor), inform funding submissions to improve sporting provision to meet identified community need and ensure appropriate provision was secured developers toward new and improved facilities to address the impact of new development schemes.

Details within the Assessment Reports and Action Plans could quickly change due to a variety of factors, such as sports clubs moving or ceasing, or improvements to sites and facilities being made. As a guide, if no review and

subsequent update was carried out within three years of the documents being signed off by the Steering Group, then Sport England and National Governing Bodies for Sport (NGBs) would consider these documents and the information on which they were based to be out of date.

It was therefore important that there was regular annual monitoring and review of the strategies, priorities and actions in accordance with the expectations of the Council, Sport England and NGBs, available funding and project sustainability and delivery. Consequently, they were to be treated as 'live' documents and subject to change. By keeping them up-to-date, their useful timeframe could be extended to five years.

12. Hawks Green Depot Rationalisation

Consideration was given to the Joint Report of the Head of Housing & Partnerships and the Head of Economic Prosperity (Item 12.1 – 12.9 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Scheme approval and permission to spend on the Hawks Green Rationalisation Plan be agreed.
- (B) Council, at its meeting to be held on 17 July 2019, be requested to include £281,000 within the General Fund Capital Programme for the Rationalisation Plan.
- (C) The land marked on Appendix 2 of the report be identified as no longer required for use by the Council's Operational Services and available for alternative use.

Reasons for Decisions

The works to be undertaken in 2019/20 were estimated to cost £281,000. No provision existed within the Capital Programme for such works, however a transfer of capital resources would arise from the proposed release of 0.9 hectares of the existing site.

It was therefore proposed that following approval, the plan be implemented in accordance with the timetable set out in paragraph 3.7 of the report, which would ensure the 0.9 hectares (50%) of land that was no longer required for operational use be released to meet the Hawks Green Redevelopment Scheme timetable, which was the subject of a separate report on the agenda.

13. Redevelopment of Hawks Green Depot, Cannock

Consideration was given to the Report of the Head of Housing and Partnerships (Item 13.1 – 13.13 of the Official Minutes of the Council).

The Housing Portfolio Leader reported that officers were looking at providing more green areas in the development if finances allowed. Councillor P.E. Woodhead would be involved in this process.

RESOLVED:

That:

- (A) The Hawks Green Depot Site, marked in red in Appendix 1 of the report, be identified as a priority site for redevelopment for the provision of new Council housing.
- (B) Council, at its meeting to be held on 17 July 2019, appropriates for a transfer value of £382,000 the Hawks Green Redevelopment site from the Council's General Fund to the Housing Revenue Account under section 122 of the Local Government Act 1972.
- (C) The West Midlands Combined Authority's formal grant offer of £900,000 to offset land remediation costs and associated fees be noted.
- (D) The appointment of a development partner via Dudley Metropolitan Borough Council's Construction Framework Agreement, and the housing scheme as attached at Appendix 2 of the report, be noted.
- (E) Scheme approval and permission to spend for the Hawks Green Depot Redevelopment Scheme be approved.
- (F) The Head of Housing and Partnerships, following consultation with the Housing Portfolio Leader, be authorised to take forward all actions and make amendments to the scheme as necessary to implement any agreed recommendations.
- (G) Authority to enter into any legal agreements between Cannock Chase Council and the appointed development partner that were required to facilitate the delivery of the proposed scheme be delegated to the Head of Housing and Partnerships in consultation with the Housing Portfolio Leader.
- (H) Permission to spend up to £130,000 within the Housing Revenue Account Capital Programme New Build budget in relation to development works to bring forward future sites be approved.

Reasons for Decisions

The Council's Hawks Green Depot covered an area of approximately 1.8 hectares. The rationalisation of Hawks Green Depot, which was the subject of the previous report on the agenda, concluded that 0.9 hectares (50%) of the site needed to be retained for the provision of existing services whilst the remaining 0.9 hectares (50%) would be available for alternative use such as to deliver a housing scheme. A plan of the site that identified the land to be retained and developed was attached at Appendix 1, and as set out below, would provide 44 new homes.

