

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY 14 JUNE 2018 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors:

| | |
|-------------------|---|
| Alcott, G. | Deputy Leader of the Council and Economic Development and Planning Portfolio Leader |
| Bennett, C. | Crime and Partnerships Portfolio Leader |
| Mitchell, Mrs. C. | Culture and Sport Portfolio Leader |
| Preece, J.P.T.L. | Environment Portfolio Leader |
| Martin, Mrs. C.E. | Health and Wellbeing Portfolio Leader |
| Pearson, A.R. | Housing Portfolio Leader |
| Todd, Mrs. D.M. | Town Centre Regeneration Portfolio Leader |

1. Apologies

Apologies for absence were submitted for Councillors G. Adamson, Leader of the Council and J.T. Kraujalis, Corporate Improvement Portfolio Leader.

In the Leader's absence the Deputy Leader chaired the meeting.

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

Cannock Stadium Site

The Portfolio Leader advised that Phase 1 of the redevelopment was nearing completion. The BMX pump track, completed in the summer of 2017, was already proving extremely popular with local young people and community groups and was also attracting visitors from outside the district. The Community Allotments and building were also complete and were starting to be used by local community groups. In the coming months the remaining allotments would be let to local residents.

Work was nearing completion on the CCTV installation and the Adventure Play Area. Work on tarmacking the pathways had started, after which the green gym

equipment would be installed. Phase 1 would be complete once the new entrance gates and fencing on the Pye Green Road were installed.

Crime and Partnerships

Safer Neighbourhood Panels Funding

The Portfolio Leader advised that the Police and Crime Commissioner (PCC), was withdrawing funding of £10,000 per annum that the Council had previously used to support the management of the Cannock Chase Safer Neighbour Panel (CCSNP). The funding had been used in addition to the Council's Locality Deal Fund (LDF), with both lots of funding being transferred to Support Staffordshire to fund their management of the SNP on behalf of the Council.

The PCC had previously given assurances to the Staffordshire Police and Crime Panel that his office would be launching an advertising campaign during the summer aimed at increasing public involvement in the Staffordshire-wide Safer Neighbourhood Panels, which had not given any suggestion about funding cuts. However, the Office of the Police and Crime Commissioner had subsequently advised the Council that for 2018/19, it was the PCC's intention for the cost of the SNPs to be met directly through individual Councils' LDFs. As all beneficiaries of the Cannock Chase LDF were fixed for three years from 2017, this meant there would be no additional funding to direct towards Support Staffordshire for management of the CCSNP, and full facilitation of the CCSNP would have to be brought in-house to the Partnerships Team.

The next meeting of the Police and Crime Panel was on 3 July, and the Portfolio Leader intended to raise the matter at that time.

Separately, as part of its ongoing Transformation Programme, Staffordshire Police had recently announced that there would be major investment in the new model of Neighbourhood and Partnership policing as a result of the PCC's precept increase and the Chief Constable's decision to reduce the overtime budget.

This would result in 88 more officers policing the County's neighbourhoods from July 2018; with a further 20 in September and more in 2019 and 2020. There would also be an extra 20 investigative staff, providing more capacity to deliver routine investigations at a local level. PCSOs would continue to provide a crucial role. Multi-skilled neighbourhood teams would be communities based and co-terminus with local authority boundaries..

4. Minutes of Cabinet Meeting of 19 April 2018

RESOLVED:

That the Minutes of the meeting held on 19 April, 2018, be approved as a correct record and signed.

5. Forward Plan

The Forward Plan of Decisions for the period June to August, 2018 (Item 5.1 – 5.3 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period June to August, 2018 be noted.

6. Representatives on Outside Bodies 2018/19

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 2018-19, as detailed in Appendix 1 to the Report, be approved.
- (B) The Managing Director, in consultation with the Leader of the Council, be authorised to make additional appointments and amendments to any new or existing outside bodies, as necessary, throughout the municipal year that would otherwise be determined by Cabinet.

Reason 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 additional appointments or amendments to any new or existing outside bodies, as necessary, throughout the municipal year.

7. End of Year Performance Report 2017/18

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 7.1 – 7.44 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The performance information relating to Priority Delivery Plans as detailed at Appendices 1 to 4 of the Report, be noted.
- (B) The actions which have been flagged as requiring amendment to the timescale, scope, or timeline be noted.

