

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET

HELD ON THURSDAY, 20 NOVEMBER, 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 and Crime and Partnerships 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

69. Apologies

Apologies were received from Councillors A. Lovell, Corporate Improvement Portfolio Leader and Mrs. C. Mitchell, Culture & Sport Portfolio Leader.

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

Member	Interest	Type
Adamson, G.	Agenda Item 14 – Designation of Hednesford Town Council Area as a Neighbourhood Area – <i>Member of Hednesford Town Council</i>	Personal
Davis, Mrs. M.A.	Agenda Item 14 – Designation of Hednesford Town Council Area as a Neighbourhood Area – <i>Husband is a Member of Hednesford Town Council</i>	Personal
Todd, Mrs. D.M.	Agenda Item 14 – Designation of Hednesford Town Council Area as a Neighbourhood Area – <i>Member of Hednesford Town Council</i>	Personal

71. Updates from Portfolio Leaders

Leader

The Leader advised that following last week's announcement about the proposal to establish a West Midlands Combined Authority (WMCA), he had been contacted about Cannock Chase Council potentially being involved in the new authority in the future. A meeting was to be arranged to further explore relevant issues, and representatives from East Staffordshire, Lichfield, South Staffordshire and Tamworth councils would also be invited to attend.

Crime and Partnerships

The Portfolio Leader reported that the Staffordshire Police and Crime Commissioner (PCC) was looking to establish 'Safer Neighbourhood Panels' across the County based on borough/district boundaries. Proposals for the Panels were still in their early stages with clarity needed on how these would affect already established local forums. The Commissioner intended to run pilots in 3 areas initially before a wider roll out. Cannock Chase Council had put forward an expression of interest to be one of the pilot areas, and was awaiting a response from the Commissioner.

Economic Development and Planning

The Portfolio Leader advised that the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (SSLEP) had recently adopted a new constitution and Board structure which could see more businesses being represented on the LEP than local authorities, as excluding Stoke-on-Trent City Council and Staffordshire County Council, only two representatives would be appointed from the south of the County and two from the north, so there was a strong possibility that Cannock Chase Council might no longer have representation on the LEP.

Environment

The Portfolio Leader reported that through the recently established taxi drivers' liaison group, representatives from the taxi companies had been asked to consider how to provide better facilities for disabled customers, and report back on their findings in four months time.

Health and Wellbeing

The Portfolio Leader confirmed that from 1 December, 2014, Cannock Hospital's Minor Injuries Unit (MIU) would have a reduced 8 hours opening per day, between 10:30am and 6:30pm, however no further details about the changes had been announced as yet. Additionally, a recent report in the Express and Star detailed how nurses at the Hospital had taken part in a successful 'critical care' service pilot which was to be rolled out across the County.

Town Centre Regeneration

The Portfolio Leader reported that this year's Christmas card design competition had been launched for young people in the District, which hoped to build on the success of similar competitions held for Christmas 2013 and Easter 2014.

72. Minutes of Cabinet Meeting of 23 October, 2014

RESOLVED:

That the Minutes of the meeting held on 23 October, 2014 be approved as a correct record and signed.

73. Forward Plan

The Forward Plan of Decisions for the period November, 2014 to January, 2015 (Item 5.1 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period November, 2014 to January, 2015 be noted.

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

RESOLVED:

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

- (i) Culture and Sport – 5 August, 2014
- (ii) Joint Health and Wellbeing PDC and Health Scrutiny Committee – 11 September, 2014
- (iii) Health and Wellbeing – 7 October, 2014
- (iv) Housing – 6 August, 2014

75. Review of the Housing Revenue Account Capital Programme, 2014-15

Consideration was given to the Report of the Head of Housing and Waste Management (Item 7.1 – 7.16 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The position regarding the estimated availability of Housing Revenue Account Capital resources set out in Appendix 1 be noted.
- (B) The position regarding actual and estimated expenditure in respect of the 2014-2015 Housing Revenue Account Capital Programme as set out in Appendix 2 be noted, and approval be given to incur £195,000 of additional scheme costs, met through the virement of existing resources, in respect of the following schemes:-
 - (i) External and Environmental Works £170,000
 - (ii) Asbestos Testing and Removal £ 25,000

- (C) The position regarding uncommitted Housing Revenue Account capital resources be noted.
- (D) The action taken by the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader regarding the extension of the 2014-15 Window Refurbishment Programme, be confirmed.
- (E) Subject to the concurrence of the Scrutiny Committee, the window refurbishment and double-glazing dwelling output target within the 2014-15 "Place" Priority Delivery Plan be revised to 1020 dwellings.

