

**WYRE FOREST DISTRICT COUNCIL  
CABINET  
HELD REMOTELY  
16TH SEPTEMBER 2020 (6 PM)**

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**Present:**

Councillors: G W Ballinger (Chairman), F M Oborski MBE (Vice-Chairman), H E Dyke, N Martin and J W R Thomas.

**Observers:**

Councillors: N J Desmond, C Edginton-White, S Griffiths, M J Hart, C Rogers and L Whitehouse.

**CAB.23 Apologies for Absence**

There were no apologies for absence.

**CAB.24 Declarations of Interests by Members**

Councillor M Hart declared, in respect of agenda item 8.1 - Section 106 Planning Viability Priorities, that he is the Cabinet Member for Education on Worcestershire County Council. He is covered by a generic dispensation but made the declaration for openness and transparency.

**CAB.25 Minutes**

**Decision: The minutes of the Cabinet meeting held on 7th July 2020 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.

Councillor L Whitehouse joined the meeting at 6.04pm.

**CAB.27 Items Requiring Urgent Attention**

There were no items requiring urgent attention.

**CAB.28 Public Participation**

In accordance with the Council's scheme for public speaking at meetings of Cabinet, the following member of the public addressed the meeting at this point: Lisa Taylor

*Public Space Protection Orders were implemented for Councils to deal with*

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*antisocial behaviour which have had a detrimental effect on the quality of life for those in the local community within defined areas.*

*Councillor Dyke advised the majority of dog owners are responsible. West Mercia Police and WFDC provided no factual evidence of multiple dog related incidents, as required by the Home Office PSPO Guidelines.*

*Research shows that only 5% of the nation own more than three dogs so this PSPO limit will target an extreme minority of dog owners. Owners of multiple dogs train to a higher standard and more regularly, and understand far more about dog behaviour.*

*I ensure my four dogs are fully cared for within and above the guidelines of the Animal Welfare Act 2006, and comply with English law. The impact this PSPO will have on me personally is I will be in breach of it just getting my dogs safely in and out of the house to my street parked car. During the dark mornings and nights, I will no longer be able to pavement walk all my dogs together, thus risking my personal safety twice. Should Government implement a lockdown of one walk a day again, I will be unable to exercise all my dogs.*

*Dog walking businesses will be seriously impacted as it will not be financially viable to be limited to three dogs and I and other owners of multiple dogs will not be able to afford the extra costs to procure this service. This PSPO also directly conflicts with the WFDC Animal Activity Licence limit of 6 dogs.*

*This PSPO will severely impede owners of more than three dogs maintaining their dogs' welfare under the 2006 Act as it is disproportionate and geographically covers the whole 75 square miles of WFDC.*

*The WFDC consultation survey garnered 192 responses for a limit of three dogs. Our Petition has received over 2,800 responses to rescind this limit, 555 of which are from the WFDC area and 285 from those who visit from neighbouring areas.*

*Furthermore, a PSPO for dog control is not required as The Dangerous Dogs Act 1991 covers the criminal offence of allowing a dog of any breed to be dangerously out of control.*

*The Kennel Club endorse a maximum of 6 dogs. Insurance Companies allow 6 dogs. Defra allow 6 dogs. Forestry England allows 6 dogs AND your own WFDC Animal Activity Licence allows 6 dogs.*

*Only if absolutely required by Councillors, an interim compromise during the WFDC six month review period for the PSPO could be to restrict off lead dogs to three per person within clearly defined areas.*

*In summary, rescinding or amending the limit of dogs for this PSPO will not be detrimental to any of the aims and objectives of WFDC to promote Greener Living Spaces and responsible dog ownership. It will, however, be extremely detrimental to the victimised minority and more importantly the dogs in their care. Thank you for hearing our voices.*

The Cabinet Member for Culture, Leisure and Community Protection thanked

Lisa Taylor for the petition and the points that she had made. The Cabinet Member gave a brief reminder of the legislative framework and chronological process for the public spaces protection orders (PSPOs) which were agreed by the Cabinet in July; one of which related to the control of dogs.

