

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
CABINET
THURSDAY, 17 MARCH, 2011 AT 4.30 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Stanley, N.K.	Leader of the Council
Williams, A.	Deputy Leader of the Council and Environment Portfolio Leader
Collis, C.	Corporate Improvement Portfolio Leader
Freeman, M. P.	Housing Portfolio Leader
Grocott, M.R.	Culture and Sport Portfolio Leader
Yates, Ms. W.	Health and Wellbeing Portfolio Leader
Williams, Mrs. P.	Town Centre Regeneration Portfolio Leader

130. Apologies

An apology for absence was submitted on behalf of Councillor D. Davies, Economic Development and Planning Portfolio Leader.

131. 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>
Collis, C.	Access to Rear of 18 Albert Street, Cannock, Member knows parents of the applicant	Personal
Williams, A.	Chasewater and Southern Staffordshire Coalfields Heaths Site of Special Scientific Interest (SSSI) – Extensions and Denotifications by Natural England – Member has been briefed by Natural England	Personal

132. Updates from Portfolio Leaders

Health and Wellbeing

The Portfolio Leader reported that as the Council's representative as Governor to the Mid Staffs. NHS Foundation Trust she had been involved in the process for the appointment of the new Chief Executive. Thirty expressions of interest had been received and 4 interviews had been carried out with the first part being a 10 minute presentation followed by 10 minute question and answer time. The Portfolio Leader had asked what they would do personally to restore public confidence in the Trust and to ensure good patient care across both hospitals.

On 8 March, 2011 the Portfolio Leader had attended a meeting to consider the recommendations of the Committee and Lyn Hill Tout had been appointed to the position of Chief Executive.

The Portfolio Leader on 8 March, 2011 had also attended a Bereavement Services Meeting where representatives from Funeral Services, Undertakers and Stone Masons had been present where the rise in the cost of cemetery services and the improvement at Style Cop was discussed. The professionalism of the staff was praised and it was intended that future meetings would be held.

On 3 February, 2011 the Portfolio Leader had attended a meeting of the County Communities Scrutiny Committee Accountability Session where the balance in meeting the needs of universal services and 'hot spots' in the District had been raised.

The Portfolio Leader on 7 March, 2011 had attended a Communities Scrutiny Committee at which the Blake Project was discussed and it was confirmed that no extra funding for the project would be provided by the County Council.

On 23 February, 2011 the Portfolio Leader had attended an Accountability Health Scrutiny meeting – Mid Staffordshire NHS Foundation Trust where Sir Stephen Moss, Chairman of the Trust and Antony Sumara the Chief Executive were present. The Portfolio Leader had raised issues relating to the recently published mortality statistics at Stafford Hospital, lack of good consistent care and quality of care for the elderly.

The Portfolio Leader for Corporate Improvement welcomed the appointment of the new Chief Executive and reported that he had been following the Public Inquiry in relation to the hospitals and it was considered that Andy Burnham the former Health Secretary had played a crucial part in resisting an Inquiry being held. It was considered that the Foundation Trust status had been pushed through even though the criteria could not have been met, and this was one of the main reasons why the calls from a wide range of organisations for a full Public Inquiry were refused. This information only now coming to light as a result of the current Inquiry being held in Stafford, which was promised by both coalition partners prior to the 2010 General Election.

Culture and Sport Portfolio

It was explained that Tomlinson was the desired contractor for Cannock Leisure Centre and would be taking over the building on Tuesday, 26 April, 2011. The hall and gym would remain open and it had been possible for staff and part of the school programme to be transferred to the Rugeley Leisure Centre. It was anticipated that Cannock Leisure Centre would re-open on 20 July, 2012.

Letters had been received from two swimming clubs praising the Council for the new facilities which would be available in a reasonably short period of time.

Housing

The Portfolio Leader reported that the Elizabeth Road project was well under way.

133. Minutes

It was considered that Minute No. 114 did not accurately reflect the decisions taken by Cabinet

and that the resolutions needed to be rewritten and submitted to Cabinet for approval.

