WYRE FOREST DISTRICT COUNCIL

THE CABINET
Thursday, 30th September, 2004

PRESENT: Councillors: S J M Clee (Leader – Chairman), M J Hart (Deputy Leader – Vice-Chairman), J-P Campion, J W Dudley and N J Desmond.


CM.128 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs M B Aston.

CM.129 DECLARATIONS OF INTEREST

No declarations of interest were made.

CM.130 MINUTES

DECISION: The minutes of the Cabinet meeting held on August 2004 be confirmed as a correct record and signed by the Chairman.

CM.131 CALL INS

No decisions had been called in since the Cabinet’s last meeting.

CM.132 ITEMS REQUIRING URGENT ATTENTION

There were no items that required urgent attention.

CM.133 LEADER’S ANNOUNCEMENTS

CPA Inspection

The Leader wished to formally thank all officers and staff involved in the recent Corporate Performance Assessment Inspection. He gave particular thanks to Peter Jones and his team for all their hard work. He commented that the draft report from the inspectors was due in November 2004 and he would share it with all members as soon as he had received it.

Open Democracy Week

Open Democracy Week would be held during the week commencing 18th October 2004. The Leader and the Cabinet Member for Finance and Corporate Affairs would be taking open democracy onto the streets of Kidderminster on Saturday 23rd October 2004 when they would be lifting the profile of waste collection in the area. Also, as part of the Open Democracy Week, they would be visiting Holy Trinity School on Tuesday 19th October 2004 to engage with pupils. It was the first time an administration of this Council had participated in Open Democracy Week and the Leader suggested that other Councillors might wish to visit schools in Wyre Forest as part of this initiative.
Northern Alliance

A Northern Alliance had been set up between Leaders and Chief Officers of local authorities in North Worcestershire. The Leader and Chief Executive would be meeting with Bromsgrove and Redditch Leaders and Chief Officers on a regular basis in the future. Although this was a new venture for Leaders and Chief Officers of the north of the county, their southern counterparts had been meeting on a regular basis for some time.

Skateboard Park in Bewdley

The Leader commented that Wyre Forest District Council embraced the idea of setting up a skateboard park in Bewdley. Funding was being sought for a skateboard park in Shaw Hedge Road subject to planning permission being granted.

Fireworks

A letter had been received from the Royal Society for the Prevention of Cruelty to Animals regarding the securing of tighter regulations on the use of fireworks. The Cabinet supported the idea in principle and would endorse the lobby that was going to the Secretary of State.

Competition to Rename Council Chamber at Duke House

A competition was being held on what to call the Council Chamber at Duke House. The competition had been started as there was confusion over having two “Council Chambers” in the District, one at Duke House and other at the Civic Centre. The Leader suggested that members submitted suggestions via their Group Leaders.

CM.134 REPORT ON FINAL ACCOUNTS 2003/2004 OUTCOME AND RE-CONSIDERATION OF EXPENDITURE SERVICE OPTIONS

A report was considered from the Head of Financial Services that compared the actual expenditure incurred in the Revenue Account for 2003/2004 with the Revised Budget and identified the resultant surplus for the year.

The Cabinet Member for Finance and Corporate Affairs commented that the final accounts had been agreed in principle with the external auditors KPMG. A surplus of £685,000 had been identified. The savings had arisen from income savings on salaries, pensions and capitalisation of revenue expenditure.

The report contained an appendix that outlined expenditure service options for 2004/2005 that had been approved in principle. However the Council needed to make an urgent decision with regard to participation in the Worcestershire Hub Project. Whilst the Council had agreed in principle to join the Hub Project and had allocated both Capital and Revenue resources to meet one-off costs, no provision for ongoing revenue costs had been made in the Council’s Medium Term Financial Plan. Therefore if the project was to proceed to timetable it was essential that resources were made available for ongoing expenditure.
RECOMMENDED TO COUNCIL:

1. The contents of the report be noted and the use of the additional Reserves generated from the 2003/2004 surplus be considered in accordance with the Council's Finance Strategy, as part of the 2005/2006 Budget Process, with the exception of 2 and 3 below.

