

**CANNOCK CHASE COUNCIL**

**MINUTES OF THE MEETING OF THE**

**CABINET**

**HELD ON THURSDAY, 21 MARCH, 2013 AT 5.45 P.M.**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors:

Adamson, G.	Leader of the Council
Toth, J.	Deputy Leader of the council and Environment Portfolio Leader
Dixon, D.I	Corporate Improvement Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Alcott, G.	Economic Development and Planning Portfolio Leader
Davis, Mrs. M.A	Health and wellbeing Portfolio Leader
Todd, Mrs. D.M.	Town Centre Regeneration Portfolio Leader

**165. Apologies**

Apologies were submitted on behalf of Councillors F.W.C. Allen, Housing Portfolio Leader; and M.J. Holder, Crime and Partnerships Portfolio Leader. Apologies were also submitted on behalf of S. Brown, Chief Executive and A. Welch, Council Solicitor and Monitoring Officer.

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

Mrs. C. Mitchell      Member of BDF Newlife (Item 11)      Personal

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

**167. Updates from Portfolio Leaders**

**Leader of the Council**

Mrs. Lyn Hill-Tout, Chief Executive, Mid-Staffordshire NHS Foundation Trust –  
The Leader advised that Mrs. Hill-Tout had recently announced her intention to retire from her position with the Trust from the end of May. The Leader requested that a letter be sent on behalf of the Council to Mrs. Hill-Tout thanking her for her efforts locally with Cannock Hospital, and her integrity in her dealings with the Council, and to offer best wishes for the future.

## **Culture and Sport**

Chase Leisure Centre Swimming Pool – The Portfolio Leader advised that pool was now open to the public.

### **168. Minutes of Cabinet Meeting of 20 February, 2013**

RESOLVED:

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

### **169. Forward Plan**

The Forward Plan of Decisions for the period March - May, 2013 (Item 5.1 – 5.3 of the Official Minutes of the Council), was considered.

RESOLVED:

That the Forward Plan of Decisions for the period March - May, 2013, be noted.

### **170. Minutes of Policy Development Committees**

RESOLVED:

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

- (i) Housing – 6 February, 2013
- (ii) Town Centre Regeneration – 4 December, 2013

### **171. Recommendation(s) from the Town Centre Regeneration Policy Development Committee of 5 March, 2013.**

Consideration was given to the recommendation received from the Town Centre Regeneration Policy Development Committee held on 5 March, 2013, in respect of:

Town Centre Traders Association Issues (Minute 31)

“That Cabinet be requested to consider amending the car parking charging order for St Joseph’s Church car park, Rugeley to allow parking for two hours for £1.10.”

RESOLVED:

That the car parking charging order for St Joseph’s Church car park, Rugeley,

be amended to allow parking for two hours for £1.10 for a trial period of 12 months.

#### **172. Joint Municipal Waste Management Strategy Support Officer Funding**

Consideration was given to the Report of the Head of Environmental Services (Item 7.1 – 7.5 of the Official Minutes of the Council).

RESOLVED:

That the request for funding of £3,080 from the Joint Waste Management Board (JWMB) as a contribution towards providing an initial two year fixed term post to assist in the implementation of the refreshed Joint Municipal Waste Management Strategy (JMWMS) for Staffordshire & Stoke-on-Trent 2013 be approved.

##### Reason(s) for the Decision

Financial pressures were being faced by all partner authorities, and the refreshed strategy would need to take account of the impact this could have on the services provided and the way in which they are provided to individual authorities and their communities. It was, therefore, critical that Cannock Chase Council continued to work in partnership with the JWMB and benefit from the refresh of the JMWMS for Staffordshire and Stoke-on-Trent.

Owing to a lack of resource it would be extremely difficult for Cannock Chase Council to undertake the projects that would be called for in the JMWMS, without external assistance. It was envisaged that to employ an external body to undertake the work would cost far in excess of the amount requested by the JWMB to fund the post, per annum.

It was considered that partial funding of this post would provide best value in achieving Cannock Chase Council's commitment to the Joint Municipal Waste Strategy 2013.

#### **173. The Green Deal**

Consideration was given to the Joint Report of the Head of Environmental Health and the Head of Housing (Item 8.1 – 8.7 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Council should adopt a "Promoter" role in respect of the Green Deal for the private housing stock.
- (B) Applications from Cannock Chase Council tenants for energy efficiency

improvements funded through Green Deal be initially refused.

(C) The proposed Green Deal refusal policy be reviewed in 12 months time.

#### Reason(s) for the Decision

The Green Deal and the Energy Company Obligation are Government initiatives designed to reduce energy consumption (and thereby carbon emissions) and help to tackle fuel poverty.

