

**WYRE FOREST DISTRICT COUNCIL**  
**CABINET**  
**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,**  
**KIDDERMINSTER**  
**21ST FEBRUARY 2008 (6.00PM)**

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**PRESENT:**

Councillors: J-P Champion (Chairman), M J Hart (Vice-Chairman), S J M Clee, N J Desmond and Mrs A T Hingley.

**OBSERVERS:**

Councillors: G W Ballinger, M B Kelly and Mrs F M Oborski. .

**CAB. 177 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Holden.

**CAB. 178 DECLARATIONS OF INTEREST**

Councillor S J M Clee declared a personal interest in Agenda item no. 12.1, Bewdley Museum Management Committee Recommendations, in view of being one of the Council's appointed representatives on the Management Committee. Minute CAB. 190 refers. He also declared a personal interest in Agenda item no. 17.1, Community Assets, Sale of Land, Bewdley, in view of being the Council's appointed representative on the Bewdley Development Trust. Minutes CAB 195 and CAB. 197 refer.

Councillor Mrs F M Oborski declared a personal interest in Agenda item no. 7.3, Benefits Service – Local Housing Allowance – Safeguard and Direct Payment Policy in view of being one of the Council's representatives on the Community Housing Group. Minute CAB 182 refers.

**CAB. 179 LEADER'S ANNOUNCEMENTS**

**David Buckland**

The Leader extended a warm welcome to David Buckland, the newly appointed Head of Financial Services, who was present at the meeting. Mr Buckland was due to take up his appointment in March 2008.

**Keith Bannister**

On behalf of the Cabinet, the Leader thanked Keith Bannister, Head of Financial Services, who was due to retire in March 2008, for his exemplary service to the Council. He commended Mr Bannister's professionalism and dedication, over decades of public service, and wished him a long and happy

retirement.

Lea Castle - Consultation over Hospital Facilities in the District

The Leader announced that the County Council's overview and scrutiny committee would consider this consultation on 13<sup>th</sup> March 2008. It would be referred to the District Council's Community and Regeneration Scrutiny Committee on 5<sup>th</sup> March 2008 and to the Cabinet on 20<sup>th</sup> March 2008.

**CAB. 180 FINANCIAL STRATEGY 2008/2011**

**a) Proposed decision and reports recommended to Council**

Further to Minute CAB 131 of its 20<sup>th</sup> December 2008 meeting, the Cabinet reconsidered its Financial Strategy 2008/2011. Revised proposals were circulated, following consultation with Group Leaders and the completion of the budget scrutiny process.

The Leader of the Council presented the proposals and highlighted the revisions. Additional spending proposals included support for a Kidderminster arts centre, provision for a Community Leadership Fund and for economic regeneration. There was also funding towards the delivery of strategic priorities set out in the District and County Community Strategies. This incorporated a grant to fund a project co-ordinator for the Horsfair, Broadwaters and Greenhill areas. He also drew attention to proposed efficiency savings.

The Leader of the Council advised that this budget contained ambitious plans but was based on prudence. He had worked in consultation with all political groups on the Council to bring stability, growth and improvement at a cost that the Council could afford and to provide services that the Council could deliver.

In response to issues raised by members regarding the Community Leadership Fund, which would allocate up to £1,000 per year to each Councillor for community projects, the Leader of the Council pointed out that it was recommended that a quarterly report about the Fund be made to the Corporate Service and Performance Scrutiny Committee. He added that a monthly update would be presented to the Corporate Management Team and agreed to a request that this monthly report should be shared with Group Leaders.

A member informed the meeting that Worcestershire County Council was to continue its Member Activity Grant for a further year. She advised that, in her role as Chairman of the Youth Strategy Group, she would be asking County and District Council Members to work together to co-ordinate the usage of the funds available to them. The Leader of the Council commended this approach.

