

CANNOCK CHASE COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

AT 4.00 P.M., WEDNESDAY, 26 AUGUST, 2009

PART 1

PRESENT: Councillors

Beddows, J. (Chairman)
Mawle, D.L. (Vice-Chairman)

Alcott, G.	Holder, M.J.
Allen, F.W.C.	Jillings, J.
Ansell, Mrs. P.A.	Jones, R.
Bennett, Mrs. D.J.	Kraujalis, J.T.
Bernard, Mrs. A.F.	Meaden, R.G.
Bernard, J.	Mitchell, C.
Burnett, G.	Morgan, C.W.J.
Burnett, J.	Pearce, Mrs. L.J.
Davies, D.N.	Stanley, N.K.
Davis, Mrs. M.A.	Sutton, Mrs. H.M.
Dixon, D.I.	Thomas, D.
Easton, Mrs. D.M.	Todd, Mrs. D.M.
Easton, R.	Williams, A.
Freeman, M.P.	Williams, B.
Grice, Mrs. D.	Williams, Mrs. P.
Grocott, M.R.	Yates, Ms. W.

(Apologies for absence were received from Councillors: G.D. Ball, K.L. Bennett, L.W. Bullock, M. Green, G.N. Molineux and Mrs. P.Z. Stretton).

Prior to the commencement of the meeting, the Chairman welcomed back Councillor R.G. Meaden, from a period of illness.

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

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Kraujalis, J.T.	Minute 27 – Questions in Accordance with Rule 8 - Member of Longford Allotments Association	Personal

(iii) Kanalfest 2009

The Chairman reported that he and the Chief Executive had attended the 40th annual Kanalfest in Cannock's twin town of Datteln from 14 to 16 August, 2009. He reminded Members that town twinning was a great way of bonding communities in long-term friendships, giving people from participating towns the chance to learn about another culture, language, history and way of life; and considered this especially important for young people.

The Chairman also advised Members that he had written to Burgermeister Wolfgang Werner to thank him for the generous hospitality extended during the course of the visit.

(iv) Civic Sunday

The Chairman advised Members that his Civic Sunday was to be held on Sunday, 11 October, 2009, at 3.00 p.m. at St. James Church, Norton Canes.

Official invitations would be despatched in due course.

(v) Urgent Report – Allocation of Seats to Committees and Other Bodies

The Chairman reported that the Chief Executive had received a letter of resignation, dated 21 August, 2009, from Councillor Ian Carr, who represented Heath Hayes East and Wimblebury ward. He reported that a notice of vacancy would be advertised within the week.

The Chairman advised that he had consequently agreed to consider, as a matter of urgency, a report in relation to the allocation of seats to Committees and Other Bodies and the consideration of a supplementary estimate for the purposes of conducting a by-election, if required.

The report was to be considered as an urgent item due to the fact that the political balance of a number of Committees was affected, and these Committees would be meeting prior to the next scheduled Council meeting on Wednesday, 30 September, 2009.

(vi) Matthew Challoner

The Chairman advised Members that Matthew Challoner, Principal Democratic Services Officer, was leaving the Council to take up a position with Coventry University. On behalf of himself and the Council, he thanked Matthew for all his hard work in the past and wished him all the best for the future.

27. Questions in Accordance with Rule 8

Councillor C.W.J. Morgan asked the following question of the Environmental Sustainability

Leader, Councillor A. Williams, in accordance with Rule 8:

"Would the Environmental Sustainability Leader please give the revised income and expenditure figures for allotments for the financial year 2007-08? Would he also tell us the percentage increase required to rents to cover the actual cost of the service?"

The Environmental Sustainability Leader, Councillor A. Williams, provided the following response:

"In response to Councillor Morgan's question, I can confirm that I have ascertained information from Council officers on the revised income and expenditure figures for allotments for the financial year 2007-08.

Council at its meeting of the 27 February 2008 approved a savings option E2-02 to remove the Subsidy on Allotments. The saving was based upon the draft estimates for 2009-10 reflecting a 12 month lead in time for its implementation with at that time allotments income increasing from £1,500 to £6,630 in 2009-10. These represented indicative figures with actual increases to break even being determined in December 2008 in line with prevailing budgets.

The accounts for the financial year 2007-08 (April 1 2007 to 31 March 2008) were reported to Council in June 2008 and show a deficit or subsidy in the year of £5,522. Consisting of expenditure in the year of £7,433 and income of £1,911.

The accounts however included costs of an on going legal dispute concerning the former Newman Grove allotments and hence the true deficit amounted to £3,657 with a revised expenditure figure of £5,568 and income of £1,911

Actual charges to reflect the removal of the subsidy were set in December 2008 for implementation in January 2009 and covered the period 1 January 2009 to 31 December 2010. Allotments increases have traditionally been set on a calendar year rather than financial year.

The charges were based upon estimated expenditure of £6,560 and resulted in monetary increases ranging from £23.68 per annum (£0.46 per week / £0.06p per day) to £116.35 per annum (£2.24 per week / £0.32 per day) and percentage increases ranging from (257.37%) to (436.34%) depending on the size of plot and facilities available.

