

## CANNOCK CHASE COUNCIL

### MINUTES OF THE MEETING OF THE

### CABINET

HELD ON THURSDAY, 20 JUNE, 2013 AT 4:00 P.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

### PART 1

PRESENT: Councillors:

Adamson, G.	Leader of the Council
Holder, M.J.	Deputy Leader of the Council and Crime and Partnerships Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Alcott, G.	Economic Development and Planning Portfolio Leader
Bennett, C.	Environment Portfolio Leader
Davis, Mrs. M.A	Health and Wellbeing Portfolio Leader
Allen, F.W.C.	Housing Portfolio Leader
Todd, Mrs. D.M.	Town Centre Regeneration Portfolio Leader

#### 1. Apologies

Councillor A. Lovell, Corporate Improvement Portfolio Leader; and Mr. S. Brown, Chief Executive.

#### 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No other declarations were made in addition to those already confirmed by Members in the Register of Members' Interests.

#### 3. Updates from Portfolio Leaders

##### Housing

Empty Homes Bid – The Portfolio Leader advised that the Council's bid for Affordable Housing Grant from the Homes and Communities Agency (HCA) had been agreed in full to assist the Council to purchase vacant former Council properties, sold under the Right to Buy. As a result the Council would receive a grant of £220,000 to help purchase 10 empty former Council properties over the next two years. The remainder of the funding would be provided from the HRA Capital Programme. Full details of the proposed scheme would be reported to Cabinet on 26 July, 2013 when details of the required contract with the HCA were known.

As a result of the additional resources, the Council's programme to provide additional Council dwellings over the next five years would increase from 82 to 85.

## **Culture and Sport**

Rugeley Leisure Centre – Fitness Suite – The Portfolio Leader advised that the new fitness suite extension at Rugeley Leisure Centre was completed and had opened at the end of May. The improvements added 130 square metres to the existing floor space of the gym, creating a 379 square metres space. The gym had been kitted out with 80 pieces of the latest state-of-the-art Technogym equipment, including the Wellness System which allowed customers to use a key containing their personalised workout requirements to simplify their experience.

Chase Leisure Centre – New Sensory Room - The Community Wellbeing Team –Sport had played a pro-active role in securing a capital fund bid of £68,000 from Staffordshire County Council to install a state of the art multi-sensory room and soft play area at the Chase Leisure Centre, providing the technology to get individuals more active, try new things, improve communications, social skills and make new friends. The new sensory room was nearing completion and would be open in the summer. The agenda contained a report proposing to name the room after Olivia Wilson, the 15 year old visually impaired horse rider from Cannock who was chosen to represent the District as its Flame Ambassador and accepted the Paralympic Flame on the Council's behalf last August and was being tipped for the 2016 Paralympic Games in Rio.

Stadium - Invitations to undertake feasibility work on the Stadium site had been issued with a closing date of 5 July, 2013.

Hednesford Park - Work had started on the tennis courts at Hednesford Park as part of the HLF project.

Community Events Toolkit - Following on from the Chase Community Games in support of the Olympic and Paralympic Games, a toolkit to support local community events was now available to download from the Chase Community Games website.

Festival of Sport – Rugeley Leisure Centre would be hosting a Festival of Sport between 10.00 am and 4.00 pm on 21 June, 2013.

Green Flag – Cannock Park and Castle Ring had recently been inspected as part of the Green Flag Award assessment.

## **Health and Wellbeing**

Public Health Officer – The Portfolio Leader advised that a Public Health Officer had been appointed on a 2 year contract to cover the District.

“Step into a Lift” – The Portfolio Leader advised that the Council was actively encouraging people to use lifts rather than escalators following a series of accidents in the district. The majority of accidents involved elderly people over the age of 75, and in all cases an ambulance attended. The most serious injury was a broken arm, but all of the accidents could have been prevented if the person had chosen to take the lift instead. The campaign was targeting those with impaired mobility, for whatever reason, including persons with walking frames or crutches, parents with pushchairs, and even people with bulky loads.

### **Crime and Partnerships**

Police and Crime Panel – The Portfolio Leader advised that the next meeting of the Panel was to be held on Friday, 28 June, 2013, when the Police and crime Commissioner was due to unveil his Police and Crime Plan.