2. Council agree to use surplus Reserves over and above those identified in the Council’s Finance Strategy to meet the annual costs of the Worcestershire Hub; and

3. Council note that Expenditure Service Option A2 (Recycling Extend Scheme to 99% Coverage) will now be maintained at 84% coverage subject to a series of educational and promotional events and the inclusion of up to 1,100 properties within existing resources.

4. Council reconsider all other Expenditure Service Options contained within Appendix 2 of the report as part of the 2005/2006 Budget.

CM.135 OPERATING ARRANGEMENTS AND TERMS OF REFERENCE OF THE AUDIT PANEL

An extract of a minute from the Audit Panel’s meeting held on the 17th August 2004 was considered. The minute outlined the operating arrangements and Terms of Reference of the Audit Panel. It was noted that the Audit Panel’s membership was different from other committees in that it comprised members with specific responsibilities e.g. the Cabinet Member for Finance and Corporate Affairs; Joint Chairmen of the Cabinet Scrutiny Committee and the Chairmen of each of the five Policy and Scrutiny Panels. It was considered in these circumstances, that in order to maintain continuity and a consistent approach, specific substitution arrangements should be agreed.

RECOMMENDED to Council:

The Operating Arrangements for the Audit Panel be amended to provide that substitutes be limited to:

1. The Vice-Chairmen of the five Policy and Scrutiny Panels for their respective Chairmen.

2. The Leader of the Council or another Cabinet Member for the Chairman of the Audit Panel.

CM.136 BENEFITS SERVICE – COMPREHENSIVE PERFORMANCE ASSESSMENT – AUGUST 2004 REPORT FROM THE BENEFIT FRAUD INSPECTORATE

A report was considered from the Head of Financial Services that informed Members of the Benefits Service – Comprehensive Performance Assessment report from the Benefit Fraud Inspectorate dated August 2004.
The Cabinet member for Financial and Corporate Affairs commented that the current level of performance of the service had been assessed as ‘fair’ and also as ‘fair’ on the capacity to improve.

**DECISION**:

1. **It be noted that the report from the Benefit Fraud Inspectorate (BFI) dated August 2004 on the Comprehensive Performance Assessment of the Benefits Service, containing an Assessment of the service’s current level of performance as FAIR and an assessment of the Council's proven capacity to improve as FAIR.**

2. **The actions being taken by officers to reach the required standard in all 7 modules of the Department of Works and Pensions’ Performance Standards be noted.**

**CM.137  THE WORCESTERSHIRE HUB**

A report was considered from the Head of Cultural, Leisure and Commercial Services that outlined the implications of joining the Worcestershire Hub Partnership and asked the Cabinet to make recommendations to Council on the membership and financial provision of Hub membership.

The Chairman of the Finance and Corporate Affairs Policy and Scrutiny Panel was in attendance to present the recommendations of his Policy and Scrutiny Panel that had considered the Worcestershire Hub on the 28th September 2004. He commented that the Scrutiny Panel had entered into interesting discussions and members were in agreement in principle with membership of the Hub. However concerns were raised about the financial implications of membership. The Panel’s main concern was that to incorporate the Hub into Kidderminster Library was inappropriate and there was likely to be considerable comment from service users if this were to happen. It was therefore thought to be more appropriate to consider locating the Hub in Kidderminster Town Hall.

The Leader commented that the Panel had carried out a thought-provoking exercise that had explored every issue and he congratulated the Panel on the recommendations that had been presented.