Reasons for Decisions

The report presented the quarter two review of the 2014-2015 HRA Capital Programme.

Estimated available resources in 2014-2015 were now forecast to be £17,610,418. This compares to £16,923,628 when the programme was reviewed by Cabinet on 17 July 2014. The reasons for the increase of £686,790 were detailed in Appendix 3 to the report.

Estimated expenditure in respect of the 2014-15 HRA capital programme was now estimated to be £11,460,290. This compares to £13,544,290 when the programme was reviewed by Cabinet on 17 July 2014. The reasons for the decrease of £2,084,000 were detailed in Appendix 4 to the report, and relate primarily to budget savings and the re-profiling of expenditure following the receipt of tenders for the Moss Road Estate Reema Flats Redevelopment scheme.

Following the financing of the estimated 2014-15 HRA capital programme, it was estimated that £6,150,128 of uncommitted resources was available. This compares to the estimate of £3,379,338 when the programme was renewed on 17 July 2014, an increase of £2,770,790. Unless required during 2014-15 these resources will be carried forward to assist in financing the HRA capital programme for 2015-16 and future years.

The contingency sums within the 2014-15 window refurbishment budget were unlikely to be required during the current year. As a result and following consultation with the Housing Portfolio Leader, the estimated budget savings had been used to bring forward 100 dwelling from the 2015-16 programme, in order that they benefit from double glazing in the current financial year. Confirmation of action was therefore requested.

The extension of the 2014-15 window refurbishment programme will impact on the dwelling outputs included in the 2014-15 "Place" Priority Delivery Plan. It was therefore proposed that the target is increased to 1020 dwellings.

76. Housing Revenue Account Business Plan Review

Consideration was given to the Report of the Head of Housing and Waste Management (Item 8.1 – 8.23 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The review of the Housing Revenue Account (HRA) Business Plan be noted including:-
 - (i) The base HRA Business Plan attached as Appendix 1.
 - (ii) The associated programme of capital expenditure attached as Appendix 2.
 - (iii) The revised HRA Business Plan assumptions attached as Appendix 3.
 - (iv) The changes in assumptions from the agreed Business Plan attached as Appendix 4.
 - (v) The risk analysis attached as Appendix 5
- (B) That the use of the estimated cumulative surplus of £3.22 million in 2017-18 be considered when formulating the proposed three year HRA revenue and capital budgets for the period 2015-16 to 2017-18.

Reasons for Decisions

The agreed HRA Business Plan has been reviewed as part of the 2015-16 budget process.

This review has resulted in the formulation of an amended Business Plan (which was attached as Appendix 1 to the report) and an amended associated programme of capital expenditure (which was attached as Appendix 2 to the report). Details of the assumptions used in formulating the Business Plan were attached as Appendix 3 to the report, whilst details of the changes from the agreed Business Plan were set out in Appendix 4 of the report. A risk analysis of the Business Plan assumptions was also attached as Appendix 5 to the report.

In overall terms the changes have a beneficial impact on the business Plan and resulted in an estimated cumulative surplus of £3.22 million in Year 6 (2017-18).

Consideration of the potential use of the estimated cumulative surplus will be given when Cabinet formulates the proposed three year HRA revenue and capital budgets for the period 2014-15 to 2016-17.

77. Financial Plan 2014-15 to 2017-18

Consideration was given to the Report of the Head of Finance (Item 9.1 – 9.17 of the Official Minutes of the Council). *An updated report in respect of this item was circulated to Members in advance of the meeting.*

RESOLVED:

That:

- (A) The Financial Plan 2014/15 - 2017/18 be noted;
- (B) The forecast outturn for 2014-15 be approved;

- (C) The General Fund working balance be determined as part of the Risk Analysis undertaken in finalising the preparation of the 2015/16 budget.
- (D) The draft Capital Programme 2014/15 - 2017/18 and resources available be noted;
- (E) The principles set out in the Council's Financial Plan be adopted in finalising the preparation of the 2015/16 budget.
- (F) The level of Council tax for 2015-16 to be determined following the outcome of the Government consultations; the level of Council Tax Compensation available and preparation of the detailed budgets for 2015-16 to 2017-18.

