

WYRE FOREST DISTRICT COUNCIL
CABINET
THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,
KIDDERMINSTER
27TH APRIL 2006 (6PM)

PRESENT:

Councillors: S J M Clee (Chairman), M J Hart (Vice-Chairman),
J-P Campion, Mrs A T Hingley,.

OBSERVERS:

Councillors: Mrs F M Oborski, M J Shellie, A D Williams and S J Williams.

CAB.236 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: N J Desmond and
J W Dudley.

CAB.237 DECLARATIONS OF INTEREST

No declarations of interest were made.

CAB.238 MINUTES

DECISION:

**The minutes of the Cabinet meeting held on 30th March 2006 be
confirmed as a correct record and signed by the Chairman.**

CAB.239 CALL INS

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

CAB.240 ITEMS REQUIRING URGENT ATTENTION

There were no items requiring urgent attention.

CAB.241 LEADER'S ANNOUNCEMENTS

At this was the last Cabinet meeting of the Civic Year, the Leader thanked
the Corporate Management Team and the Committee Section for the
assistance that they had given the Cabinet throughout the year.

CAB.242 AMENDMENT TO THE CAPITAL PROGRAMME

The Cabinet considered a report from the Head of Cultural, Leisure and Commercial Services regarding a proposed amendment to the Capital Programme. This was to release additional funding so that facilities at White Wickets Sports Ground, Kidderminster, could be replaced rather than refurbished.

Members noted that the replacement facilities would be more energy efficient, with an improved life-span, and would reduce operating costs for the Council. The Cabinet Member for Community and Leisure Services was thanked for his work on this project.

DECISION:

Approval be given to an amendment to the Capital Programme in the sum of £76,000.00 to be taken from savings within the Current Programme provided for maintenance at Rushock Trading Estate to provide a Capital Sum of £142,000.00 for the provision of replacement changing room facilities at White Wickets Sports Ground, Kidderminster.

CAB.243 OFFICE OF THE DEPUTY PRIME MINISTER (ODPM) HOMELESSNESS FUNDING 2006/07

The Cabinet considered a report from the Head of Planning, Health and Environment regarding proposed arrangements for the Council to utilise the Office of the Deputy Prime Minister's Priority Need Order Funding 2006/07.

The Cabinet Member for Housing, Health and Rural Affairs advised that the ODPM had allocated £67,000 of ring fenced funding for 2006/07, plus £24,000 carried forward from 2005/06, for work with homeless applicants and homelessness prevention. She explained that this was in recognition of the Council's and the Community Housing Group's success in reducing homelessness applications and acceptances through prevention and housing advice work.

DECISION:

The proposed spend of the Office of the Deputy Prime Minister's Priority Need Order Funding for 2006/7, as set out in Appendix 1 of the report to the Cabinet, be approved.

CAB.244 PLANNING DELIVERY GRANT 2006/07

The Cabinet considered a report from the Head of Planning, Health and Environment regarding the Planning Delivery Grant award of £116,025 for 2006/07 and proposals for its use. The report also reviewed the expenditure of the grant in 2004/05 and 2005/06.

Members were disappointed that the 2006/07 grant was lower than anticipated and hoped that next year's award would be more favourable.

DECISION:

- 1. The 2006/07 Planning Delivery Grant award be noted and its use be agreed within the Planning, Health and Environment Division within the areas listed in paragraph 3.7 of the report to the Cabinet.**
- 2. The expenditure for years 2 and 3 of the Planning Delivery Grant be noted.**
- 3. The Head of Planning, Health and Environment, in conjunction with the Cabinet Member for Environment and Economic Regeneration, be given delegated authority to vary monies between the areas of expenditure if necessary.**

CAB.245 BEST VALUE PERFORMANCE INDICATOR 109 – RECOVERY PLAN

The Cabinet considered a report from the Head of Planning, Health and Environment regarding a proposed recovery plan to ensure that the Council was able to meet the national targets for determining planning applications (BV 109 a-c).