In light of the issues raised as part of the Newman Grove legal dispute a full review of the allotments service was undertaken.

Expenditure for Newman Grove had been incorrectly charged to the Allotments service (but not allotment holders) in the 2006-07 to 2008-09 accounts but no provision or charge had been made in the Estimates for 2009-10 for Legal Work as detailed in the table below, and hence had not formed part of the removal of subsidy calculation.

Legal Services: Allotment Estimated Recharges	
Year	Budget
2006-07	760
2007-08	630
2008-09	0
2009-10	0

Therefore, although the legal dispute had been charged to the Allotments service this had not been reflected in the amount recharged to Allotment Holders for the period 1 January, 2009 to 31 December, 2010.

The comprehensive review did, however, reveal that the Budget Approved by Council in February, 2009 indicated that the estimated cost of allotments service in 2009-10 was forecast to be £5,140; some £1,490 lower than that originally anticipated of £6,630.

Based upon these figures the % increase in fees now ranged from 206.38% to 317.68% and amounts from (£0.34 per week / £0.05p per day) to (£1.63 per week / £0.23p per day) depending on the size of plot and facilities available.

A number of methods were available to refund this amount to the Allotment Holders and normal practice would be to issue a refund at the end of the accounting period when the actual figures are available. Other options included reflecting the previous year's figures as an adjustment to the following year's rents.

The allotments service is, however, different from other Council services and as stated previously operates on a Calendar year rather than Financial year which means that charges are set in advance of budgets.

The opportunity was, therefore, taken to change the financial arrangements for the allotments account. Instead of being invoiced in December for the next calendar year, allotment holders will now receive their bills in March, with the 12 months running from April to March – the same as the financial year for other Council fees and charges. This will enable charges to reflect and be in line with the budgets for that year and make accounting and billing much simpler.

In relation to the potential surplus on this years account the authority has, therefore, decided to award every allotment holder three rent free months for January to March 2010 enabling a smooth transition to the revised process

The 2010-11 and 2011-12 indicative budgets as considered by Council in February 2009 indicates that the cost of allotments will remain some £1,300 below previous figures and this will be reflected in future charges.

Councillor J.T. Kraujalis asked the following question of the Environmental Sustainability Leader, Councillor A. Williams, in accordance with Rule 8:

"I note that the Council has been forced to reduce Council Allotment Holder's rents. I also note that they have dressed up it's embarrassment by calling it a rent freeze for three months; as if they were doing the allotment holder's a favour.

The removal of the previous help has fallen on those allotment holders who can least afford the consequential rises in rent; those on low incomes and fixed incomes like pensioners.

Will the Council now admit it was wrong and follow the example of all other Council's up and down the Country and help rather than hinder allotment holders by re-instating the previous subsidy / support?"

The Environmental Sustainability Leader, Councillor A. Williams, provided the following response:

"In answer to Councillor Kraujalis's question, I have covered the reasoning beyond the rent freeze in the detailed answer provided to Councillor Morgan's question. In responding to the other issue raised in relation to subsidy / support, I would clarify that the Council will continue to provide Allotment Holders with as much support and assistance as possible, however, this cannot be at the expense of all the other Council Tax Payers across the district."

28. Part 1 Minutes of Cabinet, Committees, Forums and Panels

RESOLVED:

That the Part 1 Minutes of the following Cabinet, Committees, Forums and Panels be adopted and any recommendations be approved and decisions implemented following the expiry of any call-in period:-

- (a) Cabinet – 25 June and 23 July, 2009
- (b) Scrutiny Committee – 21 April and 13 July, 2009 (Agreed Minutes)

(With reference to Minute 16. (A) of Scrutiny Committee of 13 July, 2009, Councillor Thomas advised Council that the Labour Group did not intend to submit nominations for membership of the Delivering Change Panel.)
- (c) Planning Control Committee – 17 June and 8 July, 2009
- (d) Licensing and Public Protection Committee – 29 January, 12 May, 1 June, 19 June and 7 July, 2009
- (e) Audit and Governance Committee – 31 March 2009

- (f) Standards Committee – 16 December, 2008
- (g) Appeals and Complaints Panel – 19 May and 3 June, 2009
- (h) Cannock Community Forum – 24 February, 2009
- (i) Heath Hayes, Norton Canes and Rawnsley Community Forum – 3 March, 2009
- (j) Rugeley and Brereton Community Forum – 9 March, 2009
- (k) Appointments Panel – 16 June and reconvened on 9 July, 2009
- (l) Chairman of the Council's Civic Committee

The Head of Legal and Democratic Services reported that it had not been possible to submit to Council the Minutes of Chairman of the Council's Civic Committee held on 17 March, 2009, due to the fact that he was currently in the process of investigating a matter that was the subject of the minutes and, therefore, the meeting of Members to agree the minutes had not yet taken place. It was anticipated that the minutes would be submitted to Council in September.