RESOLVED:

That the Minutes of the meeting held on 3 February, 2011 be approved as a correct record, subject to the exclusion of the resolutions relating to Minute No. 114 which need to be rewritten and submitted to Cabinet.

134. Forward Plan

Consideration was given to the Forward Plan of Decisions for the period March 2011 - April, 2011 (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).

RESOLVED:

That the Forward Plan of Decisions for the period March 2011 – April, 2011, be noted.

135. Part 1 Minutes of Policy Development Committees

RESOLVED:

That the Part 1 Minutes of the following Policy Development Committees be received for information:

- (i) Health and Wellbeing – 11 January, 2011
- (ii) Economic Development and Planning – 18 January and 8 February, 2011

136. Corporate Plan 2011-14

Consideration was given to the report of the Chief Executive (Enclosure 7.1 – 7.7 of the Official Minutes of the Council).

It was agreed that the Chief Executive be delegated to amend the Cannock Chase District Information, in consultation with the Leader of the Council, prior to the report being submitted to Council for consideration.

RESOLVED:

That, subject to the Cannock Chase District Information being amended, Council be recommended to adopt and approve for publication the Corporate Plan 2011/14, together with the Priority Delivery Plans for the financial year 2011/12.

Reasons for the Decisions

The Council's current Corporate Plan covering the period 2009/12 was adopted by Council on 29 April 2009. Since this time, there have been many strategic developments (detailed within the report) and in order to secure robust and sustained improvement planning in priority areas, the revised 2011/14 Corporate Plan is essential. The Corporate Plan 2011/14 is imperative to identify the Council's priority outcomes for the next three years and in ensuring that resources are aligned accordingly

137. Access to Rear of 18 Albert Street, Cannock

Consideration was given to the Report of the Chief Executive (Enclosure 8.1 – 8.7 of the Official Minutes of the Council).

RESOLVED:

- (A) That the request from the owners of 18 Albert Street, Cannock for rear access to their property across Council owned land at Somerset Place, Cannock be refused for the reasons set out in paragraph 5.1. of the report.
- (B) That the applicants be given the opportunity to remove the caravans currently stored in their rear garden within a reasonable timescale.

Reasons for the Decision

The potential inconvenience to the Council's tenants and other residents of Somerset Place, together with the actual complaints received already from residents and the view of Ward Members has been weighed against the benefit of on site caravan storage to the applicants.

138. Chase Leisure Centre – Proposed Land Exchange

Consideration was given to the Report of the Corporate Director (Enclosure 9.1 – 9.7 of the Official Minutes of the Council)

RESOLVED:

That:

- (A) The actions of the Corporate Director in adopting a revised approach as set out in Para 4.7 of the report to identify suitable parcels of land in the Council's ownership to offer in exchange for land in the ownership of the Charity be approved.
- (B) The Council in its capacity as Trustee of the Public Recreation and Pleasure Ground Charity be requested to consider the proposal for an exchange of a parcel of land in the Council's ownership for land in the ownership of the Charity as shown cross-hatched black on Plan A (Sports Hall) to the report.
- (C) The Council in its capacity as Trustee of the Public Recreation and Pleasure Ground Charity be requested to consider the proposal for an exchange of a parcel of land in the Council's ownership for land in the ownership of the Charity as shown hatched black on Plan A (Car Park) and including the sub-station site.
- (D) Subject to the decision of the Council as Trustee, the Corporate Director be authorised to submit these proposals to the Charity Commission for consideration and to deal with the proposed land exchange(s) as appropriate on terms to be agreed.

Reasons for the Decision

Currently part of the Chase Leisure Centre and the adjoining car park are constructed upon land which is owned by the Council as Trustee of the Cannock Park and Pleasure Grounds

Charity as shown hatched/cross-hatched black on the plan and extending to 6594 sq.m. or thereabouts.

This arrangement is unsatisfactory from the point of view of the Charity Commissioners in relation to the Leisure Centre land and having the car park in two ownerships is unsatisfactory for operational reasons.

The Charity Commission has advised that a means of resolving the situation would be for a land exchange to take place. Three areas of land in this Council's ownership shown cross-hatched black and extending to 8392 sq m had been identified as suitable for the purposes of an exchange.