The Chairman of the Planning (Development Control) Committee advised that the Committee, at its 11th April 2006 meeting, had recommended the Cabinet to support the proposed recovery plan set out in the report. He explained that the Office of the Deputy Prime Minister intended to designate the Council, along with eighty other planning authorities, as a Best Value Planning Authority on 1st April 2006. This was because the Council's performance in processing major planning applications for the past year was below the ODPM's performance thresholds. He stated that the measures set out in the recovery plan should enable the Council to reach the national target by March 2007.

The Leader of the Council added that the plan had been endorsed, unanimously, at a recent Group Leaders' meeting.

RECOMMENDED to Council:

1. The following be adopted:
 - a. revised Scheme of Delegation and any consequential review of the Planning (Development Control) Committee agenda;
 - b. Development Control Practice Note 17 (including checklist for Planning Applications) and leaflet for developers submitting major planning applications;
 - c. revised Development Control Practice Notes 4, 7 and 15;
 - d. revised Development Control Practice Note 8 on Departures.
2. Delegated authority be given to the Head of Planning, Health and Environment to amend other Practice Notes (including nos. 10 and 13) and to withdraw Practice Note 14, as a result of consequential operational/procedural changes arising from the above.

CAB.246 WYRE FOREST DISTRICT LOCAL DEVELOPMENT FRAMEWORK STATEMENT OF COMMUNITY INVOLVEMENT

The Cabinet considered a report from the Head of Planning, Health and Environment, which informed members of the outcome of the Planning Inspectorate's independent examination into the soundness of the Council's Statement of Community Involvement (SCI).

Members noted that the SCI was subject to independent inspection, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and that the Planning Inspector's recommendations were binding.

The Chairman of the Environment and Economic Development Policy and Scrutiny Panel reported that the Panel, at its meeting on 26th April 2006, had unanimously endorsed the recommendations contained in the report to the Cabinet.

DECISION:

1. The Statement of Community Involvement submitted to the Secretary of State on 27th September 2005, as modified by the Inspector's recommendations set out in the Inspector's Report at Appendix A to the report to the Cabinet, together with the minor amendments set out in Appendices B and C to the report to the Cabinet, be adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.
2. The Head of Planning, Health and Environment be authorised to undertake all required statutory procedures arising from the adoption of the Statement of Community Involvement.

CAB.247 **LOCAL DEVELOPMENT FRAMEWORK - REVISED LOCAL DEVELOPMENT SCHEME**

The Cabinet considered a report from the Head of Planning, Health and Environment, which sought approval for a minor amendment to the submitted revised Local Development Scheme. This was for the Core Strategy to be adopted at the Council's February 2009 meeting, instead of the December 2008 meeting.

The report clarified that the amendment was to accommodate the timing of the Planning Inspectorate's independent examination of the Strategy and the anticipated receipt of the Inspector's report in December 2008 (there being no Council meeting scheduled for January 2009).

DECISION:

In the revised Local Development Scheme submitted to the Government Office for the West Midlands on 31st March 2006, the date for adoption of the Core Strategy be amended to February 2009.

CAB.248 **GOVERNMENT REVIEW OF PARTNERSHIP PROVISION OF THE CRIME AND DISORDER ACT 1998**

The Cabinet considered a report from the Chief Executive on the findings and proposals from the Government's review of partnership provision under the Crime and Disorder Act 1998. It was anticipated that the proposals from the review would make a positive impact on the effectiveness of the Wyre Forest Community Safety Partnership at a time of police reform and changes to local government.

Members congratulated the Strategy, Partnerships and Communications Manager on her appointment as Chairman of the Community Safety Partnership.

RECOMMENDED to the Council:

- 1. The proposals arising from the Government's review of partnership provision of the Crime and Disorder Act 1998 be noted.**
- 2. The Council, in its role as a 'Responsible Authority', as defined by the Crime and Disorder Act 1998, fully support the Wyre Forest Community Safety Partnership in the implementation of proposals arising from the Government's partnership review report.**

CAB.249 **THE DUDLEY GROUP OF HOSPITALS NHS TRUST - CONSULTATION ON APPLICATION FOR NHS FOUNDATION TRUST STATUS**

The Cabinet considered a report from the Head of Planning, Health and Environment on a consultation over the development of the Dudley Group of Hospitals NHS Trust as an NHS Foundation Trust.