### **Leader of the Council**

Future of Cannock Hospital – The Leader referred to the Trust Special Administrator’s request to Monitor for a 30 days extension to the reporting period and a further 10 days for consultation. Rumours were circulating that a number of other Trusts were keen on taking over the running of Cannock Hospital and, in particular, Wolverhampton New Cross and Walsall Manor had expressed an interest in jointly utilising spare capacity at Cannock, which would involve running shuttle services to / from the other sites. Members agreed that the Leader should write to the TSA advising that the Council would be supportive of such a bid that would retain - and, hopefully, improve the range of - services offered from Cannock Hospital and address the current under-utilisation.

TSA Public Meetings – The Health and Wellbeing Portfolio Leader advised that the venues previously booked for the events had all indicated that they would be made available at no extra cost when the meetings were rescheduled.

### **Environment**

Redbrook Lane: Illegal Dumping and Inspect Infestation – The Portfolio Leader advised that a disinfestation programme had begun and no further complaints had been received from residents. Legal proceedings had been instigated against the owner of the premises, and a charge laid against the property to recover costs incurred from any future sale.

## **4. Minutes of Cabinet Meeting of 18 April, 2013**

RESOLVED:

That the Minutes of the meeting held on 18 April, 2013 be approved as a correct record and signed.

## **5. Forward Plan**

The Forward Plan of Decisions for the period June – August, 2013 (Item 5.1 – 5.2 of the Official Minutes of the Council), was considered.

RESOLVED:

That the Forward Plan of Decisions for the period June – August, 2013, be noted.

## **6. Minutes of Policy Development Committees**

RESOLVED:

That the Minutes of the following Policy Development Committees be received for information:

- (i) Environment Policy Development Committee – 12 March, 2013;
- (ii) Culture and Sport Policy Development Committee – 25 March, 2013.

## **7. Annual Performance Review of Wigan Leisure and Culture Trust 2012-13**

Consideration was given to the Report of the Head of Commissioning (Item 7.1 – 7.14, plus Appendices, of the Official Minutes of the Council).

RESOLVED:

That Cabinet note the Wigan Leisure and Culture Trust (WLCT) performance in delivering the Culture and Leisure Services for the period 1 April, 2012 to 31 March, 2013.

### Reason(s) for the Decision

The annual performance review was an integral part of the Council's contract monitoring arrangements with WLCT, enabling the Council to review the Trust's performance and commitments set out in the contract and method statements.

Appendix 1 to the report provided a detailed breakdown of WLCT's performance against performance targets for the first year of the contract 1 April, 2012 to 31 March 2013.

Although only the first year of the 10 year contract, a strong relationship was being built between the Council and WLCT and this was represented in the adoption of a cooperative approach to performance monitoring and a mutual commitment to meeting challenges (known and evolving), business requirements and adapting to changing circumstances. There had been a

number of key achievements during 2012-13:-

- A total of 67 performance measures and targets were monitored and a number of other measures used for which there was no comparator or baseline data available. WLCT had met or exceeded performance in 43 (64%) of its targets and not met target in 24 (36%), albeit that 6 (9%) were within the 5% tolerance threshold. The other 18 (27%) were considered red.
- The Council's culture and leisure facilities and services were being used significantly more in the current year than last, with annual attendances and visits in excess of 605,000; representing an increase of 38% (165,591 visits) when compared to the previous year.
- WLCT had been successful in raising general participation levels at both leisure facilities with over 440,000 visits made last year, demonstrating an increase of 32% (106,537 visits) when compared to the previous year.
- Over 231,000 health and fitness visits had been made this year representing a 67% increase on last year.
- The new Structured Exercise Programme (SEP) was proving particularly successful with over 68% of participants completing the 12 week project and 80% of them losing weight.
- Memberships had increased by 100% in the year and concessionary memberships by 12%.
- The Prince of Wales theatre had had a strong year with over 51,000 visits to the facility, an increase of over 34% when compared to the previous year and 30% above the annual target.
- Over £1.39 million of investment had been made by the WLCT into the Council's facilities and services.
- Introduction of free leisure memberships for 120 armed forces personnel living in the district.
- Delivery of a number of high profile events in partnership with the Council particularly the Community Games, Party in the Park and the Paralympic Flame Celebration.
- WLCT had appointed a Trust Board Member from the Cannock Chase District.

