

WYRE FOREST DISTRICT COUNCIL

CABINET

THE CIVIC HALL, CIVIC CENTRE, STOURPORT-ON-SEVERN

20TH SEPTEMBER 2011 (6.00 PM)

Present:

Councillors: J-P Campion, N J Desmond, M J Hart, T L Onslow and J Phillips.

Observers:

Councillors: M Ahmed, J Baker, G W Ballinger, H E Dyke, J A Hart, C D Nicholls, F M Oborski, J W Parish, C Rogers, A M Sewell, J A Shaw, D R Sheppard, N J Thomas and S J Williams.

CAB.23 Apologies for Absence

There were no apologies for absence. However, Members were informed that there were a number of Councillors unable to attend due to the Annual General Meeting of The Community Housing Group.

CAB.24 Declarations of Interest

Councillor M J Hart declared a personal non-prejudicial interest in agenda item 7.1 – Wyre Forest District Local Development Framework (LDF) Potential sites for Gypsies, Travellers and Travelling Showpeople, as he owned land approximately 500 metres away from one of the proposed sites, although it was not his principal residence.

Councillor J Hart declared a personal non-prejudicial interest in agenda item 7.1 – Wyre Forest District Local Development Framework (LDF) Potential sites for Gypsies, Travellers and Travelling Showpeople, as he lived approximately 500 metres from one of the proposed sites.

Councillor F M Oborski declared a personal interest in agenda item 7.1 - Wyre Forest District Local Development Framework (LDF) Potential sites for Gypsies, Travellers and Travelling Showpeople, as she was the Chairman of the Local Development Framework Review Panel.

Councillor C D Nicholls declared a personal interest in agenda item 7.1 – Wyre Forest District Local Development Framework (LDF) Potential sites for Gypsies, Travellers and Travelling Showpeople, as he lived near to two of the proposed sites.

Councillor C Rogers declared a personal interest in agenda item 7.1 – Wyre Forest District Local Development Framework (LDF) Potential sites for Gypsies, Travellers and Travelling Showpeople, as he lived near to one of the proposed sites.

CAB.25 Minutes

Decision: The minutes of the Cabinet meeting held on 19th July 2011 be confirmed as a correct record and signed by the Chairman.

CAB.26 Call Ins

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

CAB.27 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.28 Public Participation

The Cabinet had received 2 requests from Members of the Public to speak.

Peter Smith – Wolverley and Cookley Parish Council

Mr Smith spoke on behalf of the Parish Council and expressed his disappointment on hearing about the Potential Sites for Gypsy, Travellers and Travelling Showpeople through the local press rather than having been contacted directly. Cabinet were advised that the Parish Council had been disappointed to read in the report that the consultation had taken place between consultants and beneficiaries but he also understood the report had been criticised as being flawed. Moreover, the Parish Council were amazed that the potential site for Lowe Lane, Fairfield was to be included in the consultation as the land had been subject to a Compulsory Purchase Order after World War 2 for people returning from the war for the provision of housing. Mr Smith had, in his possession, a letter from the War Department confirming this and if the situation were to change, it would have to follow legal proceedings, and the Parish Council would like to see a copy of that document if that occurred. It was also felt by the Parish Council that the site was totally inaccessible as Fairfield Lane was very narrow and liable to congestion. In addition, the local primary school was fully subscribed. The fact that the site was inaccessible and Fairfield Lane had other complications had to be considered. On behalf of the Parish Council, he requested that the site be eliminated from the considerations and the wishes of local communities should be borne in mind.

Peter Chatterley – Clows Top Resident

Mr Chatterley spoke on behalf of residents of Clows Top and the proposed consultation of the Potential Sites for Gypsy, Travellers and Travelling Showpeople. He understood the Council did not have an easy decision to make but the Council also had to be responsible for saving taxpayers money. He did not feel Clows Top should be included in the consultation especially in the light of things happening at Callow Hill. He felt that the report was inaccurate, it covered four sites of which three were not owned by the Council. The consultants report stated that Clows Top was not a settled community which was not the case.