She explained that in July Cabinet decided under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 to make a PSPO that continued the previous Wyre Forest PSPO in respect of dogs and extended its effect by adding some new controls. She said the decision was taken by the Cabinet after appropriate local consultation and after considering a recommendation from the Overview and Scrutiny Committee which supported the making of the order. The Act does not prescribe the exact form of what constitutes an appropriate consultation, but it makes it clear that the following must be consulted; Police and Crime Commissioner; Chief Officer of Police for the local area; any Community representatives the Council feels appropriate; and owners or occupiers of land within the restricted area, such as local businesses.

She added that the Council consulted on the proposed Public Space Protection Order between 12 May 2020 and 15 June 2020 and over 860 responses to the consultation were received from a range of stakeholders including individuals, local organisations, town and parish councils and representative bodies. The Dogs Trust was directly contacted by the Council as part of the consultation.

The Cabinet Member for Culture, Leisure and Community Protection further explained that the proposal about limiting the number of dogs that one person may have under their control was debated at length in both the Overview and Scrutiny Committee and the Cabinet. She said the Cabinet accepted the Committee's recommendation that the PSPO should be made and that it should be reviewed 6 months after implementation, with the results of the review to be considered by the Overview & Scrutiny Committee; as part of the review Cabinet committed to consider the comments from the Committee in regards to professional dog walkers.

She said it was clear the decision in July was made after thorough consultation and extensive debate by Councillors from all groups. She added that, despite the fact that many local residents had signed the petition presented at the meeting, it would not be appropriate to change the decision that Cabinet made in July. She said there was a consultation process that ran for a specified period and, if the Cabinet were to take a different decision now in light of the petition, it would rightly stand accused of accepting a late representation from only one side of the argument. That would result in an imbalanced process and, she believed, would expose the Council to greater risk of successful challenge.

**Decision: Cabinet noted the petition and reaffirmed the decision of 7<sup>th</sup> July 2020, in respect of the Review of Public Space Protection Orders regarding dog controls.**

Councillor L Whitehouse left the meeting at 6.22pm.

**CAB.29 Budget Monitoring First Quarter 2020-21**

A report was considered from the Corporate Director: Resources which provided a briefing for members on the Council's financial performance for quarter 1 ending 30th June 2020 and presented the current projected outturn position for the 2020-21 financial year. The report provided forecasts on the capital programme 2020-21 and the final capital outturn for 2019-20 against programme.

The Leader introduced the report and formally moved the recommendations for approval. He said that the report builds on the May and July Cabinet reports on Financial Stress Testing re Coronavirus Pandemic Impact.

He said, in addition to the usual information presented in the Quarterly Budget Monitoring reports, the report provided key information relating to estimates of the Council's financial position for the next three years, highlighting the scale of the revised funding gap that the authority would need to close to bring expenditure into line with income.

The Leader outlined the key points from the report. He explained that the Government had announced a raft of financial assistance initiatives to help the community, businesses and local authorities through the pandemic; this included £22.5m Business Rate Grants, £952k Hardship Fund for Council Tax payers, £15.7m of business rate reliefs and £1.153m discretionary grant funding. He said that the authority had been extremely efficient and speedy in distributing this help to businesses and council tax payers as the various press releases have shown.

He said, whilst all of this was very welcome, the Council like Councils up and down the country is still facing significant financial difficulties that are not likely to be covered by additional funding, which results in a large increase in the funding gap and negative reserves during 2022-23. He added that the prospect for the Government providing full funding to mitigate losses is low and cannot be relied upon. It must therefore be assumed that the Council's reserves will be used at a faster rate than predicted in the Medium Term Financial Strategy (MTFS), the funding gap will increase and a more radical approach will be necessary to accelerate the savings.

In conclusion, he said the Council undoubtedly needs to become a smaller organisation with fewer staff if financial sustainability was to be achieved. As set out in section 11.3 of the report, decisive action is needed to agree a plan of action for what changes the Council now wishes to pursue. He said this will take time, resolve and resource but cannot be delayed. The MTFS report in December of this year will set out the proposed savings plans; change will be required on an ongoing basis as soon as it is possible to implement it.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments seconded the proposals.

In response to a member question regarding the extra costs as a result of the Bridge Street planning decision, the Leader confirmed that the decision had been reached after considerable debate in the Planning Committee, and the

Progressive Alliance would not be seeking to overturn the decision of the Planning Committee.