The Cabinet Member for Finance and Corporate Affairs commented that a Working Party would be set up to explore issues concerning Membership of the Worcestershire Hub. The Working Party would report back to the Cabinet on or before the 20th October 2004 to enable recommendations to be made to Council on the 20th October 2004.
DECISION:

1. Noting the recommendation from the Finance and Corporate Affairs Scrutiny Panel that Council look at the use of Kidderminster Town Hall as the preferred option for the Service Centre (One Stop Shop) instead of the current proposal for the Centre to be located in Kidderminster Library:

2. A Working Party be established to consider issues concerning Membership of the Worcestershire Hub. The Working Group to comprise Group Leaders, the Cabinet Member for Finance and Corporate Affairs and the Chairman of the Finance and Corporate Affairs Policy and Scrutiny Panel. The Working Party to report back to the Cabinet on or before the 20th October 2004 to enable recommendations to be made to Council.

CM.138 REPORT ON WORCESTERSHIRE COUNTY COUNCIL PENSIONS FUND STRATEGY STATEMENT (FSS)

A report was considered from the Head of Financial Services that outlined the Worcestershire County Council Pension Fund Strategy Statement and asked for comments as part of the formal consultation process.

The Cabinet Member for Finance and Corporate Affairs commented that whilst it was possible to comment on any part of the report in particular comments had been invited regarding three areas – the investment strategy, deficit, and ‘phasing in’ increases in employers’ contributions.

The Head of Financial Services had outlined the suggested response in the body of his report to the Cabinet.

DECISION

1. The contents of the proposed Pension Fund Strategy Statement at Appendix A of the report be noted.

2. The Head of Financial Services formally respond to Worcestershire County Council's initial consultation on the overall funding Strategy for the Fund in accordance with paragraph 6 of the report to Cabinet.

CM.139 WASTE COLLECTION STRATEGY

A report was considered from the Head of Cultural, Leisure and Commercial Services that asked the Cabinet to consider increasing the kerbside recycling service coverage from 84% to 99%. The Cabinet was also asked to note the revised Joint Municipal Waste Strategy for Herefordshire and Worcestershire.
The Chairman of the Commercial Services Policy and Scrutiny Panel was in attendance for this item in order to present the recommendations from his Scrutiny Panel on the Waste Collection Strategy from its meeting on 28th September 2004.

The Cabinet member for Commercial Services thanked the Chairman of the Commercial Services Policy and Scrutiny Panel for his Panel’s recommendations. He had been in attendance at the meeting of the Panel on 28th September and was aware that members generally felt that the recycling scheme should not be extended to 99% of properties in view of the financial and other implications involved.

The Cabinet member for Commercial Services went through the options that were available to the Council bearing in mind that the Joint Municipal Waste Strategy would be introducing a new system of collection from 2009 onwards. He commented that if the Council were to accept the DEFRA grant and expand coverage to 99% of properties this would incur revenue consequences of £160,548 per annum plus inflation as an amendment to the Council’s base budget. Also the County Council had proposed changes to the recycling scheme whereby waste would not be sorted on the doorstep in 4 to 5 years’ time.

Non-Cabinet members raised a number of issues:

- In Cookley there were small parts of Bridge Road where there was no recycling service so there were residents that took their recyclable waste to a road where the service operated. It was asked that such anomalies in the system be considered.

- Residents needed to be aware what time of the day the recycling service would come to households to collect their recyclable waste.

- The need to promote bring sites

The Cabinet Member for Corporate Affairs commented that when the wheelie bins were introduced in the 1980’s the Council was seen as providing a gold standard of service. However the difficulty was that the service had since been altered to provide a fortnightly collection. There were problems in extending the recycling scheme and it would be impossible to find the considerable amounts of money involved if the Council was to renege on the policy and had to pay back the grants given by DEFRA. He accepted the concerns raised by members. The Cabinet would review waste collection and consider the possibility of introducing a weekly collection during hot weather in the summer months but he could make no promises on this. He would look at advertising and marketing recycling. He urged members to let him know about any anomalies with the recycling service so that these could be addressed.

DECISION:

2. After consideration of the recommendations of the Commercial Services Policy and Scrutiny Panel it was agreed:

(a) To maintain the scheme at the current 84% coverage and undertake a series of educational and promotional events in order to increase participation in the hope that this will increase the current performance to 25% in order to reach 2006/07 targets.