Local Authorities may play a range of roles in the implementation of the Green Deal as set out in the report. The report recommended that the Council adopt the role of a “Promoter” of the Green Deal. This would involve the Council being involved in publicising and awareness raising of the Green Deal, including consideration of the potential benefits and long-term consequences for residents in “taking up” a Green Deal Loan. The cost of this action would be contained within existing resources.

The Council had implemented, or planned to undertake, most Green Deal energy efficiency measures to its housing stock, some of which were being partially financed with resources under the Energy Company Obligation. However, the Green Deal was applicable to all tenures and some applications for consent to undertake Green Deal funded improvements were expected to be received.

There were a number of risks associated with approving Green Deal funded improvements. These were set out in the report and included future letting difficulties, loan responsibility during void periods and future maintenance.

In view of these risks it was, therefore, suggested that all Green Deal applications from Cannock Chase Council tenants were initially refused. It was further suggested that this proposed policy be reviewed in 12 months time when the risk implications were clearer and the outcome of the PV panel evaluation was available.

#### **174. Delivery of the 2013-14 Housing Revenue Account Capital Programme**

Consideration was given to the Report of the Head of Housing (Item 9.1 – 9.16 of the Official Minutes of the Council).

RESOLVED:

That:

(A) Scheme approval and permission to spend be granted for the following schemes:

- (i) Replacement of fire alarms in sheltered housing schemes.
  - (ii) Replacement of Housing Service vehicles.
  - (iii) Conversion works to "Type 40" bungalows in accordance with the Service Standard attached as Appendix 1 to the report.
- (B) The following revised Housing Scheme Service Standards be noted:-
- (i) External Works Programme (attached as Appendix 2 to the report).
  - (ii) Kitchen Replacement Programme (attached as Appendix 3 to the report).
  - (iii) Bathroom Replacement Upgrading Programme (attached as Appendix 4 to the report).
  - (iv) External Curtilage Works Programme (attached as Appendix 5 to the report).
- (C) The revised Housing Scheme Service Standards for the Kitchen Replacement and Bathroom Replacement Programmes commence with works on Estate 17 (Bevan Lee, Cannock).

Reason(s) for the Decision

In accordance with the Council's agreed capital expenditure control procedures, it was necessary to obtain scheme approval and permission to spend for three schemes included in the approved 2013-14 Housing Revenue Account Capital Programme. Details of the schemes were set out in the report.

The revised Housing Revenue Account Business Plan included a number of enhancements to Housing Capital Scheme Service Standards. Four service standards had been amended to reflect the agreed enhancements and revised service standards were attached as appendices to the report.

In order that the revised Service Standards for the Kitchen and Bathroom Programmes did not change "midway" through work on an estate, it was proposed that they commence for works on Estate 17 (Bevan Lee, Cannock).

**175. Former Canal at Wedges Mills, Cannock**

Consideration was given to the Report of the Head Planning and Regeneration (Item 10.1 – 10.5 of the Official Minutes of the Council).

RESOLVED:

That the Head of Planning and Regeneration be authorised to agree the terms

for the sale of Council owned land as identified on plan no 4129 to the Lichfield and Hatherton Canals Restoration Trust Ltd on the basis as set out in Paragraphs 5.4 and 5.5 of the report.

Reason(s) for the Decision

The Council acquired the freehold interest in land that formed part of the Hatherton Branch of the former Staffordshire and Worcestershire Canal from the British Waterways Board in 1963. Much of the land acquired and forming part of the canal had since been sold off by the Council for industrial purposes. The remainder of the Council owned land was landlocked as shown hatched black on plan no. 4129 attached as an appendix to the report.

The Council had been approached by the Lichfield and Hatherton Canals Restoration Trust Ltd. which wished to acquire the former canal land which lay along the route of the proposed Hatherton Branch canal that they were hoping to eventually restore. Under the Council's approved Local Plan Policy TR4 the route of the proposed Hatherton Branch Canal was protected from prejudicial development. As such the land concerned could only be used for a restored canal and, therefore, had no alternative use value.

**176. Discretionary Rate Relief**

Consideration was given to the Report of the Head of Finance (Item 11.1 – 11.22 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The current framework for Discretionary Rate Relief should remain in place for 2013-14.
- (B) In order to ensure Rate Relief was applied as soon as practically possible, the schedule of renewal for 2013-14, as per Appendix 1 to the report, be approved.
- (C) The Rate Relief Committee during 2013-14 determine new allocations and refresh the current scheme guidelines; procedures and application and approval process to provide a comprehensive framework for 2014-15.
- (D) With effect from 2014-15, the provision of Rate Relief to Charities; CASC; Non Profit Organisations and Hardship cases be delegated to the Portfolio Holder and Head of Finance.
- (E) The granting of any discretionary relief for Wigan Leisure and Culture Trust be delegated to the Culture and Sport Portfolio Holder.