**RECOMMENDED TO COUNCIL:**

- 1. Recommendations be made to the Council as set out in the appendix attached.**
- 2. The monthly update to the Corporate Management Team, regarding the**

**use of the Community Leadership Fund, be shared with Group Leaders.**

**b) Recommendations of the Corporate Service and Performance Scrutiny Committee from its meeting on 5<sup>th</sup> February 2008**

**i) Review of Cabinet's Financial Strategy 2008/2011 and Alternative Budget Proposals**

The Cabinet considered the findings of the Corporate Service and Performance Scrutiny Committee from its meeting on 5<sup>th</sup> February 2008 following its review of the Cabinet's Financial Strategy 2008/2011 and alternative budget proposals.

**DECISION:**

**It was noted that, having considered the Cabinet proposals, amendments from the Independent Health Concern Group, Labour Group and Liberal Group, the Corporate Service and Performance Scrutiny Committee is satisfied that the proposals are all measured, clear, focussed, achievable and based on sound financial and operational practices.**

**ii) Income Service Options 2008/2009**

See Minute CAB. 180 e) Below.

**c) Consultation on the Cabinet's Financial Strategy 2008/2011**

Further to Minute CAB. 131 of its 20<sup>th</sup> December 2008 meeting, a report was considered from the Head of Financial services on the outcome of the Financial Strategy consultation exercise.

**DECISION:**

**The report be noted.**

**d) Final Determination of The Local Government Finance Settlement for 2008/2011**

Further to Minute CAB. 131 of its 20<sup>th</sup> December 2007 meeting, a report was considered from the Head of Financial Services on the Final Determination of Wyre Forest's Finance Settlement from the Government for 2008/2011.

Members noted that the Final Settlement confirmed the Provisional Local Government Settlement, as announced on 6<sup>th</sup> December 2007. The new special grant, towards meeting the cost of the new English concessionary bus travel scheme, had been included in the Cabinet's final budget proposals.

**RECOMMENDED TO COUNCIL:**

- 1. The results of Wyre Forest's Finance Settlement 2008/2011 be**

incorporated into the Council's Budget Strategy and resultant Council Tax Levy for 2008/2011.

2. **Delegated authority be given to the Cabinet to allocate Area Based Grants, following the issue of guidance from the Communities and Local Government (CLG).**
3. **Delegated authority be given to the Cabinet to allocate Local Authority Business Growth Incentive (LABGI) for General Economic purposes, following Ministerial announcement of the 2008 Grant.**

#### **e) Income Service Options 2008/2009**

Further to Minute CAB. 131 of its 20<sup>th</sup> December 2007 meeting, a report was considered from the Head of Financial Services which presented income service options for consideration. These had been revised to take account of the Cabinet's decision at that meeting, to raise the target increase from 3.5% to 4.5% in line with the November Retail Price index.

Before making the recommendation below, the Cabinet considered the recommendation on this matter from the Corporate Service and Performance Scrutiny Committee from its meeting on 5<sup>th</sup> February 2008.

#### **RECOMMENDED TO COUNCIL:**

**Approval be given to increases in fees and charges and consequential income outlined in the Income Service Options attached to the report to Cabinet on 21<sup>st</sup> February 2008.**

#### **f) The Prudential System of Local Government Finance and The Treasury Management Policy And Strategy Report 2008/2009**

A report was considered from the Head of Financial Services which provided background information on the Chartered Institute of Public Finance's Prudential Code for Capital Finance in Local Authorities. It sought approval for updated prudential indicators and limits, together with associated issues.

#### **RECOMMENDED TO COUNCIL:**

1. **The updated Prudential Indicators and Limits for 2008/2009 to 2010/2011 be adopted.**
2. **Approval be given to the updated Treasury Management and Investment Policy and Strategy 2008/2009 and associated Prudential Indicators.**
3. **Approval be given to the Minimum Revenue Provision (MRP) Statement that sets out the Council's policy on MRP.**
4. **As part of Budget Monitoring, the Prudential Indicators be revisited following the approval of the Council's Budget Strategy as the**

indicators included within this report are based on current recommendations.