Reason for Decisions

Information for performance actions and indicators for Quarter 4 2017/18 was included for relevant items at Appendices 1 to 4 to the report. The overall rankings for each Portfolio area were detailed in section 5 of the report, indicating that 83% of actions/projects had been achieved or were on target to be achieved. Since 2015/16, 33.3% of indicators had improved.

8. Corporate Priority Delivery Plan and Peer Review Update

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 8.1 – 8.11 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Council, at its meeting to be held on 25 July, 2018, be recommended to approve the Corporate Priority Delivery Plan for 2018/19, as detailed in Appendix 1 of the Report.
- (B) The progress made in addressing the Peer Review recommendations, as detailed in Appendix 2 of the Report, be noted.

Reasons for Decisions

Cabinet had already recommended to Council approval of the Corporate Plan for 2018-23 and the supporting Priority Delivery Plans (PDPs). Although the new Corporate Plan did not contain a corporate priority there were still a number of corporate issues to be addressed and these had been drawn together into a Corporate PDP.

It was proposed that the Corporate PDP would be managed and monitored by Cabinet and the Corporate Scrutiny Committee on a quarterly basis in the same way as the other two PDPs.

As the Corporate PDP included a number of the key actions arising from the Peer Review, a more detailed update on progress in implementation of the Review's recommendations was also provided for Members' information.

9. Strategic Risk Register

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 9.1 – 9.16 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.

Reasons for Decision

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

| Risk Colour | Number of Risks at 1 Oct 2017 | Number of Risks at 1 April 2018 |
|--------------------|--|--|
| Red | 1 | 1 |
| Amber | 5 | 4 |
| Green | 0 | 0 |
| TOTAL | 6 | 5 |

10. Annual Performance Review 2017/18 of Inspiring Healthy Lifestyles

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 10.1 – 10.66 of the Official Minutes of the Council).

RESOLVED:

That Inspiring Healthy Lifestyle's performance in delivering the Council's Culture and Leisure Services for the period 1 April, 2017 to 31 March, 2018, be noted.

Reasons for Decision

The annual performance review was an integral part of the Council's contract monitoring arrangements with Inspiring Healthy Lifestyles (IHL), enabling the Council to review IHL's performance and commitments set out in the contract and method statements.

Appendix 1 of the Report provided a detailed breakdown of IHL's performance against performance targets for the year 1 April, 2017 to 31 March, 2018.

This was the sixth year of the 10 year contract and a strong relationship had been formed between the Council and IHL with both partners adopting a co-operative approach to performance monitoring and a mutual commitment to meeting challenges (known and evolving), business requirements and adapting to changing circumstances.

A total of 42 performance measures and targets were monitored and a number of other measures used for which there was no comparator or baseline data available. IHL had met or exceeded performance in 25 (60%) of its targets and not met target in 17 (40%), albeit that 8 (19%) were within the 5% tolerance threshold. The other 9 (21%), were red rated.

11. Review of Leisure Concessions to Serving Members of the Armed Forces 2018/19

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 11.1 – 11.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Report be noted.
- (B) The leisure concessions scheme for serving members of the armed forces who were resident in the District for the 2018/19 financial year be continued, in accordance with the proposals as 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 who were resident in the District from 30 June, 2012 for an initial one-year period (Cabinet Minute 8, 2012/13 refers).

Following subsequent annual reviews by Inspiring Healthy Lifestyles (IHL) of the operation of the scheme, the scheme had continued each year.

Having assessed the impact of the operation of the scheme during 2017/18, IHL agreed to continue with the scheme for the financial year 2018/19, subject to an annual review and subject to there not being a negative financial impact upon the contract in the future.

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

Cabinet were recommended to continue with this offer for 2018/19 in recognition of the commitment made by armed forces men and women to this country in their service throughout the world.

12. Private Sector Housing – Financial Penalties and Rent Repayment Orders

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 12.1 – 12.13 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The introduction of the Financial Penalty charging scheme and system, as set out in Appendix 1 of the Report, be adopted. The scheme sets a penalty of £5,000 for a first offence with additional costs for serious offences up to £30,000 and reductions for some special circumstances.
- (B) Paragraph 26.4 of the Scheme of Delegations be amended to include: 'Power to authorise the institution / enforcement of civil proceedings under section 126 and schedule 9 of the Housing and Planning Act 2016' to the Head of Environment and Healthy Lifestyles and appropriately qualified Environmental Health Officers and Housing Officers.