There had been no default notices issued and the contract had been delivered within budget. However, the aim of the report was also to present a balanced picture of achievements and performance against the targets set, including where performance needed to be improved.

- There were 36% of targets that had not been met and where improvement would be required next year. A number related to Chase Leisure Centre and were as a direct result of the delay in opening the swimming pool. However, education visits were down at Rugeley Leisure Centre due to the Academies reducing their use of the facility, as

were visits to Cannock Park Golf Course.

- WLCT and the Council would continue to work with the Academies and Staffordshire County Council on the future education use of the facility which had changed significantly since the contract arrangements were agreed.
- A robust Development Plan would need to be produced for the Golf Course in order to drive up usage.
- Greater use needed to be made of geographic data and information in order to target and promote culture and leisure facilities to under represented groups (young people, people with disabilities, over 60's etc).
- Develop and secure funding opportunities to support the Play service.

The performance achieved to date was generally good, particularly in respect of some attendances at Chase Leisure Centre when compared to the previous year. However, this performance should be viewed in the context that areas of the centre had been closed and some activities reduced. Consequently, some attendances were abnormally low prior to and during the construction and modernisation project.

As the contract relationship developed, WLCT would need to ensure that the culture and leisure facilities and services continued to:-

- be in line with the Council's Priorities and objectives,
- be evidence driven and aligned to the needs of the community,
- contribute to meeting the health needs of the District,
- influence decision makers and fund holders (LSP, Health and Well Being Boards, CCG's, Arts Council, Heritage Lottery Fund etc), and
- demonstrate where and how culture and leisure services can make an impact on a range of outcomes (e.g. Preventative – role of physical activity in health prevention).

With the swimming pool now open a key issue for next year would be to determine and agree with WLCT the level of any financial recompense as a result of the delay and its impact on contract performance.

## **8. Review of Leisure Concessions to Serving Members of the Armed Forces 2013-14**

Consideration was given to the Report of the Head of Commissioning (Item 8.1 – 8.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The content of the report be noted.
- (B) The leisure concessions scheme for serving members of the armed forces who are resident in the district be continued for the financial year 2013-14, in accordance with the proposals set out in the report.

Reason(s) for the Decision

Cabinet on 21 June 2012 resolved that leisure concessions be introduced for serving members of the armed forces who are resident in the District from 30 June 2012 for an initial one year period. (Minute 8)

WLCT agreed to provide the free concessions for an initial one year period at nil cost, after which they reserved the right to introduce a contract cost increase to the Council for the second and subsequent years, depending upon the impact on the contract.

Having introduced and administered the free concessions scheme and having assessed the impact as set out in paragraphs 5.8 to 5.14 in the report, WLCT had indicated that they are again happy to continue with the current scheme for the financial 2013-14, subject to an annual review and subject to there not being a negative financial impact upon the contract in the future.

WLCT would continue to monitor and assess the scheme to determine the costs and benefits associated with making such a concession.

Cabinet determined to continue with the offer for 2013-14 in recognition of the commitment made by armed forces men and women to this country in their service throughout the world.

**9. Permission to Submit a Bid for External Funding – Museum of Cannock Chase**

Consideration was given to the Report of the Head of Commissioning (Item 9.1 – 9.74 of the Official Minutes of the Council).

RESOLVED:

That retrospective approval be given to submit a bid in partnership with Wigan Leisure and Culture Trust to the Heritage Lottery Fund.

Reason(s) for the Decision

The report sought retrospective approval to submit a bid to the Heritage Lottery Fund (HLF) for a scheme of site improvements to the mining gallery at the Museum of Cannock Chase, centred on the coal mining heritage of the Cannock Chase area.

Appendix 1 to the report included the HLF Application; Appendix 2 the Interpretive Framework for the Museum of Cannock Chase; Appendix 3 the Project Plan; and Appendix 4 the Partnership Agreement.

The total cost of the project was £151,400. The Council's culture and leisure

partner, Wigan Leisure and Culture Trust were funding 36% (£53,800) and the bid to the HLF was for the balance of £97,600 (64%). The bid would not trigger any financial cost to the Council.