**g) Report of The Head of Financial Services In Respect of Sections 25-28 Local Government Act 2003**

A report was considered from the Head of Financial Services regarding statutory duties placed on local authority chief financial officers in relation to budget setting and monitoring. This detailed his opinion on the Cabinet's proposed budget strategy.

**RECOMMENDED TO COUNCIL:**

**The Head of Financial Services' opinion on the budget proposals, recommended by the Cabinet on 21<sup>st</sup> February 2008, as detailed in the report to Cabinet on 21<sup>st</sup> February 2008, be noted.**

**CAB. 181 REPORT ON BUDGET MONITORING – THIRD QUARTER 2007/2008**

A report was considered from the Head of Financial Services regarding the monitoring of the Revenue Budget and Capital Programme in accordance with the Local Government Act 2003 and Comprehensive Performance Assessment guidelines. This included an overview of financial trends for the period ended 31<sup>st</sup> December 2007.

**DECISION:**

1. **The projected budget variations and comments outlined within this report be noted.**
2. **The Income Generation Report, at Appendix 3 of the report to Cabinet on 21<sup>st</sup> February 2008, be noted.**
3. **The Heads of Service continue to monitor closely the Revenue Budget and Capital Programme.**
4. **The updated Capital Programme and Vehicle, Equipment and Systems Renewal Schedule 2007/2008, brought about by slippage and reassessment, as detailed in Appendix 4 of the report to Cabinet on 21<sup>st</sup> February 2008, be noted.**
5. **The Supplementary Estimate/Virement report, at Appendix 6 of the report to Cabinet on 21<sup>st</sup> February 2008, be noted.**
6. **The Efficiency Gains report, at Appendix 7 of the report to Cabinet on 21<sup>st</sup> February 2008, be noted.**

**CAB. 182 BENEFITS SERVICE – LOCAL HOUSING ALLOWANCE – SAFEGUARD AND DIRECT PAYMENT POLICY**

A report was considered from the Head of Financial Services which sought approval for the Benefits Service - Local Housing Allowance - Safeguard and

Direct Payment Policy .

The Leader of the Council advised that the Department of Work and Pensions (DWP) had introduced regulations whereby Housing Benefit payments would be made to tenants from 7<sup>th</sup> April 2008. However direct payments could be made to landlords where the Council considered it to be in the best interest of the tenant to do so. Hence the new policy had been drawn up to provide clear guidelines on this matter.

Members expressed concern over the new arrangements whereby Housing Benefit payments would normally be paid directly to tenants. They highlighted the possible impact on landlords, pointing out that they might be less inclined to let to recipients of Housing Benefit. The Leader gave an assurance that the situation would be monitored by the Head of Planning, Health and Environment and the Benefits Team.

### **RECOMMENDED TO COUNCIL**

**The Benefits Service – Local Housing Allowance – Safeguard and Direct Payment Policy – February 2008, attached as Appendix 1 of the report to Cabinet on 21<sup>st</sup> February 2008, be approved.**

### **CAB.183 SCHEME OF DELEGATION TO OFFICERS – AMENDMENT REGARDING THE INSTITUTING OF FORM N322 IN ROUTINE MATTERS FOR THE RECOVERY OF HOUSING BENEFIT OVERPAYMENTS**

A report was considered from the Head of Financial Services which proposed an amendment to the Scheme of Delegation to Officers to enable the Benefit Manager to authorise Court documents for the instituting of court proceedings for the recovery of Housing Benefit overpayments.

Members noted that this delegation would improve the efficiency and speed of the recovery of benefit overpayments.

### **RECOMMENDED TO COUNCIL**

- 1. Authority be delegated to the Benefit Manager, in addition to the Head of Legal and Democratic Services, to authorise Court documents for the instituting of Court proceedings for the recovery of Housing Benefit overpayments.**
- 2. The scheme of Delegation to Officers, contained in the Council's Constitution, be amended accordingly.**

### **CAB. 184 TRAFFIC MANAGEMENT ACT 2004 PART VI**

A report was considered from the Head of Property and Operational Services which sought approval for the amendment of the Scheme of Delegation in relation to the management and enforcement of traffic regulations under the Traffic Management Act 2004 Part VI.