Reasons for Decisions

To ensure full use of the new provisions made by the Housing and Planning Act, 2016, to sanction those landlords and letting agents who rented out properties which were hazardous to safety and health, and to act as a deterrent to others from doing the same.

The Housing and Planning Act 2016 provided for the income from financial penalties to be retained by local authorities for carrying out statutory functions in relation to enforcement of standards in the private rented sector.

13. Public Space Protection Order (Dog Control) Declaration

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 13.1 – 13.30 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) In considering the proposed options set out the Report, the outcomes of the public consultations on the proposed Public Space Protection Order conducted between 1 July to 31 August, 2017 and 1 November to 10 December, 2017 be noted.
- (B) Option 2 be agreed, to include the same requirements in the Public Space Protection Order as are applied in the original Dog Control Orders and to introduce new control measures and conditions as detailed below:
 - (i) Requirement to pick up dog waste forthwith. (Existing)
 - (ii) Requirement to dispose of the waste in a suitable receptacle. (New)
 - (iii) Requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to "pick up" dog mess should the need arise. (New)
 - (iv) Requirement for dogs to be kept on a lead no longer than 2 metres in length, within 3 metres of a highway. (Existing)
 - (v) Requirement to put a dog or dogs on a lead(s) when instructed to do

so by an authorised officer. In cases where an irresponsible owner is allowing their dog to cause a nuisance, an Authorised Council Officer could require the owner to keep their dog on a lead. (New)

- (vi) A prohibition of dogs from specified areas. Under a Public Space Protection Order it is possible to prohibit dogs from specific areas e.g. play areas. (New)
- (vii) A restriction on the maximum number of dogs (6) one person may take for a walk at a time. This includes professional dog walkers. (New)

(C) Cabinet should exercise its powers under the Anti-social Behaviour, Crime and Policing Act, 2014 to make a Public Space Protection Order in respect of the control of dogs in the District as set out in Appendix 4 of the Report.

Reasons for Decisions

There were currently two Dog Control Orders made by the Council, under the provisions of the Clean Neighbourhoods and Environment Act 2005, in force in the District. These Orders addressed two aspects of dog control, namely fouling and dogs off leads in the vicinity of highways, both of which attracted a significant number of complaints from the public.

New powers were introduced by the Anti-social Behaviour, Crime and Policing Act, 2014 (the Act) to deal with anti-social behaviour, including the ability to create Public Space Protection Orders (PSPOs). This provided the opportunity to introduce additional control measures not previously included in the existing Dog Control Orders, such as prohibiting dogs from specified areas and limiting the number of dogs an individual could take for a walk.

The existing Dog Control Orders did not enable to the Council to respond to other issues raised by local residents which included dog related anti-social behaviour, limiting the number of dogs an individual could take for a walk and prohibiting dogs from specified areas, such as fenced play areas.

A local authority could make a PSPO if it was reasonable satisfied that a number of conditions were met, namely that:

- the activities carried out in a public place within the authority's area had a detrimental effect on the quality of life of those in the locality or that it was likely that activities carried out would have such an effect;
- the effect or likely effect of the activities was, or was likely to be of a persistent or continuing nature;
- the activities were or were likely to be unreasonable; and
- the impact of the activities justified the restrictions imposed by the order.

By virtue of Section 72 of the Act, before introducing a PSPO the Council was required to carry out a consultation with the chief officer of police, the local policing body, community representatives and owners/occupiers of land covered within the order.

Cabinet on 15 June, 2017 authorised Officers to consult the general public and other interested organisations on extending the remit of the current dog control in the District. The consultation was publicised widely through the Council's website, Twitter, Facebook, via press releases to the local media, e-mailing

Parish/Town Councils and community groups and leaving copies for public perusal in Council offices. In addition, the Council published a notice of its intention to make a PSPO in a local newspaper which covered the whole District.

The initial consultation took place between 1 July and 31 August, 2017 and comments were invited in relation to the series of control measures available in the form of a questionnaire (reproduced at Appendix 1 of the Report).

A number of amendments were made in light of the responses made to the initial consultation and the decision was taken to undertake a further phase of public consultation between 1 November and 10 December, 2017, the results of which were detailed in Appendix 2 of the Report, and the comments in Appendix 3. In summary, the majority of respondents were in favour of extending the remit of dog control in the District.