Clows Top had no pedestrian access on the main road, the main trunk road had volumes of trucks. Also, with snow in the past couple of years roads had been impassable. He also advised that local schools were full, there were not good public transport links, or street lighting, the roads were dangerous for children and he asked for Clows Top to be removed from the consultation and asked why it had been proposed in the first instance.

CAB.29 Wyre Forest District Local Development Framework (LDF) Potential Sites for Gypsies, Travellers and Travelling Showpeople

A report was considered from the Director of Planning and Regulatory Services which informed Members of the need to ensure appropriate pitch provision is provided for Gypsies, Travellers and Travelling Showpeople within the District and to consider the recommendations from the Overview and Scrutiny Committee meeting held on 19th September 2011.

The Cabinet Member for Place-Shaping advised Members that in making recommendations, comments raised at the Overview and Scrutiny Committee held on 19th September 2011 had been taken into account. He advised that the Council were already committed to providing additional sites for gypsies and travellers as part of the Core Strategy that was adopted in December 2010. In addition there was also a need for a site for travelling showpeople.

He reiterated that a six week consultation process would commence in October 2011 with a final decision being made at the beginning of 2012.

It was perceived that some of the sites the consultants had identified had insufficient reasons for being included in the consultation. These were commented on in turn and details are listed below:

Land North of Habberley Road, Bewdley

The site was disconnected from the edge of Bewdley and Kidderminster and was unmanaged and overgrown. The site also lay in a Greenbelt area and justification would be required as to why a development should be carried out.

Former Blakedown Nurseries

This was brownfield land and outside of the settlement area of Kidderminster and Stourport. The site had been allocated for affordable housing purposes as set out in the Site Allocations and Policies DPD.

Land at Lawnswood, Cookley

This land was in a greenbelt area, and set in the heart of a rural village. It was believed that the site did not have a convenient vehicular and pedestrian access neither easy access for towing caravans.

Land North of Sutton Park Rise

The land had not been previously developed. It was perceived that the land could be utilised for the Council's forthcoming Playing Pitch Strategy as the Kidderminster West area was deficient in open space provision.

Land off Lowe Lane, Fairfield

This land was located in a rural village in the greenbelt. It was not currently accessible for large vehicles and not in the settlement areas of Kidderminster and Stourport.

Land at Clows Top

The site was in the heart of a remote rural village and there was poor public transport links to local urban centres and it did not fit in with the requirement of the Core Strategy. The site had already received planning permission for affordable housing.

Land off Wilden Top

This land had not previously been developed and was isolated and did not have easy access to shops or local services.

Former Depot, Stone

This site had poor vehicle access and was not appropriate for towing caravans. A consultation with the Gypsy and Traveller communities had indicated that they would prefer the edge of urban developments.

Members were advised that during the consultation process there could be sites added back in and additional sites could be considered. Moreover, Cabinet had the discretion to reduce that list. Cabinet considered that it was not appropriate to consult on sites that did not have sufficient reasons to be put forward as sites. Members were advised that the consultation stage would engage the public fully and public meetings would be held to ensure as many members of the public could air their views.

A Member perceived that Stourport already had sufficient gypsy sites in the area and asked for consideration to be given to not having any additional sites. Further, the farm site at St. John's Road, Stourport was in a greenbelt area and the farm was not redundant. The farm was actively used with three businesses operating from the site and a tenancy agreement with the Council was held.

A Member advised that the Local Development Framework Review Panel should be recognised for the work it had conducted and it was felt that the panel would be disappointed in the reduced number of sites available for consultation. Moreover, it would be advisable for all sites to be consulted on to give a fair chance to everyone.

Members were informed that the decision the Cabinet had reached had proved challenging. Officers comments had been taken into account when shortlisting the sites, however, it was not appropriate to consult on sites that were not viable and the Council had an obligation and responsibility for taxpayers in the district.