The Cabinet Member for Property and Operational Services advised that Part VI of the Traffic Management Act 2004 and associated regulations would come into operation on 31<sup>st</sup> March 2008. As a result the Council's working practices regarding the enforcement of on-street and off-street parking needed to be amended accordingly.

Questions were raised about the Council's enforcement powers in relation to parking on grass verges and obstruction of pavements. The Cabinet Member for Property and Operational Services gave a brief summary of the legal position and undertook to provide, in consultation with the Head of Property and Operational Services, a briefing paper for all Members regarding parking restrictions.

In response to a query, the Cabinet Member gave an assurance that the change to parking attendants' uniforms, to indicate their new role as Civil Enforcement Officers, could be achieved at minimal cost, as only the epaulettes needed to be altered.

#### **RECOMMENDED TO COUNCIL:**

- 1. The Head of Legal and Democratic Services be authorised to amend and advertise the Wyre Forest District Council (off-Street Parking Places) (Consolidation) Order 2007 to comply with the Traffic Management Act 2004.**
- 2. The Head of Property and Operational Services be given delegated authority to continue to manage and implement the Scheme of Delegation relating to the Decriminalisation of Parking Enforcement as approved by the Council and now amended by the requirements of the Traffic Management Act 2004.**
- 3. The Head of Human Resources makes necessary amendments to contracts of employment to reflect the change of title from Parking Attendant to Civil Enforcement Officer.**
- 4. The Cancellation and Informal Challenge Policy approved by the Council on 19<sup>th</sup> September 2007, relating to circumstances where a first stage appeal would be allowed under certain mitigating circumstances, be applied to the new legislation.**
- 5. The Head of Property and Operational Services, in consultation with the Head of Legal and Democratic Services, be given delegated powers to amend and update the Scheme of Delegation and the Cancellation and Informal Challenge Policy where operational circumstances prove that the Scheme or Policy do not cover matters provided for under the Traffic Management Act 2004.**

**CAB. 185 PROPOSED LOCAL NATURE RESERVE AT MOORHALL MARSH**

A report was considered from the Head of Community and Partnership Services which sought approval for Moorhall Marsh to be declared a nature reserve. The Cabinet was also asked to endorse the management plan.

The Cabinet Member for Community and Leisure Services advised that Moorhall Marsh, which adjoined Stourport Riverside, was an area of significant biological value. The declaration of a Local Nature Reserve for Moorhall Marsh would have many benefits for both the Council and the local community. He added that the physical infrastructure such as gates, fencing and signage etc. would be funded from external sources.

**RECOMMENDED TO COUNCIL:**

**Moorhall Marsh be declared a Local Nature Reserve and the Management Plan, as detailed in Appendix C of the report to Cabinet on 21<sup>st</sup> February 2008, be endorsed.**

**CAB. 186 WYRE FOREST DISTRICT DRAFT RURAL ECONOMIC STRATEGY**

A report was considered from the Head of Planning, Health and Environment on the purpose and scope of a District Rural Economic Strategy. This sought agreement for the development of a draft strategy document and subsequent public consultation.

The Cabinet Member for Planning, Regeneration and Prosperity pointed out that a high proportion of Wyre Forest was rural and that this would be the first strategy to address economic issues in rural areas of the District.

The Cabinet was informed that the Community and Regeneration Scrutiny Committee, on 7<sup>th</sup> February 2008, had recommended the adoption of the proposals set out in the report subject to the timetable, detailed in the report, being altered to include provision for consultation with Town and Parish Councils at the scoping stage of the process.

**DECISION:**

**The “Draft Rural Economic Strategy Scoping Paper” contained at Appendix 1 of the report to Cabinet, be approved as the basis for the development of a draft Strategy document and subsequent public consultation.**

**CAB. 187 WEST MIDLANDS ECONOMIC STRATEGY (WMES) DELIVERY FRAMEWORK: CONSULTATION DRAFT**

A report was considered from the Head of Planning, Health and Environment which detailed a proposed response to Advantage West Midlands Economic Strategy - Delivery Framework Consultation Draft.