Reason for Decisions

The report set out the Council's forecast financial position for the next three years incorporating anticipated spending pressures and savings already identified. Financial resources available to the Council over the three year period were also set out. A balanced budget exists for 2015-16 however a great deal of uncertainty exists in relation to the level of government funding to be provided post 2015-16.

78. Billing, Collection and Recovery of Council Tax and Business Rates

Consideration was given to the Report of the Head of Finance (Item 10.1 – 10.26 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The content of the report be noted.
- (B) The Billing, Collection and Recovery Policy and Bankrupt, Insolvency and Charging Order Policy be adopted.

Reasons for Decisions

The shared Local Taxation team collected over £77m per year, in Council Tax and Business Rates, on behalf of Cannock Chase Council. (A further £100m was collected for Stafford Borough Council). Whilst a certain amount of non-payment was inevitable, failure to collect the sums due can have a significant impact on the Council's finances and reputation. It was therefore important to have robust procedures in place to maximise performance in this area.

Increasingly local taxes were becoming difficult to collect in certain circumstances. Whether that be as a result of taxpayers inability to pay, for financial reasons, or by companies and individuals seeking to exploit apparent "loopholes" in the legislation or to operate "scams" to avoid liability. These issues were explained and addressed in the report.

The current funding arrangements for local authorities, mean that more than ever, the Council needs to seek to maximise its revenue generation by way of Council Tax and Business Rates income and New Homes Bonus. Again, the

actions needed to optimise our financial position were explained in the report.

79. District Needs Analysis and Ward Profiles

Consideration was given to the report of the Chief Executive (Item 11.1 – 11.80 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Report, and Appendices which form the evidence base, be noted.
- (B) The internal and external publication of the District Needs Analysis and Ward Profiles be approved.

Reason for Decisions

The key issues of the report and appendices were the range of statistical and perceptions data available to the Council in order to assist with and inform the priority setting and decision making processes. The information provided in the Appendices to the report was intended to highlight and illustrate the key areas of significance in the District; however it should be noted that due to the frequently changing nature of statistical information, these documents were not intended to serve as a definitive position statement for the District.

80. Quarter 2 Performance Reports 2014/15

Consideration was given to the report of the Chief Executive (Item 12.1 – 12.58 of the Official Minutes of the Council).

RESOLVED:

That:

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

Reasons for Decisions

Information for performance actions, indicators and case studies 2014/15 was included for relevant items in Appendices 1 to 8. The overall rankings for each Portfolio area were detailed in Section 5 of the report, indicating that 79.6% of targets had been achieved during the second quarter of 2014/15. The decisions reflect that this performance and any subsequent rescheduling be noted.

81. Cannock Chase Special Area of Conservation Partnership Memorandum of Understanding and Permission to Spend on Mitigation Projects

Consideration was given to the Report of the Corporate Director (Item 13.1 –

13.12 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The signing of the Memorandum of Understanding attached at Appendix 1 be approved; and authorisation be given to the Corporate Director, in consultation with the Portfolio Leader for Economic Development and Planning, to agree and enter into any revised or supplemental agreements designed to achieve the purposes of the Memorandum of Understanding.
- (B) Officers be authorised to allocate S106 funds and Community Infrastructure Levy funds to the projects set out in Appendix 2 in order to mitigate the impact of new residential development in the District on the SAC and as part of the Council's share of the overall mitigation strategy in accordance with the processes agreed by the Partnership.
- (C) The Corporate Director, in consultation with the Portfolio Leaders for Economic Development and Planning and for Environment, be authorised to agree future allocations of funds to mitigation projects and to agree and enter into any business plans and governance arrangements agreed by the Cannock Chase Special Area of Conservation Partnership to implement the mitigation policy.

Reasons for Decisions

Evidence produced to inform policies and proposals in Local Plans prepared by Cannock Chase Council, Stafford Borough Council, Lichfield District Council, South Staffordshire District Council, East Staffordshire Borough Council, Walsall Metropolitan Borough Council and Wolverhampton Metropolitan Borough Council indicated that new housing development will result in additional damage to the Cannock Chase Special Area of Conservation (SAC) as a result of increased visitor pressure unless appropriate mitigation proposals were delivered. The SAC comprises the main heathland areas within the Cannock Chase Area of Outstanding Natural Beauty. All the adopted Local Plans contained policies which require mitigation measures to be secured when dealing with planning applications involving a net increase in dwellings. Plans currently being examined – Lichfield and East Staffs – include similar policies.