- (F) Any other form of Rate Relief be determined by Cabinet in accordance with an applicable framework to be drafted by the Economic Development and Planning Portfolio Leader; Head of Planning and Regeneration; and Head of Finance.

#### Reason(s) for the Decision

Discretionary Rate Relief had traditionally been awarded in accordance with Section 47 of the Local Government Finance Act 1988. The Council currently operated two schemes with the Rate Relief Committee administering applications on behalf of Charities; Community Amateur Sports Clubs and Non Profit Organisations whereas a separate scheme exists for Ex Leisure Services Properties managed by Wigan Leisure and Cultural Trust

Rate Relief, excluding Small Business Rates Relief, consisted of Mandatory Relief amounting to 80% of liability (currently fully funded by the Government) and discretionary relief. The Council could effectively top up mandatory relief to provide 100% relief with the Government funding 25% of such additional relief. Whereas 100% relief could be offered to organisations not subject to mandatory relief but with 75% of Government support. Full details were contained in paragraph 5.2 of the report.

In light of the limited budget available for Discretionary Rate Relief, a new framework was agreed in November, 2011 with Top Ups having an upper limit of 5% and other organisations not subject to mandatory relief receiving 10% relief (Sports Clubs without bars receive 50%).

Based upon the framework currently in place and the funding liability for Cannock Chase, only £273.24 of the £15,720 budget allocation would be available for new or increased applications for 2013-14. (Detailed in Appendix 2 – Extract from Draft Report to Rate Relief Committee February 2013.)

In addition to the above, the Council had also provided Top Up Rate Relief from the Leisure Commissioning budget to Wigan Leisure and Cultural Trust. The funding was outside the Management Fee arrangements and subject to annual agreement with WLCT. In relation to 2013-14, provisional agreement has been reached that the discretionary element received by WLCT, based upon existing rateable values, be utilised to fund the Play Ranger Service pending sustainable external funding being identified.

In addition to the above Rate Relief, the Council also had the ability, under the Localism Act, to provide any other discretionary rate relief it felt fit, subject to the relief being reasonable having regard to the interests of council tax payers in its area. However, in accordance with the Non Domestic Rating Contributions regulations, any such relief was currently fully funded by the relevant local authority.

The funding of Rate Relief would change with effect from 1 April 2013 in accordance with the Non Domestic Rating (Rates Retention) Regulations 2013. All rate relief would then be apportioned in accordance with the

allocation of Rate Income between Central Government, the County Council, Fire Authority with the district retaining /or bearing 40% of income or relief.

Under these arrangements Cannock Chase Council would bear a proportion of the cost of any Mandatory relief granted and a greater proportion of relief for Non Profit Making Organisations/ Hardship cases, but a reduced proportion for Top Ups or Locally Determined discounts.

Business Rates Income with effect from April would also become a direct funding stream for the Council hence any Rate Relief given would have an impact upon the funding of the Council.

The changes in funding should have no impact upon existing discretionary relief and mandatory relief granted since the determination of net rate income to be retained by the authority reflected historical expenditure (2010-11 and 2011-12). The forecasts for 2013-14 had also formed part of the 2013-14 budget process and were reflected in the Business Rates Estimates considered by Cabinet at its meeting in February 2013.

However, Cabinet would need to determine how future Discretionary Rate Relief was governed, allocated and monitored for 2013-14 and in particular the role of the Rate Relief Committee.

At the request of the Head of Finance, the Rate Relief Committee of February 2013 was postponed pending publication of the new regulations and consideration of any issues arising by Cabinet. In order to expedite the process for 2013-14, in advance of the Rate Relief Committee reconvening, it was proposed that the renewal of applications for 2013-14 be approved by Cabinet.

The full implementation of the Business Rates Retention regime would require careful budget monitoring of all aspects including all categories of Mandatory Relief including Small Business Rates; Empty Properties and relief to Charities and Discretionary Relief. This was in addition to the monitoring of new properties/deletions and changes in Rateable Value, including appeals. In light of the financial implications of Business Rates, it was proposed that the monitoring should form part of a quarterly Corporate Monitoring report to Cabinet.