As the exchange would represent a disposal of land it must satisfy Section 36 of the Charities Act 1993 and be supported by an independent surveyor's report confirming that the proposal is in the best interests of the Charity. The surveyor's report concluded that the Council would need to make an equality exchange payment to the Charity. As there is no provision in the capital programme an alternative approach has been adopted whereby the surveyor has been asked to identify from a larger area of Council owned land two parcels which in his opinion would represent in both monetary and value terms compensation for the land in the ownership of the Charity.

To regularise the position concerning the Charitable Trust land and to avoid prejudicing the Leisure outsourcing Cabinet were asked to approve the alternative approach to the exchange of land as identified in the report. Subject to this agreement, a report will then be submitted to Council as Trustees of the Charity to consider the proposal. It is for the Trustees to determine each of the land swap proposals taking into account the interests of the Charity.

139. Community Infrastructure Levy

Consideration was given to the Report of the Corporate Director (Enclosure 10.1 – 10.8 of the Official Minutes of the Council)

RESOLVED:

That:-

- (A) Working with Staffordshire Local Authorities and other infrastructure providers, a draft Community Infrastructure Levy Charging Schedule be produced for consultation.
- (B) The views of the Economic Development & Planning Policy Development Committee on the draft Charging Schedule be requested.
- (C) The results of consultation and the proposed Charging Schedule to be submitted for independent examination be considered at a future meeting of Cabinet

Reasons for the Decision

CIL will become a key component in the funding of infrastructure with a more limited role for the use of S106 agreements in the future.

Liaising with partner Local Authorities and infrastructure providers to develop a draft charging

schedule is the appropriate way forward.

The consultation process should also involve the Economic Development & Policy Development Committee.

140. Annual Car Parking Permits

Consideration was given to the Report of the Corporate Director (Enclosure 11.1 – 11.6 of the Official Minutes of the Council)

RESOLVED:

That:-

- (A) A scheme for selling annual permits to be used on designated long stay car parks within the district as detailed in Annex 1 of the report be implemented.
- (B) A rate be set at £450.00 for an annual permit.

Reasons for the Decision

The introduction of such a scheme may increase footfall figures in both Cannock and Rugeley Town Centres and also be beneficial to local businesses and employees who have no parking facilities.

141. Land to the West of Pye Green Road, Hednesford – Adoption of Development Brief

Consideration was given to the Report of the Corporate Director (Enclosure 12.1 – 12.7 of the Official Minutes of the Council)

RESOLVED:

- (A) That the 'Land to the West of Pye Green Road, Hednesford –Development Brief', be adopted.
- (B) That authority be given to the Corporate Director in consultation with the Cabinet Portfolio Leader for Economic Development and Planning to make any non-substantive changes considered necessary to the document and supporting documentation prior to publishing.

Reasons for the Decision

The Core Strategy is the central policy document of the Cannock Chase Local Development Framework (LDF) and sets out the guiding principles and strategic policies for development during the plan period. Land to the West of Pye Green Road, Hednesford is the only strategic site identified in the Core Strategy and has recently been supported by the Economic Development and Planning Policy Development Committee. Guiding the development of this strategic site is therefore considered to be particularly important in the District context.

A shared approach, with the potential developer, to the production of a development brief for the site is considered to represent an effective model for assessing planning considerations and engaging public opinion prior to the developer submitting a planning application early in 2011.

A mixed reception to the development brief occurred with both supporting and objecting comments received. Most of the concerns can be addressed by amendments to the development brief.