(b) To include up to an additional 1,100 properties in the current scheme, without incurring additional costs. This, along with a promotional and educational campaign should achieve the 25% targets for 2006/07.

(c) Members be invited to identify any areas in their Wards that may be considered for kerbside recycling.

(d) The Council write to the Local Government Association (LGA) to express concerns about the high level of use of disposable nappies and about the lack of proper disposable plastic bags within packs of nappies and incontinence pads. It is the consideration of the group that the lack of disposable bags leads to poor hygiene. It is hoped that the Local Government Association (LGA) will bring pressure to bear on manufacturers of disposable nappies to include proper disposable plastic bags within the packs of nappies and for manufacturers of household items to reduce their packaging.

(e) A progress report be produced for this Panel or its successor in October 2005 on recycling, in conjunction with refuse collection.

(f) The Cabinet Member for Commercial Services issue a briefing note to all members of the Council outlining the constraints of recycling in relation to certain areas and roads which were creating anomalies.

CM.140 LAND AT GAS WORKS MEADOW, BEWDLEY

A report was considered from the Head of Cultural, Leisure and Commercial Services that sought approval to the renewal of the District Council’s lease of public open space at Gas Works Meadow, Bewdley.

Members noted that a new 21-year lease had provisionally been negotiated with the County Council at a rent of £1 per annum. The new rent would save the Council £1,199 per annum and each side would be able to terminate the lease at six months notice.

DECISION: The Head of Cultural, Leisure and Commercial Services and the Head of Legal and Democratic Services be instructed to complete a new lease of public open space at Gas Works Meadow, Bewdley on the basis of nominal rental.
CM.141  SCHEME OF DELEGATION FOR THE DETERMINATION OF PLANNING APPLICATIONS TO PARTNER PARISH COUNCILS

A report was considered from the Head of Planning, Health and Environment that reported the outcome of consultation with Parish and Town Councils to ascertain interest in determining minor planning applications under a scheme of delegation. The Cabinet was asked to determine the next steps.

The Cabinet Member for Environment and Economic Regeneration commented that a pilot delegation scheme commenced in Stourport in April 2003. However the pilot had not worked. It was costing an extra £20 per application, required additional Officer time and was an extra step in the planning process. All other parishes had responded that they did not wish to participate in the scheme of delegation.

It was suggested that Stourport should be consulted if they wished to continue the delegation. It was pointed out that the only expertise within Stourport Town Council was that of the Town Clerk and if he were to retire they would have to withdraw from the scheme.

DECISION: a permanent arrangement for the delegated determination of planning applications to Parish Councils be not proceeded with.

CM.142  REVIEW OF DEVELOPMENT CONTROL PRACTICE NOTES

A report was considered from the Head of Planning, Health and Environment that sought approval to revise certain Development Control Practice Notes which affect procedural matters within the Development Control Service and Member protocol.

It was noted that Practice Note 5 dealt with Trees and Hedgerows, Practice Note 6 related to Charges for planning advice and enquiries and Practice Note 12 related to the Protocol for Planning (Development Control) Committee site visits.

DECISION:

1. The revised Development Control Practice Notes 5, 6 and 12 circulated as appendices to the report be approved.

2. The Head of Planning, Health and Environment be given delegated approval to undertake the minor amendments necessary to reflect correct post titles, other addresses etc. relating to Practice Notes 1 – 4, 7 – 10 and 13 – 15 inclusive.
CM.143 PLANNING DELIVERY GRANT 2003-2004 AND 2004-2005

A report was considered from the Head of Planning, Health and Environment that advised the Cabinet of progress in implementing the first and second years of Planning Delivery Grant.

It was noted that Planning Delivery Grant money was awarded from the Government to deliver better planning. The money had been awarded to date based primarily on performance improvement in the delivery of statutory planning functions and had been utilised by the Officer of the Deputy Prime Minister (ODPM) as a means of incentive for further service improvements. In 2003 a sum of £108,000 was awarded and in 2004 a sum of £158,00.