Cabinet was presented with two options for consideration in the Report:

- Option 1 – to do nothing, which meant that the current powers under the existing Dog Control Orders would remain in force (dog fouling and dogs off leads in the vicinity of highways), or
- Option 2 – to extend the remit of the current orders to enable the Council to respond to other dog control issues including dog related anti-social behaviour and prohibiting dogs from specified fenced play areas in the District.

14. Local Plan Review (Issues and Scope) Consultation

Consideration was given to the Report of the Interim Head of Economic Development (Item 14.1 – 14.124).

RESOLVED:

That:

- (A) The Cannock Chase Local Plan Review (Issues and Scope) consultation document, attached as Appendix A to the Report, be approved, and that it be published pursuant to regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for an eight week consultation period, the strategy for which would be carried out in line with the Council's current adopted Statement of Community Involvement 2014.
- (B) The Head of Economic Prosperity, in consultation with the Economic Development and Planning Portfolio Leader, be authorised to make any non-substantive changes considered necessary to the document prior to it being published, and that the arrangements for the consultation be agreed.
- (C) Finalisation of the accompanying document for the Issues and Scope consultation (the Strategic Environmental Assessment and Sustainability Appraisal scoping report) be delegated to the Head of Economic Prosperity in consultation with the Economic Development and Planning Portfolio Leader.
- (D) It be noted that an updated Statement of Community Involvement was included for consideration later on in the meeting agenda, and subject to approval, would also be consulted upon alongside the Local Plan Issues and Scope paper.

Reasons for Decisions

The Report sought authorisation to consult on the first iteration of the new Local Plan for Cannock Chase District. This related to an Issues and Scoping paper, which would ask for views and feedback on the issues that the new Local Plan should address.

The current Local Plan (Part 1) was adopted in 2014. Work ceased on Local Plan (Part 2) following a Council resolution of 21 February, 2018, to enable a full review of the Local Plan as a whole to proceed. A new Local Development Scheme was also adopted on this date, setting out the timetable for the new Local Plan process. This Report and the proposed consultation was in fulfilment of the first step in the process of developing the new Local Plan.

The Issues and Scope consultation document was deliberately high level and broad to ensure that a wide range of matters were considered before detail of the new Plan was formulated. It also enabled those people who responded to the Local Plan (Part 2) consultation to see how their responses were utilised as the new process began.

Consultation would take place for an eight-week period beginning Monday 2 July, 2018. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), only required a six-week consultation period, however it was felt appropriate to extend this to eight weeks given that this would be over the summer holiday period.

Members were requested to note that throughout the report, and through the appended Issues and Scope consultation paper, there was reference to a number of changes being made to planning policy at a national scale, many of which were the subject of recent government consultations. These changes would have consequence in terms of both Local Plan formulation and delivery, and potentially could have cost implications in terms of providing an up to date evidence base to ensure that the Plan was both sound and deliverable. This matter would be kept under review as draft changes were confirmed and consequences for planning policy at the local level better understood.

15. Statement of Community Involvement

Consideration was given to the Report of the Interim Head of Economic Development (Item 15.1 – 15.32).

RESOLVED:

That:

- (A) A six-week (minimum) period of consultation for an updated draft Statement of Community Involvement as attached at Appendix 1 to the Report be agreed.
- (B) Authority be given to the Head of Economic Prosperity, in consultation with the Economic Development and Planning Portfolio Leader, to make any non-substantive changes considered necessary to the document which may need to reflect further legislative updates due to ongoing reform with the planning system nationally prior to consultation.

Reasons for Decisions

The Planning and Compulsory Purchase Act, 2004 (as amended) required the

Council to produce a 'Statement of Community Involvement' (SCI) which 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 March, 2014 under the Town and Country Planning (Local Development) (England) Regulations, 2012 (as amended).

Local Planning Authorities must review their SCI every five years from the adoption date. Recent changes set out in the Neighbourhood Planning Act, 2017 amended the requirements of the Planning and Compulsory Purchase Act, 2004 related to the preparation of an SCI, and given effect through the Neighbourhood Planning Act, 2017 (Commencement No. 3) Regulations, 2018 necessitated an SCI update.