The Museum of Cannock Chase comprises four buildings set in nine acres of green space situated on the site of the former Valley Colliery, the training pit for young men beginning their working lives in the coal industry. The existing mining gallery on the first floor was struggling to attract family audiences and consultation with various users and audiences indicated that the gallery needed bringing up to date. Developing, designing and re-fitting the gallery would improve the site and visitor experience and raise the profile of the site's unique heritage.

The scale of the project was significant and would require levels of funding not accessible to the Council or WLCT through their own budgets. Together with the funding provided by WLCT, a bid to the HLF was seen as a potentially viable source of funding for this scheme.

Under the contract arrangements with WLCT, the Council continued to own the assets (the buildings and the grounds) and the collections and, as such, if the application was successful both the Council and WLCT would be contractually bound by the grant conditions and would be required to enter into a tri-party contractual agreement with HLF. This agreement would be similar to the tri-party agreement signed by the Council, WLCT and HLF on the transfer to WLCT on 1<sup>st</sup> April 2012, in respect of previous HLF funding for the Museum of Cannock Chase. Generally, this would include terms and conditions around the ownership of property and maintaining exclusive control of what happened to it and gaining HLF approval before any such property was sold, let or transferred.

As part of the application process the Council had signed a partnership agreement with WLCT and should the bid be successful a full appraisal would be made and any matters requiring Cabinet approval brought to a future meeting, as appropriate. The Council would act as an administering authority with WLCT utilising the grant funding solely for the purposes of delivering the project. If the grant conditions were breached then HLF would be entitled to claw back any grant monies provided to the Council.

If successful, the timeline for the delivery of the project would be July, 2013 to April, 2014 and, as such, WLCT needed to submit a bid to the HLF by the end of May, 2013. Consequently, Cabinet's retrospective approval to the submission of the bid was required.

## **10. Naming of the Sensory Room at Chase Leisure Centre**

Consideration was given to the Report of the Head of Commissioning (Item 10.1 – 10.4 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The contents of the report be noted.
- (B) The new Sensory Room at the Chase Leisure Centre be named after Olivia Wilson, the Council's Paralympic Flame Ambassador.

Reason(s) for the Decision

As part of the London 2012 Olympic and Paralympic Games, Cannock Chase District Council was chosen as one of only 36 communities to host its very own Paralympic Flame Celebration Event and, in partnership with Wigan Leisure and Culture Trust (WLCT), held Flame celebration events on 24 and 25 August last year.

Olivia Wilson a visually impaired 15 year old horse rider from Cannock, tipped for the 2016 Paralympic Games in Rio, was chosen to represent the District as its Flame Ambassador.

In order to achieve a lasting Paralympic legacy for disabled people in Cannock Chase, the Community Wellbeing Team –Sport had played a pro-active role in securing a capital fund bid of £68,000 from Staffordshire County Council to install a state of the art multi-sensory room and soft play area at the Chase Leisure Centre.

This new purposely equipped room would provide the technology to get individuals more active, try new things, improve communications, social skills and make new friends. The new sensory room was nearing completion and would open in the summer.

To celebrate and create a lasting memory of London 2012, it was proposed to name the new Sensory Room after the District's Flame Ambassador Olivia Wilson, which has been agreed with Olivia and her parents.

**11. Permission to Spend – HLF – Hednesford Park and War Memorial**

Consideration was given to the Report of the Head of Commissioning (Item 11.1 – 11.7 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Permission to spend on the Hednesford Park HLF scheme that was included in the Council's Capital Programme in January, 2013 be approved.
- (B) The delegated permission to spend match funding to secure additional grant from Staffordshire Environment Fund (SEF) be retrospectively approved.

Reason(s) for the Decision

In order to facilitate the improvements detailed in the July, 2012 Cabinet report,

it was necessary for Cabinet to consider the granting of permission to spend.

The deadline for expenditure on the SEF precluded the option to seek Cabinet approval to spend approximately £180,000 of the HLF grant to lever in the SEF funding. Therefore, retrospective approval was sought as the scheme had started.