The Cabinet Member for Planning, Regeneration and Prosperity informed Members that this was a key strategic document which would provide the framework for investment in economic regeneration throughout the West Midlands. One of the benefits to the District would be that it would enable the Council to draw down funding from Advantage West Midlands for economic growth.

The Chairman of the Community and Regeneration Scrutiny Committee advised that the Committee was very pleased to hear of this important development and that the Committee, at its meeting on 7<sup>th</sup> February 2008, had endorsed the recommendations in the report.

**DECISION:**

- 1. Approval be given to the submission of the proposed response to Advantage West Midlands Economic Strategy – Delivery Framework Consultation Draft, as set out in Appendix 2 of the report to Cabinet on 21<sup>st</sup> February 2008.**
- 2. Approval be given to the submission of the current and proposed District Council activities relating to the proposed actions within the Draft Delivery Framework, as set out in Appendix 3 of the report to Cabinet on 21<sup>st</sup> February 2008.**

**CAB. 188 RECOMMENDATIONS FROM THE CORPORATE SERVICE AND PERFORMANCE SCRUTINY COMMITTEE 5<sup>TH</sup> FEBRUARY 2008**

**Re: Grants To Voluntary Bodies**

The Cabinet considered recommendations from the Corporate Service and Performance Scrutiny Committee, at its meeting on 5<sup>th</sup> February 2008, regarding the allocation of Grants to voluntary bodies.

The Chairman of the Corporate Service and Performance Scrutiny Committee explained that the Committee had concluded that it would be beneficial to undertake a thorough review of the grants allocation process. However, in view of the timescale, the Committee had recommended that grants be awarded for 2008/09 on the same basis as for 2007/08 and that the review be set up to put forward options for 2009/10 onwards.

**DECISION:**

- 1. No change be made to the allocation of £33,980 general cash grants for 2008/09 and grants be allocated of the same amounts and to the same organisations in 2008/2009 as for 2007/2008, as detailed in the briefing paper to the Corporate Services and Performance Scrutiny Committee on 5<sup>th</sup> February 2008.**
- 2. A review panel be set up to work up options for consideration and future recommendation of a revised process for the allocation for 2009/10, taking into consideration the factors outlined in paragraphs**

3.5 to 3.16 of the briefing paper to the Corporate Services and Performance Scrutiny Committee on 5<sup>th</sup> February 2008.

3. **Group Leaders be asked to nominate members to serve on the review panel and Independent Members also be approached for this purpose.**

**CAB. 189 RECOMMENDATIONS FROM THE CORPORATE SERVICE AND PERFORMANCE SCRUTINY COMMITTEE 18<sup>TH</sup> FEBRUARY 2008**

**a) Re: Corporate Plan From 2008**

The Cabinet considered recommendations from the Corporate Service and Performance Scrutiny Committee, at its meeting on 18th February 2008, regarding possible Aims and Priorities to be included in the new Corporate Plan from 2008.

The Chairman of the Corporate Service and Performance Scrutiny Committee informed members that, in drawing up its recommendations, the Committee had taken account of the outcomes from the Corporate Plan Review Panel and two Corporate Plan Workshops for Members and Officers, which had been facilitated by the Audit Commission. The Committee had focussed on the Aims and Priorities, at this stage, as they needed to be identified in conjunction with the Council's budget strategy, to be decided by the Council on 27<sup>th</sup> February 2008.

On behalf of the Cabinet, the Leader of the Council thanked the Committee and the officers involved for their excellent work on the Aims and Priorities for the Corporate Plan. He advised that the decision on this matter would be taken by the Council on 27<sup>th</sup> February 2008.

**DECISION:**

**The Corporate Aims and Priorities recommended by the Corporate Service and Performance Scrutiny Committee at its meeting on 18<sup>th</sup> February 2008, for inclusion in the new Corporate Plan, be noted.**

**b) Re: Mike Oborski 'No Barriers' Award Scheme**

The Cabinet considered recommendations from the Corporate Service and Performance Scrutiny Committee, at its meeting on 18th February 2008, regarding the establishment of the Mike Oborski "No Barriers" Award Scheme. Members noted that the scheme would recognise local organisations which had provided significant access facilities or other benefits for people with disabilities.