These changes related to inclusion of policy for giving advice to neighbourhood planning groups and for involvement of communities and other interest parties in the preliminary stages of plan making (specifically in the exercise of functions for survey (section 13) and Local Development Schemes (section 15)). In updating the SCI the opportunity was taken to update where necessary changes in local circumstances (such as in relevant community groups and the procedure for pre-application advice) and to set out the Council's approach to more recently introduced planning procedures (such as the Community Infrastructure Levy and Permissions in Principle). The update also took account of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) as amended.

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. It 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 (SPDs) and in the determination of planning applications, as well as community involvement in the more recently introduced planning procedures such as the Community Infrastructure Levy (CIL) and Neighbourhood Planning. The Council's vision for the SCI was that 'Everyone is given the opportunity to influence the future planning of Cannock Chase District and consequently take ownership of the Local Plan through stakeholder and community involvement.'

There were a number of important benefits of achieving community and stakeholder buy-in, these included:

- Community commitment to the future development of the area;
- Promoting regeneration and investment, creating certainty and commitment to change;
- Providing a strong basis for successful negotiations on development proposals, including developer contributions; and
- Providing a robust basis for addressing difficult decisions – it was important that in seeking to build consensus, addressing controversial issues was not avoided.

The constituent parts of the SCI were described in the detail of the Report.

16. Former Grove Colliery Office Building, 137 Lime Lane, Little Wyrley

Consideration was given to the Report of the Head of Housing and Partnerships (Item 16.1 – 16.4 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The former Grove Colliery Office Building at 137 Lime Lane, Little Wyrley, be declared surplus to Council requirements and be marketed for sale.
- (B) Authority be delegated to the Head of Economic Prosperity to instruct agents to market the Grove Colliery Office Building for sale and to take all other actions required to implement the decision.
- (C) Authority be delegated to the Head of Economic Prosperity to dispose of the Grove Colliery Office Building at market value.

Reasons for Decisions

The former Grove Colliery Office Building was located on a Council owned site of some 0.42 acres on Lime Lane, close to the former Grove Colliery Site and comprised of a derelict two-storey office building of approximately 697 square metres (7,500 sq. ft.).

The buildings had remained vacant for many years and were derelict as evidenced by a recent condition survey that indicated a projected cost of £1.258m to put the building back into repair.

The continued retention of the building would impose additional ongoing costs for the Council in keeping the premises secured and dealing with matters of anti-social behaviour.

It was considered most likely that any prospective purchaser would wish to demolish the existing building and redevelop the site subject to planning permission. The location of the property was such that there was likely to be limited demand given both the potential costs of demolition and the nearby land uses.

17. Land to the North of 385 Norton Rad, Heath Hayes

Consideration was given to the Report of the Head of Housing and Partnerships (Item 17.1 – 17.4).

RESOLVED:

That:

- (A) The land to the north of 385 Norton Road, Heath Hayes, be declared surplus to Council requirements and be marketed for sale.
- (B) Authority be delegated to the Head of Economic Prosperity to instruct agents to market the land to the north of 385 Norton Road, Heath Hayes, for sale and to take all other actions required to implement the decision.
- (C) Authority be delegated to the Head of Economic Prosperity to dispose of the land to the north of 385 Norton Road, Heath Hayes, at market value.

Reasons for Decisions

The site was located on a Council owned site of approximately 0.42 acres (0.186 ha) on Norton Road within close proximity to the Five Ways Island and Cannock Road (A5190). It was overgrown and contained a number of self-set trees.

On 3 April, 2003 Cabinet resolved that subject to the grant of outline planning consent the land could be disposed of on the open market for residential development purposes. This resolution was not implemented and the site had remained vacant and overgrown ever since.

Updated outline planning consent for residential development had been recently obtained under application number CH/17/351. A number of trees on the site were, and would continue to be, protected by Tree Preservation Orders.

18. Land to the North West of St. Peter's C of E Primary School, Reservoir Road, Hednesford

Consideration was given to the Report of the Head of Housing and Partnerships (Item 18.1 – 18.5).

RESOLVED:

That the grant of a 125 year lease in the Department for Education standard form to the Future Generation Trust at peppercorn rent consideration to facilitate the conversion of St Peter's C of E Primary School to Academy Trust status be agreed.