29. Recommendations Referred from Cabinet held on 25 June, 2009

The Council considered the following recommendation referred from Cabinet held on 25 June, 2009, in relation to 'Corporate Communications Strategy 2009-12':

"That Council be recommended to approve the document and formally adopts the Corporate Communications Strategy 2009-2012."

RESOLVED:

That the Corporate Communications Strategy 2009-2012, be approved and formally adopted.

30. 2008-09 Annual Performance Report

Consideration was given to a report of the Chief Executive (Enclosure 8.1 – 8.14 of the Official Minutes of the Council).

RESOLVED:

That the 2008-09 performance outturn, as detailed at Annex 1 and 2 of the report be noted and approved.

31. Data Protection Act – New Policy

Consideration was given to a report of the Chief Executive (Enclosure 9.1 – 9.4 of the Official Minutes of the Council).

RESOLVED:

That the Data Protection Policy be approved and formally adopted.

32. Allocation of Seats to Committees and Other Bodies

Consideration was given to an urgent report of the Chief Executive (Enclosure 9A.1 – 9A.5 of the Official Minutes of the Council).

The Chairman agreed to this matter being considered as an urgent item due to the fact that the political balance of a number of Committees was affected, and these Committees would be meeting prior to the next scheduled Council meeting on Wednesday, 30 September, 2009.

RESOLVED:

- (A) That in the event that two Local Government Electors for the area request that an Election be held to fill the casual vacancy in the Heath Hayes East and Wimblebury Ward, a supplementary estimate of £9,000 be approved for the purposes of organising an Election.
- (B) That the allocation of seats to the different political groups to the Council's Committees and other bodies as set out in Annex 1 of the report be approved.
- (C) That the allocation of seats approved under (B) above, take effect forthwith.
- (D) That each of the Political Group Leaders notify the Chief Executive, within 5 working days, of the names of those Members to be appointed to/ removed from the Council's Committees and other bodies.

33. 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 Paragraphs 1, 2, 3 and 4 Part 1, Schedule 12A, Local Government Act 1972 (as amended).

CANNOCK CHASE COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

AT 4.00 P.M., WEDNESDAY, 26 AUGUST, 2009

PART 2

34. Part 2 Minutes of Cabinet, Committees and Panels

RESOLVED:

That the Part 2 Minutes of the following Cabinet, Committees and Panels be adopted and any recommendations be approved and decisions implemented following the expiry of any call-in period:-

- (a) Cabinet – 25 June and 23 July, 2009
- (b) Licensing and public Protection Committee - 29 January, 12 May, 1 June, 19 June and 7 July, 2009
- (c) Appeals and Complaints Panel – 19 May and 3 June, 2009
- (d) Appointments Panel – 16 June and reconvened on 9 July, 2009

35. Recommendations referred from Cabinet held on 25 June, 2009

Consideration was given to a recommendation received from Cabinet held on 25 June, 2009, in relation to 'Cannock Town Centre Redevelopment – EU Procurement Theatre and Markets Future Provision':

"That Council be recommended to exempt the application of the Council's Contract Procedure Rules that would ordinarily apply to the procurement process relating to the Cannock Town Centre Regeneration Project and authorise, subject to paragraph (B) of the Resolution, the Deputy Chief Executive (or anyone duly authorised by him) to determine and implement an alternative tendering framework based on the 'Competitive Dialogue' procedure."

RESOLVED:

That approval be given to exempt the application of the Council's Contract Procedure Rules that would ordinarily apply to the procurement process relating to the Cannock Town Centre Regeneration Project and authorise, subject to paragraph (B) of the Resolution, the Deputy Chief Executive (or anyone duly authorised by him) to

determine and implement an alternative tendering framework based on the 'Competitive Dialogue' procedure.

36. Pay and Grading Structure for Craft Employees

Consideration was given to a Not for publication report of the Director of Service Improvement (Enclosure 13.1 – 13.48 of the Official Minutes of the Council).

RESOLVED:

- (A) That Council agreed the introduction of a revised pay and grading structure and proposed assimilation and protection arrangements for the Council's craft employees engaged under "Red Book" terms and conditions of employment as set out in Annex 2 of the report be approved.
- (B) That the revised pay and grading structure and proposed assimilation and protection arrangements form a "locally agreed" supplement to the National Agreement on Pay and Conditions of Service for Craft and Associated Employees (the "Red Book").
- (C) That the position regarding the potential risk in respect of equal pay claims be noted.
- (D) That the revised pay and grading structure and the proposed assimilation and protection arrangements be implemented with effect from 1st September 2009.

37. Equal Pay Claims

Consideration was given to a Not for Publication report of the Chief Executive (Enclosure 14.1 – 14.8 of the Official Minutes of the Council).

RESOLVED:

- (A) That the current position and implications in respect of current equal pay claims issued against the Council be noted.
- (B) That the Chief Executive (or anyone authorised by him), be authorised to enter into negotiations to explore and agree the most advantageous amicable resolutions(s) (if possible) of each equal pay claim currently made against the Council.

CHAIRMAN