In relation to Rate Relief, a process needed to be in place to ensure that the scheme was consistent, equitable and transparent and all applications were treated on their merits rather than the budget available. It was, therefore, proposed that the existing framework should remain in place for 2013-14 and the Rate Relief Committee should review the existing framework, enabling the allocation for 2014-15 to be determined and a comprehensive framework established to deal with applications at Officer level in consultation with the Portfolio Holder. Any applications that fell outside of the framework or other policy issues would be referred to Cabinet.

In light of the direct links between service provision and discretionary rate

relief granted for ex Leisure Services properties, it was proposed that such rate relief be delegated to the Portfolio Holder for Culture and Sport.

All other forms of Rate Relief should be considered by Cabinet based upon a framework to be drafted by the Economic Development and Planning Portfolio Leader; Head of Planning and Regeneration; and Head of Finance.

**177. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph(s) 1, 2, and 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).



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**PART 2**

**178. Bringing Empty Properties Back into Use as Affordable Housing**

Consideration was given to the Not for Publication Joint Report of the Head of Housing and the Head of Environmental Health (Item 13.1 – 13.8 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Council's bid to the Homes and Communities Agency for Affordable Housing Grant to assist in purchasing vacant former Council houses under the "Bringing Empty Properties back into use as Affordable Housing Programme" be approved.
- (B) Subject to the Council's bid being successful, the requirement to bring forward £415,000 of agreed Capital Programme expenditure from 2014-15 to 2013-14 be noted, and that a further report be submitted on the proposed operation of a vacant former Council house purchase scheme.
- (C) An application from the Council to become a Homes and Communities Agency Investment Partner be submitted.
- (D) The bid from Housing Plus for Affordable Housing Grant to assist in purchasing other vacant properties under the "Bringing Empty Properties back into use as Affordable Housing" Programme be supported.
- (E) As the bids need to be submitted to the Homes and Communities Agency by 25 March, 2013, call-in procedures should not apply in relation to (A) and (D), above.

Reason(s) for the Decision

The Homes and Communities Agency (HCA) had invited bids for Affordable Housing Grant, under their programme for "Bringing Empty Properties back

into use as Affordable Housing". The funding was potentially available to local authorities and housing associations who were or intended to become HCA Registered Investment Providers.

It was considered that action under this programme would further extend the array of initiatives previously agreed by Cabinet to tackle empty properties in the District.

Two bids were, therefore, proposed. The first bid related to the repurchase of vacant former Right to Buy (RTB) properties by the Council; whilst the second related to the purchase of other empty properties by the Housing Plus Housing Association.

Cabinet was requested to approve the bid in relation to the purchase of vacant former RTB properties, details of which were set out in the report. The proposed bid would be supported by £830,000 of agreed capital programme resources and if successful would necessitate that £415,000 of these are brought forward to 2013-14. This together with the proposed operation of any scheme would be the subject of a further report.

In order to receive Affordable Housing Grant, organisations must be a HCA Investment Partner. The Council did not currently hold Investment Partner status and it was, therefore, proposed that an application be submitted to the HCA.

The Housing Plus bid did not have any direct financial implications for the Council, but as a HCA "bid condition" required the Council's support. Details of the bid were also set out in the report and it was proposed that this be supported.

As the bids needed to be submitted to the HCA by 25 March 2013, it was proposed in relation to recommendations 2.1 and 2.4 that call-in procedures shall not apply.

#### **179. Request for Flexible Retirement**

Consideration was given to the Not for Publication Report of the Head of Housing (Item 14.1 – 14.8 of the Official Minutes of the Council).

RESOLVED:

That the payment of actuarial strain resulting from the flexible retirement of employee number CH126 be agreed.

#### Reason(s) for the Decision

It was considered that as a result of efficiencies within the service the Gas Maintenance work could be provided as part of 66.6 hours per week service; a reduction of 7.4 hours. As a result, and subject to Cabinet approval for the payment of the resultant actuarial strain, it was proposed that the request be

granted.

## **180. Management Debt Recovery**

Consideration was given to the Not for Publication Report of the Head of Finance (Item 15.1 – 15.20 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The amounts detailed in the appendix to the report be written off.
- (B) The actions of the Head of Finance in writing off the irrecoverable debts, below £1,000 be noted.

### Reason(s) for the Decision

Non-Domestic Rates - Appendix 1 to the report listed Non-Domestic arrears over £1,000 which could not be collected for the reasons stated. Included in the Appendix were 86 cases with arrears totalling £320,868.59. Additionally 24 irrecoverable Non-Domestic rate cases with a value of £10,556.76 had been written off by the Head of Finance.

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, so it often appeared that the company had continued to trade, though this was not the case. In such circumstances, 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. Such debts were only submitted for write-off when it was certain that they could not be recovered.

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

The meeting closed at 6.20 p.m.

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LEADER