## **12. Update on Town Centre Issues and Improvements**

Consideration was given to the Report of the Corporate Director (Item 12.1 – 12.10 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The progress made on town centre issues across the District to date be noted.
- (B) The programme of further planned improvements to be delivered in 2013 / 14 as set out in paragraph 5.24 of the report be noted.
- (C) Permission to Spend on the town centre improvement programme as set out in paragraph 5.24 of the report be approved.
- (D) Permission to Spend for the £68,000 allocated to the proposed Rugeley Miners Memorial and funded from the 2012/13 Town centre Improvement Fund, be approved subject to Planning Consent being obtained.

### Reason(s) for the Decisions

The strategic context for the improvement of the District's Town Centres was the Portas Review (An Independent Review into the future of our high streets) published by the Government in December, 2011. A wide range of recommendations were made in the Review including business rates concession schemes, free controlled parking schemes and a co-ordinated operation management approach for town centres. In response, Cabinet had prioritised action to improve the District's town centres and a significant financial sum allocated to deliver a programme of improvements and initiatives in 2012/13 and 2013/14.

As town centres were a significant priority for Cabinet and Council, a progress update was provided for consideration so that all Members were aware of current delivery and future plans to enhance the offer and environment of the District's three town centres.

Permission to Spend was required to take forward the proposed programme in the 2013/14 financial year.

## **13. Joint Investment in Cannock Chase**

Consideration was given to the Report of the Corporate Director (Item 13.1 – 13.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The transfer of £3m from Staffordshire County Council into a joint account as part of a programme of joint investment between the two Councils be noted.
- (B) Permission to Spend be approved on the following as part of this programme of joint investment:
- £50,000 investment in a programme of environmental improvements for Rugeley Town Centre.
  - £50,000 investment into the Rugeley Conservation Area in addition to all other funds already committed.
  - Up to £100,000 of English Heritage matched funds that may be available for the 2013/14 – 2015/16 period.
  - £30,000 to undertake necessary feasibility and technical assessment associated with the proposed construction of a full size artificial turf pitch at Hednesford Park or alternative location in Hednesford as appropriate.
- (C) Further reports and requests for Permission to Spend be received as the projects were developed further in conjunction with Staffordshire County Council.
- (D) The submission of external grant applications to English Heritage, Sport England and any other relevant grant making body to secure matched funds be approved for the joint investment programme.

Reason(s) for Decisions

There had been a longstanding commitment from Staffordshire County Council to invest up to £3m capital from the sale of Pye Green Valley into facilities for the Cannock Chase District. The decision was taken by the Staffordshire County Council Cabinet on 16 August 2006.

The Pye Green site had recently been sold and Staffordshire County Council has confirmed in writing its intention to make available £3m from the proceeds of the sale for a joint programme of investment to support economic prosperity and public health outcomes to benefit Cannock Chase.

This was part of the wider partnership between Staffordshire County Council and Cannock Chase Council which included the Staffordshire and Stoke on Trent Local Economic Partnership and more recently, this Council's commitment to participate in the Staffordshire Local Transport Board.

A joint meeting called the Economic Growth and Governance Board had been set up to oversee the joint investment programme. Membership of the Board included the Leader of the Council, the Cabinet Member for Economic Development & Planning, the Chief Executive, Corporate Director, and Head of

Planning and Regeneration from Cannock Chase Council; and the Leader, Cabinet Member for Highways and Transport, Cabinet Member for Environment and Assets, Head of Property, Commissioner for Strategic Planning, Enterprise and Economy from Staffordshire County Council.

The report sought Permission to Spend in three areas so that progress could be made in delivering those projects. Further Permission to Spend reports would be submitted to Cabinet in the three year Budget period linked to the implementation of the priority projects.

#### **14. Update on Partnership Activity**

Consideration was given to the Report of the Head of Policy (Item 14.1 – 14.8 of the Official Minutes of the Council).

RESOLVED:

That the update on Partnership activity and allocation of LSP funds be noted.

(No specific areas of interest for future reports were identified at that time.)

#### Reason(s) for Decisions

The report was the regular quarterly report to update Cabinet on key areas of Partnership work following the LSP cycle of meetings in December 2012 and March 2013. It included an update on the three priority themes for the Partnership (Improved Health, Increased Economic Opportunity and Community Safety), together with detailed information and case studies on specific initiatives.