An application was made to the Homes England 'Accelerated Construction Fund' and as part of the due diligence exercise, ground condition surveys and reports identified that significant land remediation works were required. As a result, the redevelopment was not considered economically viable without additional grant funding to meet the gap. Unfortunately, the application to the Accelerated Construction Fund was unable to meet the funding gap.

Whilst a bid to the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (SSLEP) had not been successful to date, a successful bid was submitted to the West Midlands Combined Authority (WMCA) in March 2019, and the Council

would receive a grant of £880,000 to offset land remediation costs, with £20,000 for associated fees.

As part of the development appraisal process of the Hawks Green Redevelopment Scheme, and accounting for the housing needs of the District, a site layout was produced (as shown at Appendix 2 of the report).

The proposed scheme would deliver a mixed tenure scheme, consisting of 44 homes, comprised of 50% (22) Council homes for rent, and 50% (22) for outright sale. Subject to planning approvals, the Council homes for rent would comprise of:

- 4 x 1 bedroom houses;
- 8 x 1 bedroom flats;
- 8 x 2 bedroom houses;
- 2 x 3 bedroom homes.

It may be necessary to amend the scheme to address issues that arose from the completion of the tender documentation and the planning process, and it was therefore proposed that the Head of Housing and Partnerships, following consultation with the Housing Portfolio Leader, be authorised to make such amendments to the scheme.

It was proposed that the Council's Housing Revenue Account (HRA) Capital Programme would finance the provision of the 22 (50%) affordable homes (i.e. homes for rent). A development partner would be appointed to undertake construction of the Council's 22 homes for rent and provide 22 (50%) homes for outright sale.

The agreed HRA Capital Programme for the period 2018-19 to 2022-23 included budgetary provision of £12.9m for 'New Build' programmes.

The following budgetary provision would be required for the Hawks Green Redevelopment Scheme and would form part of the three-year HRA Capital Programme for the period 2019-20 to 2021-22:

	<u>Year 1</u> 2019-20 (£000's)	<u>Year 2</u> 2020-21 (£000's)	<u>Year 3</u> 2021-22 (£000's)	Total
Land Costs	382	-	-	382
Land Remediation & Construction Council Dwellings (22 homes)	550	1,900	600	2,988*
	922	1,990	600	3,370**
<i>*Net cost of provision after the deduction of the land value of the market homes</i>				
<i>**Gross cost of provision prior to the amendment for additional rent income</i>				

The Dudley Metropolitan Borough Council (MBC) Construction Framework was an established framework to carry out the design and construction of new build housing and could be used by other West Midlands' authorities. Using the framework would enable the Council to progress the site quickly with an experienced contractor who had already taken part in an Official Journal of the

European Union (OJEU) compliant tendering exercise.

The scheme costs including the contract sum would be accommodated within the Hawks Green Redevelopment budget. Should the scheme exceed the budgetary provision, then a further report would be presented to Cabinet.

The development programme and relevant milestones were set out as follows:

HAWKS GREEN REDEVELOPMENT PROGRAMME	
Secure WMCA Grant	June 2019
Council approval	July 2019
Contract award	August 2019
Stock Rationalisation	November 2019
Full Planning Approval by	January 2020
Land Remediation Start on Site by	February 2020
Construction Start on Site by	April 2020
Scheme Completion by	Spring 2022

The Council's appointed Development Partner would act as developer and contractor to design and construct a redevelopment site for the scheme. The specific responsibilities of the Development Partner would be formalised through a Joint Contracts Tribunal (JCT) Design and Build Contract.

In order to bring future sites forward, it was necessary to undertake development work such as scheme design, development appraisals and site and ground condition surveys prior to scheme approval. It was proposed that a sum of £130,000 (equivalent to 1% of the New Build budget) within the HRA Capital Programme New Build budget be approved for preparatory development works.

There would be a further report to Cabinet when other sites had been identified that could be brought forward for housing, utilising the Housing Investment Fund resources, including land not in the ownership of the Council.

14. Nominations to the Chenet Chase Development Invited by Walsall Housing Group

Consideration was given to the Report of the Managing Director (Item 14.1 – 14.19).