The Cabinet Member for Housing, Health and Rural Affairs advised that the proposed response sought clarification over how Trust Governors would be elected from constituencies and how they would be made accountable. Also included was a request for the appointment of one Governor from each of the constituent authorities, rather than combined representation.

DECISION:

The draft responses to the consultation on the future development of the Dudley Group of Hospitals NHS Trust, at Appendix 1 of the report to the Cabinet, be agreed.

CAB.250 **AN OLDER PEOPLE'S STRATEGY FOR WORCESTERSHIRE CONSULTATION**

The Cabinet considered a report from the Head of Planning, Health and Environment on a proposed response to a Worcestershire County Council consultation document entitled "An Older Person's Strategy for Worcestershire".

The Cabinet Member for Housing, Health and Rural Affairs advised that the consultation was intended to assist the co-ordination of service provision for older people and to ensure their needs were met.

DECISION:

The draft response to the "Older People's Strategy for Worcestershire" consultation paper, at Appendix 2 of the report to the Cabinet, be agreed,

CAB.251 **Recommendations from Commercial Services Policy and Scrutiny Panel, 5th April 2006**

Gravestones

The Cabinet considered recommendations from the Commercial Services Policy and Scrutiny Panel regarding safety issues in relation to graves and gravestones in Kidderminster Cemetery.

The Panel Chairman presented the recommendations and elaborated on the background information provided in the report. He highlighted a range of issues including the consultations and meetings held to gather information; the outcome of “topple tests” carried out in accordance with Health and Safety Executive advice; a new method of securing headstones and the responsibility for remedial work.

The Cabinet Member for Commercial Services also referred to the informative meeting with stonemasons and undertakers that he had attended at the invitation of the Panel Chairman.

DECISION:

The following recommendations from the meeting of the Commercial Services Policy and Scrutiny Panel, held on 5th April 2006, be noted and the Cabinet Member for Commercial Services report back to the Panel.

- a) Officers establish a clear protocol regarding memorial stones, stating that the plot holder has to pay for remedial work, including work carried out for health and safety purposes.**
- b) Leaflets/flyers up to the cost of £250 be issued to local funeral directors, plot holders and stonemasons to include the following information:**
 - i) Advice that graves less than 10 years old can be affected and therefore at risk from health and safety tests including 'topple' tests.**
 - ii) Information on the recommended/required standards for erecting memorial stones.**
 - iii) A condition that the plot holder only use accredited National Association of Memorial Masons (NAMM) Stonemasons and a list of contact names be included.**
- c) Co-operation be requested from local stonemasons to act in a professional manner with regard to giving help and advice to the plot holder, and to erect memorials to the NAMM standards and guarantee the memorial for a set number of years;**
- d) The plot holder be requested to inform the Council of any changes to circumstances, including house moves.**
- e) Officers formulate a clear 'Exit Strategy' regarding banded and/or staked memorials to advise whether 'dangerous' headstones are laid flat on the grave, removed, unbanded or left as they are.**

- f) **Future advertising include, where possible, press releases prior to the health and safety tests being carried out to headstones.**
- g) **A copy of the British Register of Approved Memorial Masons (BRAMM register) which conformed to the required standards, be placed in the Cemetery office.**

CAB.252 Recommendations from the Commercial Services Policy and Scrutiny Panel 5th April 2006

Toilet Provision and Toilet Cleanliness

The Cabinet considered recommendations from the Commercial Services Policy and Scrutiny Panel regarding the provision and cleanliness of public toilets in the District.

The Panel Chairman presented the recommendations and advised on the extensive scrutiny exercise that had been undertaken on this matter. He drew particular attention to the need for additional public toilet facilities in Stourport-on-Severn in the tourist summer season.