The LSP had adopted its own governance structure and Terms of Reference, and, therefore, the quarterly update reports were intended to provide a summary of Partnership work for information. Any particular areas of interest to Cabinet could be reported in more detail in future Partnership Update reports, hence the recommendation that Cabinet identify specific areas of interest in respect of Partnership working.

#### **15. Staffordshire Police and Crime Panel**

Consideration was given to the Briefing Note of the Crime and Partnerships Portfolio Leader (Item 15.1 – 15.6 of the Official Minutes of the Council).

The Briefing Paper was noted.

#### **16. End of Year Performance Report**

Consideration was given to the Report of the Head of Policy (Item 16.1 – 16.34 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The 2012/13 annual performance outturn for the Council as detailed at Appendices 1 to 4 of the report be noted and approved.
- (B) The actions and indicators which are rated Red or Amber be noted, and the remedial action or rescheduled delivery stated to address performance be approved.

Reason(s) for Decisions:

Information for performance actions, indicators and case studies 2012/13 was included for relevant items in Appendices 1 to 4 to the report. The overall rankings for each Portfolio area were detailed in Section 5, indicating that 85.5% of targets had been achieved during 2012/13. The recommendations reflected that the performance and any subsequent rescheduling be noted.

**17. Representatives on Outside Bodies 2013-14**

Consideration was given to the Report of the Chief Executive (Item 17.1 – 17.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The appointment of representatives to outside bodies for 2013-14 be confirmed in accordance with the schedule attached to the report.
- (B) The Chief Executive, in consultation with the Leader of the Council, be authorised to make appointments to any additional outside bodies, as necessary, throughout the Municipal year that would otherwise be determined by Cabinet.

Reason(s) for Decisions

Each year Cabinet is required to appoint representatives to a number of outside bodies as detailed in the schedule at Appendix 1. This was normally done at the first Cabinet meeting following the Annual Council meeting.

For practical purposes, i.e. to avoid the need to report the matter to Cabinet on every occasion, Cabinet is also requested to confirm the Chief Executive's authority, in consultation with the Leader of the Council, to make appointments to any additional outside bodies, as necessary, throughout the Municipal year.

**18. Adoption of Surveillance Policy**

Consideration was given to the Report of the Council Solicitor (Item 18.1 – 18.4 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Surveillance Policy (attached as an appendix to the report) be adopted.
- (B) Authority to authorise officers under section 223 of the Local Government Act 1972, be delegated to the Council Solicitor, and the Council's scheme of delegation be amended accordingly.

Reason(s) for Decisions

The Council has responsibility for a number of regulatory functions that potentially involve the use of surveillance.

The Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to ensure that the impact of certain types of surveillance on the privacy of individuals was properly considered, before being undertaken. Compliance with RIPA provides the Council with a "shield" against any claims that such surveillance, or any evidence resulting from such surveillance, was unlawful.

It is recommended good practice for public authorities to adopt a policy on its use of surveillance and adherence to RIPA processes. Recent changes in the law had resulted in the need to revise the Council's existing policy.

**19. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph(s) 1, 2, and 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**CABINET**

**HELD ON THURSDAY, 20 JUNE, 2013 AT 4:00 P.M.**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 2**

**20. Cannock Town Centre Development – Beecroft Road Car Park Site**

Consideration was given to the Not for Publication Report of the Head of Planning and Regeneration (Item 20.1 – 20.33 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Option 2 – Do Something (paragraph 5.16 of the report refers) be supported, and that authority is given to the Head of Planning and Regeneration, in consultation with the Portfolio Leader of Town Centre Regeneration and the Leader of the Council, to produce and consult with stakeholders on a non-confidential version of the Soft Market Testing of the Beecroft Road Development Potential report.
- (B) Subject to the outcome of the consultation, above, and subject to all costs being contained within existing budgets, the Head of Planning and Regeneration, in consultation with the Portfolio Leader for Town Centre Regeneration and the Leader of the Council, be authorised to appoint commercial and legal advisors to assist in the production of a revised Development Statement for the Beecroft Road Site; and that the Statement be submitted to Cabinet for final approval.