Reasons for Decision

St. Peter's Church of England Primary School, Reservoir Road, Hednesford, was currently in the process of converting to Academy Trust status. The school buildings were owned by the Lichfield Diocese and part of the school grounds were owned by Staffordshire County Council (SCC). The rest of the school grounds, comprised of the playing fields shown edged red on the plan attached at Appendix 1 to the Report (the 'Playing Fields'), were owned by Cannock Chase Council.

The Playing Fields, together with other land which formed part of Hednesford Hills, were given to the Council by the Marquess of Anglesey in 1933, subject to a restriction that the land could only be used for public recreation purposes.

The Council leased the Playing Fields (circa 4,390 square metres) to SCC (in its capacity as local education authority) in 1960 at a nominal rent for use by the school as playing fields. The lease contained an acknowledgement that the Marquess of Anglesey consented to the Playing Fields being used for this purpose. The lease also permitted SCC to erect boundary fencing around the edge of the playing field. This lease continued to run.

In 1968, the Council applied to register the land given to it by the Marquess of Anglesey (including the Playing Fields) as common land under the Commons Registration Act 1965. The Playing Fields were registered as common land, although in fact the land was fenced off and formed part of the school grounds.

As part of the conversion to academy status, the Academy Trust (the Future Generation Trust) advised the Council that they needed to secure a long-term interest in the Playing Fields. The Academy Trust's solicitors advised that they could not take over the 1960 lease to SCC because this did not give them

sufficient security in the Playing Fields to meet the Department for Education's conversion criteria.

The Academy Trust's solicitors asked that the Council grants the Academy Trust, as a minimum, a 125 year lease of the Playing Fields at a nominal rent. This lease would need to be in a standard form issued by the Department for Education. Alternatively, the Council could transfer ownership of the Playing Fields to the Academy Trust. The Academy Trust's preferred option however was that the Council transfer ownership of the Playing Fields to them for a nominal rent. The Academy Trust was aware that the land was registered common land and accepted that the transfer of ownership from the Council to the Trust would not affect that designation.

19. Policy in Respect of Applications for Rent Subsidy for Community / Voluntary Organisations

Consideration was given to the Report of the Head of Housing and Partnerships (Item 19.1 – 19.9 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The draft Policy in Respect of Applications for Rent Subsidy for Community / Voluntary Organisations, as detailed in Appendix 1 of the Report, be approved.
- (B) Authority be delegated to the Head of Housing and Partnerships to implement the policy in respect of community / voluntary organisations wishing to lease Council owned land / premises at a subsidised rent.

Reasons for Decisions

Section 123 of the Local Government Act, 1972 required that a local authority should obtain best consideration in the disposal of its land (which generally meant obtaining market value). The term 'disposal' included the grant of a lease for a term of over seven years.

A local authority could however grant a lease of more than seven years at an undervalue (i.e. below market value), if it could demonstrate that the arrangement contributed to the improvement of the social, economic or environmental wellbeing of the area, or its inhabitants.

When existing leases of Council land/premises approached expiry, Property Services implemented lease renewal action under the provisions of the Landlord and Tenant Act 1954 (where applicable), and in accordance with the requirements of the Local Government Act, 1972. Action by the Council in accordance with the relevant legislation often resulted in market rental values that were considerably higher than tenants had previously paid.

The Council had been approached on a number of occasions by organisations run as voluntary or community organisations who contended that payment of a market rental would render them unable to continue to operate. On that basis, they generally sought a lease or a renewal lease at a favourable rent that was below the market value.

The decision as to whether the occupation of Council owned land/premises by a particular organisation contributed to the 'wellbeing' of an area or its inhabitants,

and should be granted a lease at favourable rent, was currently beyond the extent of Officers' delegated authority. Consequently, where an organisation sought to occupy Council owned land/premises at a favourable rent then a report to Cabinet was required.

To date, Cabinet had considered each approach from voluntary/community organisations on an individual basis. There was currently no standard criteria that the Council applied when assessing whether an organisation satisfied the test of 'wellbeing'. This left the Council vulnerable to accusations of inconsistency regarding favourable rents for community/voluntary organisations.

The draft policy attached at Appendix 1 to the Report set out criteria by which applications for a favourable rent would be decided by the Council. In addition, the draft policy contained operational standards and examples of good practice that the Council expected an organisation in receipt of a favourable rent to adhere to.

The meeting closed at 4:30 p.m.

LEADER