DECISION:

The following recommendations from the meeting of the Commercial Services Policy and Scrutiny Panel, held on 5th April 2006, be noted and considered by the Cabinet again as and when finance can be made available to fund any of the options:

- a) **The vehicle and equipment renewal schedule for 2006/07 be revised to provide provision for a small van, budget sum £10,000.**
- b) **Provision be made for the revenue implications of a small van to include road tax, servicing, repair, capital charges and fuel at a cost of £4,100 per annum.**
- c) **The Cultural, Leisure and Commercial Services staffing budget for toilet cleansing be increased by £4,500 per annum to take account of the additional skills requirements of an additional driver.**
- d) **Additional staffing resources be provided to cover the Whitsun Weekend period up until the start of the school summer holidays at a Revenue cost of £1,900 per annum.**
- e) **The Council investigate in discussions, as part of the Stourport-on-Severn development proposals, the possibility that public toilet provision is included in any new development.**
- f) **The Head of Cultural, Leisure and Commercial Services, the Head of Legal and Democratic Services and the Head of Financial Services be authorised to carry out a full feasibility study and project plan with a view to relocating the APC on Raven Street to a more central location near to or on Stourport High Street and to report back to the Panel at a future meeting.**
- g) **The wall, floor and sanitary fittings at the Brinton Park toilets be improved at a revenue cost of £35,000.**

- h) Pending the outcome of discussions with the owners of the Rowland Hill Centre, that should any delay in the refurbishment of the toilet block be likely, then the Council carry out a mini refurbishment of the toilets at a cost not exceeding £10,000.
- i) A trailer type toilet unit be hired throughout the school summer holiday period at the Stourport Riverside at a revenue cost of £7,550 per annum, to include £3,000 maximum per annum for additional planting and screening.
- j) A door counter device be purchased to allow usage data to be collected at a revenue cost of £500.
- k) The Head of Cultural, Leisure and Commercial Services in consultation with the Head of Financial Services and the Head of Legal and Democratic Services enters into negotiation with the Friends of Broadwaters Park for them to undertake additional toilet cleansing to improve cleansing standards and that subject to monitoring that a similar scheme is rolled out on other blocks such as Upper Areley. That a sum of £2,000 per annum be set aside from the Revenue Budget for the Broadwaters Trial.
- l) Officers investigate and report options for a longer term solution for the provision of toilet facilities at Riverside Meadows, Stourport-on-Severn, the options to include the possibility of replacing the current toilet block on this site with facilities which incorporate:
 - i. accommodation for a caretaker/cleaner; and
 - ii. a section that can be kept locked during the winter when usage is lower.

CAB.253 Recommendations from Community and Leisure Services Policy and Scrutiny Panel, 9th March 2006

Skateboarding

The Cabinet considered recommendations from the Community and Leisure Policy and Scrutiny Panel on skateboarding facilities.

The Panel Chairman presented the recommendations. He advised on the in-depth review, which had been carried out into current and potential skateboarding facilities in the District, as summarised in the report. He drew attention to the finding that Kidderminster and Bewdley were well served and the current facilities were well used, but skateboarding facilities were needed in Stourport-on-Severn.

Members noted that the Panel had recommended to the Cabinet Member for Community and Leisure Services that funding be allocated from the Local Public Services Agreement (LPSA) target and capital grant (up to approximately £70,000) for the provision of a skatepark near to the paddling pool at Stourport-on-Severn Riverside. (Minute number CAB.140 of the Cabinet's meeting of 24th November 2006 refers).

Members noted that the recommendations included references to the use and storage of the fun box at Sladen Middle School, Kidderminster. As the future of the school had not yet been determined by Worcestershire County Council, further consideration of proposals involving the school were deferred pending clarification of this matter.

DECISION:

- 1. A skate park be provided at Stourport Riverside to be located near the paddling pool, subject to the Cabinet Member for Community and Leisure Services agreeing funding for the project.**
- 2. It be noted that an application has been made to Stourport Forward for the sum of £5,000.**
- 3. Officers approach Stourport Town Council for additional funding.**
- 4. The representative group of young people (who met on 25th January 2006) be consulted as part of the project process.**
- 5. A letter be sent to Mr G Taylor-Smith, Head of Community Education and Lifelong Learning at Worcestershire County Council, to clarify proposals for the siting of the Fun Box in a hall at Sladen Middle School, Kidderminster during the winter months.**
- 6. The following recommendations from the meeting of the Community and Leisure Services Policy and Scrutiny Panel held on 9th March 2006, be noted and be considered further by the Cabinet when the County Council confirm the future of Sladen School.**
 - a) The young people representatives be encouraged to produce a DVD of the development of the project (as per the Kings Norton, Birmingham project).**
 - b) The Fun Box continue to be made available in popular locations and for events, and that the option of it being stored and used in Sladen School be explored when applicable.**
 - c) Similarly an option of providing transport from rural locations to the Fun Box when located at Sladen School be explored as an alternative to taking the Fun Box into rural areas.**

CAB.254 Recommendation from the Environment and Economic Regeneration Policy and Scrutiny Panel, 26th April 2006

Wyre Forest District Local Development Framework : Statement Of Community Involvement

This has been dealt with under Minute CAB246 above.