Reason(s) for the Decision

The Lambert Smith Hampton (LSH) report 'Soft Market Testing of Beecroft Road Development Potential' concluded that at the present time there was no appetite for development at the Beecroft Road Site that met the Council's original aspirations for the site. This was to deliver a major 'step change' in the retail offer for the town centre through a large (150,000 sq ft plus) scheme based on comparison goods retailers.

The LSH report confirmed that a combination of issues was affecting the deliverability of the site at present. These included: the weak economic conditions for retail development; poor retailer appetite; the scale of the development aspiration was too big and costly; financial viability would be

damaged further if the Council wanted to retain the income levels currently received from the car park; the focus on comparison retailers and department type stores was too narrow for the current market which was looking to broaden into mixed uses e.g food/leisure even residential uses. These issues constrained the overall financial viability and deliverability of the development. Therefore, without significant compromise on these issues, development would continue to be unviable and undeliverable. At this stage the financial issues took no account of the possibility of external funding. For example, the interest of the County Council in investing in the site to support town centre development if there was a business case to do so.

LSH concluded that the continued promotion of the Council's previous aspirational 'Step Change' scheme was not considered to be achievable at that point in time. There was reluctance from developers and a lack of suitable retail occupiers in the market for large schemes in locations such as Cannock.

Based on the LSH soft market test findings, the Council was faced with two choices for how to proceed with the site. These were summarised as the 'Do Nothing' and 'Do Something' options. The implications of these options were set out in the report.

The context for the nature of the development sought for the Beecroft Road Site had changed. This was largely the result of changes in economic market conditions affecting the 'High Street' which required that any development must be simple, viable and capable of delivery without major uncertainty. The Council was at a cross roads in deciding *if* development of the site was to be progressed as a priority for the town centre.

The 'Do Nothing' option acknowledged that retail development was subject to great change and that until these forces of change had played out it may be better to retain the Council's car park income and review the options for development once there was a clearer view of the future for town centres such as Cannock.

The 'Do Something' option took the view that it was better for the Council to be proactive in seeking investment for the Site. That without such a proactive stance Cannock town centre would be at risk of becoming less attractive to shoppers and this would put at risk its current retailers. But, to 'Do Something' would require the Council to set aside its current aspiration to deliver a step change in comparison retailing and take a more flexible approach to the potential of the Site. To deliver anything would require a long term relationship with a development partner and this would require that the Council's and developer's aspirations were aligned. This in turn would require the Council to be open to a mixed use leisure / retail / food scheme which might be much smaller than the original aspirational scheme and which might require the Council to give up the current level of car park income from the site.

Should the Council choose the 'Do Something' option the immediate financial commitments, including retaining LSH as the Councils' advisers, could be met from existing Council budgets. Any further financial implications as a result of any development proposals received by the Council would be the subject of further Cabinet reporting as part of any procurement process.

Similarly, it might be necessary for procurement compliance checks to seek Leading Counsel advice on any documentation to be used as part of any procurement process going forward. It was anticipated that such advice could be met from existing budgets.

## **21. Allocation of ASDA S106 Funds**

Consideration was given to the Not for Publication Report of the Corporate Director (Item 21.1 – 21.7 of the Official Minutes of the Council).

RESOLVED:

That Council be recommended to allocate the S106 ASDA funds to the Stadium Development Fund as part of the Council's Capital Programme for the Budget period.

### Reason(s) for the Decision

Members were aware of the history of the S106 ASDA sum since 2005 and a summary of key events in the chronology was included in the report.

The Council had taken all steps to resolve this matter. Long periods pass with no communication at all from ASDA.

A meeting took place with ASDA representatives on 14 November, 2012 where it was discussed how to resolve the outstanding matter. A further meeting with the newly appointed Head of Estates for ASDA was promised but this had not materialised. Accordingly, a letter was sent to ASDA in March, 2013 proposing that the funds be retained for investment in a community sports and recreation hub at the Stadium site. A copy of the letter was attached as Appendix 1 to the report.

Members were formally requested to allocate the funds to the Stadium Development Fund so that they could be used in the future to fund additional facilities as may be determined for this site in the future.

There were obviously risks in moving forward in this way but despite its best endeavours, the Council had not been able to resolve issues with ASDA. Subject to Council's decision on this recommendation, there would need to be further reports to Cabinet authorising expenditure

The meeting closed at 5.00 p.m.

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LEADER