The Local Planning Authorities (LPAs) had been working with Natural England, the Government's advisor on nature conservation, Staffordshire County Council (owners of most of the SAC), the Forestry Commission (major adjoining landowner) and the AONB Unit to develop a set of projects together with a means of funding them, to ensure that there was no additional adverse impact on the integrity of the SAC resulting from the additional visitors occupying new dwellings situated within an agreed zone of influence. It was essential to have these processes in place in order to ensure that the LPAs, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2010, were discharging their responsibilities in the correct way.

As an alternative to having a moratorium on new housing development, this

Council, Stafford Borough and Lichfield District had been operating interim policies to secure funding via Section 106 Planning Obligations to enable planning permissions to be granted, pending agreement on a consistent approach across the partnership. This Council adopted an Interim Planning Policy following Cabinet approval on 25/07/2013. This meant that some funding was already in place in S106 accounts, amounting to £16,200 at the end of September 2014. The position had now been reached where the partnership was close to agreement on a costed set of projects (overall around £2 million) with accurate information on the net increase in dwellings proposed in the respective plans, to enable a formal Memorandum of Understanding and governance procedures to be completed to deliver the mitigation measures.

The proposed Memorandum of Understanding was set out at appendix 1 to the report. A table listing the projects and costs was shown at Appendix 2.

82. Designation of Hednesford Town Council Area as a Neighbourhood Area

Consideration was given to the Report of the Corporate Director (Item 14.1 – 14.8 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The summary of responses in Appendix 1 made to the public consultation on a proposal to designate Hednesford Town Council area as a neighbourhood area be noted.
- (B) The designation of Hednesford Town Council area as a neighbourhood area pursuant to Section 61G of the Town and Country Planning Act 1990 (as amended) be agreed to, and that the decision be notified on the Council website and within the local area as soon as possible after the final decision has been made.

Reasons for Decisions

Hednesford Town Council had applied to the District Council under Section 61G of the Town and Country Planning Act 1990 for designation of the whole of the Town Council area as a neighbourhood area.

Under the Neighbourhood Planning (General) Regulations 2012 the District Council, acting as Local Planning Authority, had publicised the application for eight weeks in order to allow representations to be made prior to a decision being made. The eight week consultation period was chosen instead of the statutory six week minimum period due to the consultation being run during the school holiday period in order to ensure that people going on vacation had time to respond.

Responses received were set out in appendix 1 to the report and were all supportive.

83. Review of Service Level Agreement (SLA) with Staffordshire South West Citizens' Advice Bureau (SSWCAB)

Report of the Head of Commissioning (Item 15.1 – 15.20).

RESOLVED:

That Cabinet agree to enter into a new revised SLA and funding arrangements with Staffordshire South West Citizens' Advice Bureau for 1 year, 2015-16.

Reasons for Decision

The CAB in Cannock Chase play an important role in providing free, impartial advice on various issues including benefits, money (debt and other financial matters), employment, housing, relationship and legal problems and a high proportion of CAB users are from those considered to be most vulnerable or at risk of social exclusion.

The Council had provided substantial financial support to the Bureau for many years and with the continued pressures on public finances, it was essential that the Council ensured that it was achieving value for money from its grant arrangements.

Cabinet at its meeting on 20th March 2014 received a summary of the CAB's performance for the period 1st April 2013 – 31st December 2013 and expressed some concerns over the level of service provision. As such Members requested a review of the SLA for 2014-15.

The review of the SLA for 2014-15 had secured a 32.5% increase in the opening hours available to residents living within Cannock Chase with a further increase secured for 2015-16. It was also generally accepted that the CAB has performed well in its provision of advice and support to those in most need.

The District Council was a key stakeholder in CAB services and its viability depends on this core funding. To cease funding would cause serious operational difficulties and possibly even closure.

The proposal and options for consideration by Members set out in the report (Paragraph 5.18) provided some certainty of commitment to the CAB in order to enable the bureau to have a sustainable financial base to plan for their services, as well as recognising the significant contribution the Council makes towards the delivery of these important services.