142. English Heritage Partnership Scheme – Funding for Rugeley Conservation Areas

Consideration was given to the Report of the Corporate Director (Enclosure 13.1 – 13.7 of the Official Minutes of the Council)

RESOLVED:

That:-

- (A) A new Partnership Scheme be supported commencing April 2011, with English Heritage, in Rugeley Town Centre, Talbot Street/Lichfield Street and the Trent and Mersey Canal Conservation Areas in support of the regeneration of Rugeley Town Centre, and the Corporate Director be authorised to enter into agreements as considered necessary with English Heritage and other stakeholders to enable implementation of the Partnership Scheme.
- (B) Subject to the availability of S106 funds in 2011/12 the Council makes available £50,000 to 'match fund' resources from English Heritage and that Council be recommended to include this sum in the Capital Programme for 2011/12.
- (C) Measures be supported including the use of appropriate developer contributions and funding bids to find further match funding to enlarge and continue the scheme in future years without committing the Council to any expenditure at this stage.
- (D) The Corporate Director be authorised to establish a steering group comprised of local interested parties to oversee and guide the day to day operation of the Partnership Scheme, with the District represented by the Portfolio Leader for Town Centre Regeneration and the Heritage Champion.
- (E) The Implementation Plan at Annex 2 to the report be endorsed as the initial framework plan for the Partnership Scheme.

Reasons for the Decision

The need to regenerate Rugeley Town Centre has been recognised by the Council and part of its response is to proceed with a Rugeley Town Centre Area Action Plan and Conservation Area Appraisals and Management Plans within the Local Development Framework. A Partnership Scheme with English Heritage provides an ideal opportunity for encouraging positive regeneration enabling grants for building repairs to be offered to owners.

English Heritage has given an in-principle offer of £50,000 funding for the first year (2011/12) of a potential 3 year funding scheme.

143. Chasewater and Southern Staffordshire Coalfields Heaths Site of Special Scientific Interest (SSSI) – Extensions and Denotifications by Natural England

Consideration was given to the Report of the Corporate Director (Enclosure 14.1 – 14.7 of the Official Minutes of the Council)

RESOLVED:

That:-

- (A) The Council welcomes the additions to SSSIs within the District subject to C and D below.
- (B) Natural England be requested to explain the process for SSSIs to be upgraded to the European designation of Special Areas of Conservation (SACs).
- (C) In order to avoid disruption to the 2011 programme of events at Hednesford Raceway and additional disturbance to residents living in the vicinity of the site, an application be made to Natural England for a licence to allow the continuation of car parking within the area of Hednesford Hills now forming part of the SSSI currently provided for in the lease to Incarace Ltd for car parking purposes, and that Natural England be requested to commit to work with the Council and Incarace Ltd to find a management solution to allow the continuation of car parking within the area for the length of the existing lease.
- (D) The Corporate Director be authorised to enter into negotiations with all interested parties and to enter into any agreements as may be considered necessary to provide for both short term and long term solutions to parking associated with the Raceway which respect the new SSSI designation.

Reasons for the decision

The extension of SSSI within the District is to be welcomed as a positive contribution to sustaining its bio-diversity. The designation of Hednesford Hills as an SSSI reflects well on the way the Council has managed this site. It is noted that the Planning Control Committee supports the designation and it is considered appropriate to support their views.

Substantial parts of the Cannock Chase heathlands have the higher status of SAC and it is considered to be appropriate to find out the process by which other heathland sites could achieve this European designation.

A solution needs to be found to the potential problem of parking on Hednesford Hills associated with the raceway and the new SSSI designation and the proposals outlined in paragraph 4.3 of the report, offer the most appropriate way forward.

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

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PART 2

145. Cannock Town Centre Redevelopment

Consideration was given to the Not for Publication Report of the Corporate Director (Enclosure 16.1 – 16.22).

RESOLVED:

That:

- (A) The revised development principles be supported, and in particular the principle of proceeding separately with the Beecroft Road site and the Market Hall Street site.
- (B) The Corporate Director (or anyone duly authorised by him) be authorised to:
 - (i) In respect of the Beecroft Road site, in consultation with the relevant portfolio leader, to take action as necessary to procure a selected developer for the scheme on the basis of a Planning Brief and a long lease disposal which shall include (but not be limited to) preparing and consulting on a Planning Brief; commissioning specialist legal advice on matters of procurement; undertaking further market testing work through consultant advisors; and such other matters as the Corporate Director shall consider appropriate.
 - (ii) That for the purposes of procurement, it is confirmed that in principle the Council will consider the use of Compulsory Purchase Order powers to support delivery of the selected Beecroft Road redevelopment scheme.
 - (iii) That matters of programme, delivery, and financial implications for any proposed scheme for the Beecroft Road site are the subject of a further report to Cabinet following discussions with bidders as part of the market testing and procurement exercises.
 - (iv) In respect of the Market Hall Street site, that comprehensive redevelopment proposals are held in abeyance until such time as the economic conditions improve to enable a scheme to be implemented and/or the Council is in a position to offer financial support to the scheme.
 - (v) That until the conditions in (iv) above are realised, the Corporate Director (or anyone authorised by him) is authorised to enter into discussions with parties interested in the Council's land holdings within the site with a view to exploring whether partial redevelopment can be secured to the benefit of the town