**Decision: Cabinet DECIDED to:**

- 1.1 NOTE the projected budget variations and comments outlined within the report and appendices 2 to 5.**
- 1.2 NOTE the exercise of delegated powers granted to the Corporate Director: Resources in consultation with the Cabinet Member for Strategy and Finance to use General Reserves to replace reduced income and increased expenditure as a result of the Coronavirus pandemic that is not covered by government funding and APPROVE that this delegation is extended to the end of December 2020.**
- 1.3 AGREE that a decisive savings plan to address the significant deterioration in the Council's finances be formulated as a priority and included in the December Medium Term Financial Strategy (MTFS) or that earlier reports are taken as appropriate.**

**CAB.30 Section 106 Planning Viability Priorities**

A report was considered from the Head of Strategic Growth to agree the prioritisation of allocating funding achieved through planning obligations across the various elements (such as education, highways and affordable housing) on sites where there is a shortfall in meeting the costs of all obligations following a viability assessment.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments presented the report. She explained that the amount of s106 contribution allocated to each prioritised element will differ from site to site and will be subject to detailed negotiations undertaken by the Planning Officer on behalf of the Council. She added that, where it was the case that not all policy requirements could be met, the proposal was that Officers would prioritise in the following order: namely on and/or off site infrastructure necessary to make the development acceptable; affordable housing; open space and recreation; education; and other stakeholder contribution requests such as infrastructure costs associated with health provision or the police. She added that sadly there had been quite a few occasions across Worcestershire where the NHS had actually tried to get s106 to cover its running costs which is not acceptable.

She further explained that the proposals are what the authority intends to use going forward, if and until the Government's August 2020 published white paper 'Planning for the Future' actually comes into effect. She said the white paper proposed a number of changes to the current system of planning obligations including a nationally set value-based flat rate charge, which would replace both Community Infrastructure Levy (CIL - which the authority has not yet implemented within the district) and planning s106 obligations.

She added that s106 was incredibly important as it was these obligations that actually get the authority most of its affordable housing within the district. She

formally moved the recommendations for approval.

The Cabinet Member for Housing, Health, Well-being and Democratic Services seconded the proposals. She said the s106 planning obligations were very much needed to address the affordable housing need in Wyre Forest.

The Chairman of the Overview and Scrutiny Committee, Councillor M Hart, said that, after considerable debate, the Committee endorsed the priority list set out in the report and fully supported the Cabinet proposals.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 8<sup>th</sup> September 2020:**

**Cabinet DECIDED that the priority list set out in paragraph 4.10 of the report is used to determine the allocation of s106 obligations where the viability of sites is deemed to be such that not all policy requirements can be met.**

### **CAB.31 Response to Planning Consultations**

A report was considered from the Corporate Director: Economic Prosperity & Place to agree responses to the two Government consultations on the planning system; 'Planning for the Future' and 'Changes to the current planning system'.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments presented the report and formally moved the recommendations for approval. She said that in August the Government announced two consultations on changes to the planning system; a 'root and branch' overhaul of the planning system in a white paper entitled 'Planning for the Future', the deadline for which responses have to be submitted is 29<sup>th</sup> October 2020; and a more detailed series of changes to the existing planning system entitled 'Changes to the current planning system' for which responses are required to be submitted by 1<sup>st</sup> October 2020.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments explained that Government's 'new vision for England's planning system' was structured around five proposals, and the consultation was then structured around three pillars; namely planning for development; planning for beautiful and sustainable places; and planning for infrastructure and connected places.

She commended the work of the Corporate Director: Economic Prosperity & Place and his team for the very thorough and well thought out draft consultation responses set out in the appendices to the report.

She explained that, if the Government's proposals were agreed, the new standardised methodology for deciding housing requirements would not affect Wyre Forest during its current Local Plan that has been submitted for examination: it would only come in once the new Local Plan, having been approved, was up for revision, and therefore would not affect the authority for the first three to four years.

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The Cabinet Member for Housing, Health, Well-being and Democratic Services seconded the proposals.

The Chairman of the Overview and Scrutiny Committee presented the recommendations from the Committee. He thanked the Corporate Director: Economic Prosperity & Place for the very comprehensive set of responses and for adding in the comments and encapsulating what was proposed by the Committee.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 8<sup>th</sup> September 2020:**

**Cabinet AGREED the draft consultation responses for formal submission.**

There being no further business, the meeting closed at 7.24pm.