The Chairman of the Corporate Service and Performance Scrutiny Committee advised that the recommendations below were the culmination of the work of the No Barriers Review Panel which had drawn up the arrangements over a series of meetings since September 2007.

The Leader commended this scheme as an important member-led initiative that would promote best practice in relation to access facilities for people with disabilities.

**RECOMMENDED TO COUNCIL:**

**The following be adopted as set out in Appendices A to D of the briefing paper to the Corporate Service and Performance Scrutiny Committee on 18<sup>th</sup> February 2008:**

1. **The Mike Oborski “No Barriers” Award Panel Terms of Reference.**
2. **Award Panel membership.**
3. **Award Panel guidance document.**
4. **Nomination / Application Form.**

**CAB. 190 RECOMMENDATIONS FROM THE COMMUNITY AND REGENERATION SCRUTINY COMMITTEE 7<sup>TH</sup> FEBRUARY 2008**

**Re: The Planning Bill**

The Cabinet considered a recommendation from the Community and Regeneration Scrutiny Committee from its meeting on 7th February 2008 regarding proposals contained in the Planning Bill, currently at the Commons Committee stage.

The Chairman of the Community and Regeneration Scrutiny Committee advised that, whilst the Committee had agreed that some proposals contained in the Bill were excellent, members had concerns regarding the proposed arrangements to review officer decisions.

She explained that the Bill proposed that appeals against planning applications, determined by officers under delegated authority, should be determined by a panel of members, not necessarily from the local area. This would apply where applications had been refused or conditions attached to the permission.

The Committee felt that Members from neighbouring districts would not have enough local knowledge to determine applications in Wyre Forest and that this system, if implemented, could affect officer / member relations. The Committee's Chairman also pointed out that it could have an impact on the tight timescale for the determination of planning applications.

The Cabinet Member for Planning, Regeneration and Prosperity endorsed the Committee's recommendations.

**DECISION:**

**A letter be written to the Local Government Association and M.P's detailing the concerns raised regarding the 'review of officer decision' element of the Planning Bill. Concerns raised include:**

- 1. Members determining planning applications without local knowledge.**
- 2. Officer / Member relations.**
- 3. Government timescales for decisions on planning applications not being met.**

**CAB. 191 BEWDLEY MUSEUM MANAGEMENT COMMITTEE RECOMMENDATIONS**

A report was considered from the Head of Community and Partnership Services which presented a request from the Bewdley Museum Management Committee for approval of some changes to its Constitution.

The Cabinet Member for Community and Leisure Services explained that these were designed to update the Constitution and ensure that the Committee continued to function effectively.

Members commended the success of the museum, which had received 100,000 visitors during the last season.

**RECOMMENDED TO COUNCIL:**

**Approval be given to the amendments to the Bewdley Museum Management Committee Constitution and Terms of Reference, outlined in the report to Cabinet on 21<sup>st</sup> February 2008, and referred to the Charity Commission for information.**

**CAB.192 EXCLUSION OF PRESS AND PUBLIC**

**DECISION:**

**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. 193 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.

**CAB. 194 MINUTES**

The Exempt Minutes of the Cabinet held on 24<sup>th</sup> January 2008 were confirmed as a correct record and were signed by the Chairman.

**CAB. 195 HOUSING BENEFIT OVERPAYMENT DEBT- WRITE OFF OF AMOUNTS OUTSTANDING**

A report was considered from the Head of Financial Services and the Cabinet agreed to write off an amount relating to Housing Benefit overpayment debts.

**CAB. 196 COMMUNITY ASSETS - SALE OF LAND BEWDLEY**

A report was considered from the Chief Executive and the Head of Property and Operational Services and the Cabinet agreed arrangements regarding the sale of land in Bewdley.

The meeting closed at 7pm.