84. 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 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
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HELD ON THURSDAY, 20 NOVEMBER, 2014 AT 4:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

85. Housing Revenue Account Borrowing Programme – Green Lane Housing Scheme

Consideration was given to the Not for Publication Report of the Head of Housing and Waste Management (Item 17.1 – 17.14 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The action of the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader and the Leader regarding a revised bid to the Department for Communities and Local Government for £1,015,000 of additional borrowing approval to part fund the provision of 21 dwellings at Green Lane, Rugeley be confirmed.
- (B) Council, at its meeting to be held on 14 January, 2015, be requested to make the following resource adjustments to the 2015-16 Housing Revenue Account Capital Programme, in order to finance the Green Lane scheme:
 - (i) The inclusion of £1,015,000 of additional borrowing approval, and £150,000 of uncommitted section 106 Affordable Housing monies.
 - (ii) The transfer of £250,000 of uncommitted “Affordable Housing” capital receipts from the General Fund Capital Programme.
- (C) The Head of Housing and Waste Management, following consultation with the Head of Economic Development, be authorised to agree terms and conditions with Jessup for the delivery of a ‘land and build’ scheme in relation to Green Lane site and enter into the necessary contracts.
- (D) Subject to decisions (B) and (C), scheme approval and permission to spend for the Green Lane housing scheme be agreed.

Reasons for Decisions

Following consultation with the Housing Portfolio Leader and the Leader, a revised bid was made to the Department for Communities and Local Government in respect of the Housing Revenue Account (HRA) Borrowing

Programme.

The revised bid sought £1,015,000 of additional borrowing approval to part fund the provision of 21 council dwellings on a site at Green Lane, Rugeley. The scheme would be provided through a “land and build” package with the local developer, Jessup, at an estimated total cost of £2,030,000, with the remaining £1,015,000 being met from uncommitted Council resources.

Confirmation of action for this revised bid was therefore requested.

The revised bid had been successful and it was necessary to seek the approval of Council to include the additional borrowing approval and £400,000 of uncommitted Council resources within the 2015-2016 HRA Capital Programme. The balance of £615,000 was already included in the agreed programme.

Details of the Green Lane scheme which will comprise of 7 two bedroom houses and 14 one bedroom flats were attached as Appendix 1 to the report.

It was necessary to undertake a “due diligence” exercise with Jessup to ensure that the scheme provided “value for money”. Subject to the result of this exercise being satisfactory authorisation was sought to agree terms and conditions and enter into a contract with Jessup to deliver the Green Lane scheme.

In accordance with the Council’s agreed Capital Expenditure Procedures, scheme approval and permission to spend was also sought for the Green Lane scheme.

86. Debt Recovery

Consideration was given to the Not for Publication Report of the Head of Finance (Item 18.1 – 18.21 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The amounts detailed in Appendices 1, 2, 3 and 4 of the Report be written off.
- (B) The actions of the Head of Finance in writing off the irrecoverable debts, below £1,000, be noted.

Reasons for Decisions

Council Tax

Set out in Appendix 1 to the report was a list of Council Tax arrears over £1,000 which could not be collected for the reasons stated. Included in this Appendix were 16 cases with arrears totalling £46,640.45.

All of the amounts written off were to be charged against the provision for bad debts.

Non-Domestic Rates

Set out in Appendix 2 to the report was a list of Non-Domestic arrears over £1,000 which could not be collected for the reasons stated. Included in this Appendix were 23 cases with arrears totalling £141,068.00.

Some of the Business Rates debts were being recommended for write-off on the grounds of insolvency of the companies that previously occupied properties. It was not uncommon in these circumstances for the properties concerned to be re-occupied fairly quickly, by new companies often with similar names to the insolvent organisation. It often therefore appeared that the company had continued to trade, though this was not the case.

Where this situation had occurred, the new occupier was an entirely separate legal entity to the previous occupant and could not be held liable for rates due from the insolvent company. Members can be assured that we only submit these debts for write-off, when we are sure that they cannot be recovered.

Housing Benefit Overpayments

Set out in Appendix 3 to the report was a list of Housing Benefit Overpayments with arrears over £1,000 which could not be collected for reasons stated. Included in this Appendix were 17 cases with arrears totalling £54,425.06.

Business Improvement Districts (BIDS)

A BID was an additional charge, in respect of additional services which was voted for, by the majority of Business Rate payers in 5 industrial parks within the district. The services and levies were in place between 2007 and 2012.

The services funded by the BID levy were provided by a "BID Company" called Image Business Parks, to whom all levies collected were paid.

Set out in Appendix 4 to the report was a list of BID Levies over £1,000 which could not be collected for reasons stated. BID write offs were offset wholly against the funds paid to the BID Company and so there was no cost to the Council. Included in this Appendix were 5 cases with arrears totalling £6,819.46.

The meeting closed at 4:55p.m.

LEADER