centre, and that the outcome of any such discussions are the subject of a further report to Cabinet.

Reasons for the decision

Cabinet in June 2009 resolved to commission specialist legal, procurement and financial advice as considered necessary to the procurement process relating to Cannock Town Centre Project.

Lambert Smith Hampton (LSH) was appointed in April 2010 and had undertaken a market testing exercise in respect of the previously agreed redevelopment package (Beecroft Road / Market Hall Street). As a result of initial findings further work around financial viability issues and procurement issues has been identified and undertaken. LSH had advised that, following soft market testing, it was their opinion that the proposed combined redevelopment was not viable in the foreseeable future. If the Council wished to see progress on redevelopment within the town centre over the next 3-5 years it would need to consider separating the two sites and pursuing different development approaches for each. The Beecroft Road site was considered to still be attractive to potential developers but it would require a different approach and the viability and procurement implications would require further assessment once a proposal had been identified.

The report recommends a potential way forward in the context of the prevailing economic climate and questions the need for a 'competitive dialogue' EU procedure, if a different approach was adopted by the Council.

146. Provision of a New Cemetery in Cannock – Update Report

Consideration was given to the Not for Publication Report of the Corporate Director (Enclosure 17.1 – 17.12).

RESOLVED:

That:-

- (A) The selection of the site(s) following the Tier One hydrogeological risk assessments for three sites, be noted.
- (B) Council continue to negotiate with the landowners to see if the preferred site can be made available to the Council.
- (C) In the event that this site does not become available Cabinet endorses a wider search than the District Council boundary.

Reasons for the Decisions

The site evaluation summary is enclosed at Table 2 of the report in priority ranking. The risk assessment/vulnerability rating is included in the last 2 rows of that table.

In conclusion, the Wimblebury Road site (Figures 1 and 2 of the report) show that the site comprises of 3 fields and the northern field (approximately 350m x 200m) with a usable space of 7 hectares would allow for approximately 14,500 graves (assuming 2000 graves per ha after roads, landscaping, car parks etc.)

At a current burial rate of 40-50 per year for Cannock this could cater for burials for the next 290 years. This would increase after Stile Cop becomes full in the next 10 years.

Following an in principle agreement with the Environment Agency (EA) it was intended to go to a Tier Two survey which would have included but not limited to:-

- a) A topographical survey to assess the gradients and fall across the site and assist the design of drainage schemes, location of car parks etc.
- b) An electro-magnetic induction (EMI) survey to determine the underground features and plot the locations for test pits/drip wells; the drip wells are used to monitor the groundwater levels over a winter period when rainfall is at its highest.
- c) Trial graves scattered across the site to determine any practical issues with excavation. This is particularly important on this site due to the identification of sand beds within the Drift Deposit maps. Sand when saturated can become 'running sand' making excavations for graves difficult due to slumping. As the area outside of the selected area for the cemetery (shown red in figure 2 of the report) has previously been opencast mining, the backfill material needs investigation. It is likely that the EA would wish to see soil structure profiles to re-affirm the vulnerability rating in relation to any potential contamination.
- d) Determine the treatment of the land on the eastern boundary of the site where there are a series of potentially redundant drains and ponds given the EA recommendations noted in 5.2 of the report.
- e) A landscape assessment to ensure an adequate buffer from boundary hedgerows and woodlands. There may also be a requirement to increase the buffer between the highway/entrance and the actual burial site, i.e. mounding, planting.

The meeting closed at 5.50 pm.

LEADER