CAB.255 Recommendations from the Planning (Development Control) Committee, 11th April 2006

Recovery Plan to meet BV109 Targets for Determining Planning Applications

This has been dealt with under Minute CAB?? above.

CAB.256 ANNUAL AUDIT AND INSPECTION LETTER 2004/05

Ms L Cave, Relationship Manager of the Audit Commission presented its Annual Audit and Inspection Letter 2004/05, which summarised the conclusions and significant issues arising from external audit and inspection work over the past year. The Cabinet also considered a report from the Chief Executive regarding the Letter.

Ms Cave took members through the key issues in the Letter. For example, she pointed out that the Council's overall score of two out of four for the use of resources might not appear generous, but it was the result of a hard test which had been applied. The Letter gave an overview of areas of good practice to assist the Council to achieve a higher score.

She explained that the Direction of Travel Report, included in the Letter, was the Audit Commission's assessment of the Council's progress since its Comprehensive Performance Assessment (CPA). The assessment was based on evidence of improving outcomes and progress on the Council's three-year Improvement Plan to tackle issues raised in the CPA. The Report indicated that the Council was making improvements in a range of service areas, particularly where these had been designated as "Key Commitments". She advised that 54% of performance indicators had improved and drew attention to performance in relation to particular areas. She also stated that good progress had been made with performance management.

In conclusion, she summarised the main action required as: the need to address the use of resources and reprioritise the Improvement Plan.

The Cabinet Member for Finance and Corporate Affairs advised that the Council had achieved over a third of the goals included in the Improvement Plan and would continue to refine its Key Commitments. The recommendations made in the Annual Audit Letter were very helpful and would be taken on board. He confirmed that action taken to address them would be closely monitored.

It was noted that the Annual Audit and Inspection Plan would be presented to the Audit Committee in June 2006.

The Chairman thanked Ms Cave for her informative presentation.

DECISION:

1. **The contents of the Annual Audit and Inspection Letter, attached as Appendix 1 to the report to the Cabinet, including the management response in Appendix 5 to the Annual Audit and Inspection Letter (AAIL), be noted and agreed.**
2. **A mid-year progress report be given to Members in October / November 2006 on action taken to address the recommendations and other matters raised in the AAIL, in accordance with improved monitoring arrangements under the Council's Performance Management Framework (PMF).**

CAB.257 EXCLUSION OF THE PRESS AND PUBLIC:

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 paragraphs 3 and 6 of Part 1 of Schedule 12A to the Act.

CAB.258 SUMMARY OF MINUTES

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minutes relating to these items has been made as "exempt information" would be disclosed if the minutes were published in full.

(1) MINUTES

The exempt minutes of the Cabinet meeting held on the 30th March 2006 were confirmed as a correct record and signed by the Chairman.

(2) HOUSING BENEFITS OVERPAYMENTS - WRITE OFF OF AMOUNTS OUTSTANDING

The Cabinet agreed to write off a Housing Benefit overpayment debt, on the basis that procedures were in place for it to be recovered should details of the debtor's whereabouts, or circumstances, become known to the Benefits Section.

(3) **RECOMMENDATION FROM THE MISCELLANEOUS FUNCTIONS COMMITTEE, 24TH APRIL 2006**

Street Market

The Cabinet approved a recommendation from the Miscellaneous Functions Committee regarding the 2006/07 funding of the Markets Service in Kidderminster.

(4) **RUSHOCK TRADING ESTATE**

Further to Minute CM 932 (ii) of its 14th April 2005 meeting and Minute MISC.107(a) of the Miscellaneous Functions Committee meeting on 12th April 2006, the Cabinet approved arrangements for the disposal of Rushock Trading Estate.

The meeting closed at 7.00 pm.