A Member expressed their frustration that not all 15 sites were to be consulted upon. Further, the Parish Clerk for Wolverley and Cookley had not been contacted by the consultants informing them of the consultation.

A Member had concerns that the land adjacent to Nunns Corner site in Stourport was liable to flooding, and the Farm, St John's Road, Stourport was in a greenbelt area. In addition, it was perceived that the sites in relation to the former Sion Hill school site, Kidderminster and Lea Castle Hospital site, Cookley, Nr. Kidderminster had already been granted planning permission.

Members were reminded that no final decision would be made until early 2012 but the Council did have a duty to consult on sites that were considered viable.

Further debate ensued, however this was interrupted by Councillor Sewell, who was reminded of the need to behave appropriately in the meeting and not to interrupt proceedings. The Chairman had to reinforce this point forcefully and this was concluded by Councillor Sewell leaving the meeting at 7.06pm.

Decision:

The following sites be included in the public consultation for potential new sites for Gypsies, Travellers and Travelling Showpeople:

- a. Site at Stourport Road, Bewdley**
- b. Former Sion Hill school site, Kidderminster**
- c. Lea Castle Hospital site, Cookley, Nr. Kidderminster**
- d. Land adjacent Nunn's Corner, Stourport-on-Severn**
- e. Saiwen, Stourport-on-Severn**
- f. The Gables Yard, Stourport-on-Severn**
- g. Farm, St. John's Road, Stourport-on-Severn**

The consultation should proceed in October 2011 for a period of six weeks and public meetings be held covering the proposed sites, in conjunction with the local Parish or Town Councils were appropriate.

CAB.30 Leader's Announcements

The Leader advised Members that the Council were waiting for information from Landsbanki and he would update Members at the Council meeting on 28th September 2011.

CAB.31 Annual Report on the Treasury Management Service and Actual Prudential Indicators 2010/11

A report was considered from the Director of Resources which provided a review of the treasury management activities for 2010/11, in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and to consider the recommendations from the Overview and Scrutiny Committee meeting held on 8th September 2011.

Decision:

- 1. The actual 2010/11 prudential and treasury indicators be approved.**
- 2. The annual treasury management report for 2010/11 be noted.**

CAB.32 Budget Monitoring First Quarter 2011/2012

A report was considered from the Director of Resources that outlined the monitoring of the Revenue Budget and Capital Programme in accordance with the Local Government Act 2003.

Members were advised that the first quarter budgeting was important in that it set out the forthcoming year.

Decision:

- 1. The projected budget variations and comments outlined within the report to Cabinet and appendices 2 to 9 be noted.**
- 2. The allocation of the New Homes Bonus as identified in paragraph 3.2 of the report to Cabinet, allowing for the balance at this stage of £31,220 to be included within the General Fund Reserve, be approved.**

CAB.33 Shared Land Drainage Service

A report was considered from the Director of Planning and Regulatory Services which asked Cabinet to agree a proposal to develop a shared Land Drainage service across Wyre Forest, Redditch and Bromsgrove District Councils, that incorporated watercourses and flooding work and to consider the recommendations from the Overview and Scrutiny Committee meeting held on 8th September 2011.

Members felt that by joining up of services, this would provide a greater service for everyone. It was also important that Wyre Forest District Council was the host for this service.

Shared Land Drainage Service

Decision:

1. **Wyre Forest District Council enters into arrangements to establish a new North Worcestershire Land Drainage service, along with Bromsgrove District and Redditch Borough Councils.**
2. **Wyre Forest District Council enters into arrangements with Worcestershire County Council on an agency basis to deliver the County Council's Flooding & Water Management Act 2010 responsibilities for the North Worcestershire area and that such arrangements are embodied into the arrangements described at 1 above.**
3. **The Director of Planning & Regulatory Services, in consultation with the Director of Resources and the Director of Legal & Corporate Services and the Cabinet Member for Place Shaping, be given delegated authority to agree the terms of any necessary agreements for the implementation of the shared service/agency proposals and to conclude such agreements.**
4. **The Director of Legal & Corporate Services be given delegated authority to undertake any necessary action relating to employee and union matters regarding the transfer of relevant employees from Redditch and Bromsgrove Councils, including any temporary arrangements under S113 of the Local Government Act 1972 in accordance with the principles of TUPE; and, in conjunction with the Director of Planning & Regulatory Services, to make any necessary staffing arrangements in relation to the provision of the new service with the Council.**
5. **The Chief Executive, in conjunction with the Director of Planning & Regulatory Services, be given delegated authority to appoint the Council's other representatives to the proposed Client Management Group.**

CAB.34 Wyre Forest District Local Development Framework, Site Allocations and Policies and Kidderminster Central Area Action Plan DPDs: Preferred Options Consultation-Representations

A report was considered from the Director of Planning and Regulatory Services which asked Cabinet to agree Officer responses to the representations received on the Site Allocations and Policies DPD and Kidderminster Central Area Action Plan DPD Preferred Options Papers as set out at Appendices 1-3 to this report and to consider the recommendations from the Overview and Scrutiny Committee meeting held on 8th September 2011.

Members of the Local Development Framework (LDF) Review Panel were thanked for their involvement in the detailed work carried out.

Decision: Officer responses to the representations received on the Site Allocations and Policies DPD and Kidderminster Central Area Action Plan DPD Preferred Options Papers as set out at Appendices 1-3 to the Cabinet report be agreed.

CAB.35 Wyre Forest District Local Development Framework (LDF) Churchfields Masterplan Supplementary Planning Guidance: Responses to Draft Consultation Paper and Final Masterplan for Adoption

A report was considered from the Director of Planning and Regulatory Services which sought Cabinet's approval of the responses to representations received and the recommended amendments arising from consultation to the Draft Supplementary Planning Document for adoption by Council on 28th September 2011 and to consider the recommendations from the Overview and Scrutiny Committee meeting held on 8th September 2011.

The Local Development Framework (LDF) Review Panel were thanked for their contributions for the work carried out.

Decision: Officer responses to the representations received on the Churchfields Masterplan as set out in Appendix 2 to the Cabinet report be agreed.

Recommended to Council:

- 1. The Churchfields Masterplan (Draft) Supplementary Planning Document as amended by the recommended changes set out in Appendix 2 to the Cabinet Report as the "Churchfields Masterplan" Supplementary Planning Document, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 be adopted.**
- 2. The Director of Planning & Regulatory Services be authorised to prepare and publish the necessary documents in accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004.**
- 3. Delegated authority to the Director of Planning & Regulatory Services to make any necessary presentational amendments be granted.**

CAB.36 Recommendations from Policy and Scrutiny Panels

Members were informed that the review panel had been chaired by Tavis Pitt, a co-opted Member. He was thanked for his contribution. There would be an item on the Council agenda regarding Media Protocol.

Recommendations from Overview & Scrutiny Committee 8th September 2011

- **Recording Equipment, Blogging and Social Media Review Panel**

Decision: The following items be noted.

- a. The Council should record and broadcast its public meetings online following the move to the new Council Headquarters.**
- b. Video / Audio Recording of meetings by the press and public should not be allowed.**
- c. The use of Social Media by the press and public during meetings should be permitted.**
- d. The use of Social Media by Councillors and Officers whilst in a meeting should be prohibited.**
- e. The use of Social Media by the Council should be encouraged.**
- f. The use of Social Media by Councillors outside of meetings should be encouraged and guidelines and training be provided.**
- g. Worcestershire Leadership Group be encouraged to develop a county wide media protocol for Members.**

CAB.37 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 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

CAB.38 Contract for Provision of a Managed Service for Temporary Staff

Decision: Delegated authority be granted to the Director of Resources to enter into the MSTAR framework agreement in line with Rule 19 of the Contract Procedure Rules.

The meeting closed at 7.50 pm.