RESOLVED:

That:

- (A) The additional technical evidence on risk produced by Axil Integrated Services, Staffordshire Fire and Rescue Service, Galliford Try and Walsall Housing Group since planning consent was granted for the Chenet Chase Development in January 2016 be noted.
- (B) The constructive and collaborative dialogue that had taken place with all key stakeholders between 2017 and 2019 on risks and options to mitigate

be noted.

- (C) The additional non-statutory risk mitigations that Walsall Housing Group had confirmed would be implemented (subject to planning consent), be noted, which were:
- 4m high Heatshield along the entire boundary with Axil Integrated Services (new planning decision required);
 - The fitting of water sprinklers to plots 51-68 (apartment block) and plots 40-50 (houses) on the Axil boundary perimeter;
 - The removal of two car parking spaces along the boundary with Axil to reduce fire risk (new planning decision required);
 - The installation of gated access to the apartment block to reduce fire risk on the Axil boundary;
 - That a Quarterly review meeting be held with all key stakeholders on an ongoing basis to review and monitor risk issues and take any appropriate actions for further risk mitigation.
- (D) It be noted further planning decisions would need to be taken in order to facilitate the mitigations described in decision (C), above.
- (E) On the basis of the mitigations set out in decision (C), above, it be agreed that nominations be made to Walsall Housing Group for all 48 vacant dwellings with 15 requiring non-physical mitigations in the first phase and the remaining 33 after the physical works had been completed in full.
- (F) A letter be sent to Axil Integrated Services requesting that the company consider the installation of a Hydrogen Cyanide Sensor (HCN) (as set out in the AECOM report) as a further non-statutory risk mitigation to promote public safety.
- (G) Any individual on the Council's housing list who was offered a property at Chenet Chase be made fully aware of all the risk information beforehand and if they refuse, this would not affect their housing application status.
- (H) The participation of Council officers in the Quarterly Review meetings with all key stakeholders be approved; and the need to set up a Resident Liaison Group to ensure that all residents irrespective of tenure were kept up to date with developments on and around the site, be considered.
- (I) A grant of up to £100,000 in relation to the 48 vacant dwellings from the New Homes Bonus Earmarked Reserve be approved, subject to the properties being brought back into use and that Walsall Housing Group implement the additional risk mitigations set out in decision (C), above.
- (J) Authority be delegated to the Managing Director to ensure implementation of the above decisions and any associated matters.

Reasons for Decisions

Planning consent was granted in 2016 for the Chenet Chase development of 111 dwellings of which 50% would be affordable homes managed by Walsall Housing Group. There were no formal objections received from any of the statutory bodies consulted during the planning process on the grounds of public safety and therefore, there was no justifiable reason not to grant this consent. The operator (Augean then Axil Integrated Services) of a hazardous waste site

adjacent to the residential site objected throughout the planning process but did not submit any evidence to substantiate the risks they identified. Conditions were placed at the time to mitigate noise and odour risks which were raised as key concerns in the planning process.

Nominations were invited by Walsall Housing Group and submitted by the Council to the first seven social dwellings in June 2017. Technical evidence was submitted to the Council in July 2017 by Augean in the form of the Hudson Consultancy Report that identified additional risks associated with fire and the release of toxic gas which could impact on residents of the new dwellings. A stakeholder group was convened by the Council to examine the risk issues further and this consisted of Walsall Housing Group, Augean / Axil, Staffordshire Fire and Rescue Service, Galliford Try, Environment Agency and Cannock Chase Council planning and environmental health. The Health and Safety Executive declined to be involved despite numerous requests. Walsall Housing Group took the decision not to tenant the 48 vacant dwellings until the risk issues were more clearly understood and Cannock Chase Council decided not to make any nominations for the same reasons.

Substantial discussions and additional technical evidence on risk had been commissioned over the past two years. The report set out the detail of additional risk mitigations (some of which were subject to additional planning decisions) that Walsall Housing Group had confirmed in writing that it was willing to undertake. On the basis of these additional non-statutory risk mitigations it was recommended that the Council does nominate to the 48 vacant dwellings.

The meeting closed at 4:40 p.m.

LEADER