DECISION: the implementation of the Planning Delivery Grants received for 2003/2004 and 2004/05 be noted and agreed.

CM.144 REVIEW OF DEVELOPMENT CONTROL CHARTER

A report was considered from the Head of Planning, Health and Environment that sought to agree changes to the Development Control Charter that affected procedural matters within the Development Control Service and Member protocol.

DECISION:

1. The revised Development Control Charter be approved and published accordingly.

2. The Head of Planning, Health and Environment be given delegated authority to make any further changes to the Charter arising from the introduction of the Planning and Compulsory Purchase Act.

CM.145 NEW CONSERVATION AREA FOR STONE

A report was considered from the Head of Planning, Health and Environment that presented a draft boundary for a new Conservation Area at Stone and sought authority to undertake a public consultation on the proposals.

Currently there were 16 conservation areas within the Wyre Forest district. The Council was looking to add further areas to the list.

The Ward Member for Chaddesley commented that the proposal to include Stone as a conservation area was to be welcomed. It was suggested that in addition to undertaking a public consultation, the Parish Council and two local Ward Councillors should be consulted.

DECISION:

1. The draft boundary for a new Conservation Area at Stone, as shown on the plan at Appendix 1 of the report be supported.
2. Officers be authorised to undertake a public consultation into the proposals (to include consultation with Stone Parish Council and the two local Ward Councillors) before reporting back with a further recommendation.

CM.146 THE ESTABLISHMENT OF THE LIST OF BUILDINGS OF LOCAL ARCHITECTURAL AND/OR HISTORIC INTEREST (THE LOCAL LIST)

A report was considered from the Head of Planning, Health and Environment that outlined the results of the public consultation on proposals to establish a List of Buildings of Local Interest (The Local List) for the District and to seek adoption of the final proposed list for Kidderminster.

It was noted that the Local List had been scrutinised by the Environment and Economic Regeneration Policy and Scrutiny Panel on 8th September 2004. It had been the subject of press comment and letters had been sent to the Cabinet Member for Environment and Economic Regeneration.

The Local List included a catalogue of fine historic features of relevant architectural interest. The Task Group and Policy and Scrutiny Panel were congratulated on the work they carried out on The Local List.

DECISION:

1. The results of the public consultation on the draft Local List proposals be noted;

2. The Criteria and Methodology for assessing buildings for inclusion on the Local List of Buildings of Historic and Architectural Interest for the Wyre Forest District, as set out in Appendix 1 of the report be approved;

3. The recommendations in respect of objections to the draft proposals set out in Appendix 2 of the report be approved.

4. The initial Local List for Kidderminster as set out in Appendix 3 of the report be approved;

5. The arrangements to deal with requests for additions and deletions to the Local List as set out in Appendix 4 of the report be approved.

6. Authority be delegated to the Head of Planning, Health and Environment and Cabinet Member for Environment and Economic Regeneration to amend the List from time to time to add new properties meeting the criteria or remove those which no longer meet the criteria.
CM.147  EXCLUSION OF THE PRESS AND PUBLIC

DECISION :

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of “exempt information” as defined in the paragraphs 7, 8 and 9 of Part 1 of Schedule 12A to the Act.”

CM.148  SUMMARY OF MINUTES

The following matters were considered after the press and public had been excluded from the meeting:

13 Comberton Place, Kidderminster

A report was considered from the Head of Cultural, Leisure and Commercial Services that sought approval to the surrender and grant of a new lease of premises at 13 Comberton Place, Kidderminster.

Sale of Land Oak House

A report was considered from the Head of Cultural, Leisure and Commercial Services that advised on the offers received for the sale of Land Oak House, Kidderminster.

Housing Benefit Overpayments – Write Off of Amounts Outstanding

A report was considered from the Head of Financial Services that asked for consideration to be given to writing off a sum in respect of Housing Benefit Overpayment debts.