

Executive Committee

Tuesday, 10 December
2013

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Brandon Clayton, John Fisher, Phil Mould, Mark Shurmer and Debbie Taylor

Also Present:

Councillors Joe Baker, Michael Braley, David Bush and Carole Gandy
Ms Zoe Thomas, Grant Thornton

Officers:

E Baker, R Bamford, M Bough, S Hanley, C Flanagan, S Morgan, J Pickering, A de Warr

Committee Services Officer:

S Jones

89. APOLOGIES

Apologies for absence were received from Councillors Rebecca Blake and Juliet Brunner.

90. DECLARATIONS OF INTEREST

There were no declarations of interest.

91. LEADER'S ANNOUNCEMENTS

Webheath Planning Appeal

The Leader invited Clare Flanagan, Principal Solicitor, to brief all present about proposals for dealing with the forthcoming planning appeal concerning development at Pumhouse Lane, Redditch. He had agreed that the briefing could be given as there was public interest in the appeal and to enable members' views to be taken into account when a decision was made about the issue. The Ward members had been invited to attend to hear the briefing.

The main elements of the briefing were:

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Chair

- In May 2013 the Planning Committee had refused an application for outline planning permission at Pumphouse Lane as it was considered to be unsustainable due to:
 - the resultant additional traffic on the local road network,
 - the lack of suitable infrastructure to support the development and
 - the lack of contribution towards the wider highway network infrastructure.

As such, it would cause harm to the safety and amenity of the residents of the Webheath area and the town of Redditch as a whole, contrary to Policies CS6 and CS7 of the Borough of Redditch Local Plan No.3.

- The applicants had appealed against this decision and the inquiry had been arranged for 6 days in January.
- The decision had been made contrary to officer recommendation so a Planning Consultant had been engaged to defend the Appeal on behalf of the Council. Counsel for the Borough Council (QC) had also been appointed.
- The Council's QC met relevant officers to discuss the statement explaining the Council's case and how it would be defended at the Inquiry. During this discussion, the Planning consultant had made it clear that, in her opinion, of the three strands of the refusal reason, two had no technical evidence from any source to support them and they were indefensible. She had also been explicit in her unwillingness to defend these reasons at the Inquiry.
- In the light of this, the QC's advice was that the Borough Council should withdraw the "local" elements of the refusal reason or risk being exposed to substantial costs.
- If the Council took this action, its case would rest entirely on the County highway reason. The County Council had advocated refusal if the wider highway network contribution was not agreed. It was possible that the County Council would reach agreement with the appellant. If this happened, the County Council would not be involved with the Appeal.

If the Council continued to pursue the Appeal in spite of the advice of the Planning Consultant and QC, it could be exposed to costs in the region of £100,000. The Chief Executive and Head of Legal, Equalities and Democratic Services were of the view that the Council should no longer seek to defend the "local" elements of the refusal reason at Appeal. By withdrawing from these elements now, the Council could reduce its costs liability. This view was endorsed by the Council's Section 151 Officer.

The deadline for preparing documents for the Appeal required them to be submitted to the Planning Inspectorate on 20th December. As there would not be a Council meeting before this date, officers

would seek an urgent decision on the matter to minimise the Council's liability.

The Leader first called on the two local ward members to comment or ask questions on the report. One of the ward members said that he supported the recommendation outlined in the paper and endorsed the action of the officers.

In response to questions, Officers explained that the QC would continue to represent the Council and would attend the opening of the Inquiry. The Council would continue to accrue the costs of employing the Barrister to represent it as the Local Planning Authority. The Officers' advice addressed the risk of being liable for substantial costs incurred by the Appellant when no evidence could be offered to support two elements of the Council's case.

The majority of the Executive Committee supported the officer's proposal not to defend the element of the refusal reason relating to additional traffic on the local road network and the lack of suitable infrastructure to support the development. It was noted that the decision required was a Council one because of the potential impact on its budget. However, because of the timescale this would be made under its procedure for making an urgent decision between meetings.

92. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on 26th November 2013 be confirmed as a correct record and signed by the Chair.

93. GRANT THORNTON - REVIEW OF FINANCIAL RESILIENCE

The Leader welcomed Zoe Thomas from Grant Thornton to the meeting. She presented the external auditors' report and highlighted that the auditors had presented an unqualified Value for Money conclusion.

The main issues highlighted by the Auditors were:

- the relatively low level of balances held by the Council. This was now at a critical point;
- linking the strategic objectives to the Medium Term Financial Plan;
- increasing the transparency of formal reporting to members.

The Committee noted the actions to be carried out by the Management Team in response to these issues. Heads of Service

were working to be clear where savings would be made between 2014 and 2017.

RESOLVED that

the review of Financial Resilience by the Council's External Auditors and the actions agreed to be undertaken by the Council be noted.

94. QUARTERLY BUDGET MONITORING - 2ND QUARTER 2013/14

Members noted that work was being carried out to identify the savings which contributed to the unidentified sum of £550k in the revenue budget for 2013-14.

In response to a query from Councillor Brandon Clayton about the Housing capital programme, the Financial Services Manager undertook to clarify details around the delay in letting the contract for solid wall insulation.

RESOLVED that

- 1) the current financial position on Revenue and Capital, as detailed in the report, be noted;**
- 2) identified savings be used to offset the savings requirement that has not been fully identified, where available in discussion with Heads of Service; and**

RECOMMENDED that

- 3) the 2013/14 Capital programme be increased by £55K to include Section 106 funded Town Centre Enhancements.**

95. COUNCIL TAX DISCOUNTS

The Committee considered a report by the Head of Customer Access and Financial Support, which set out options for further technical amendments to Council Tax discounts.

Seven options were set out for consideration, including reducing the period of 50% empty homes discount from 6 months to 3, 2 or 1 month, removal of various discounts and implementation of a long term empty homes premium.

The Committee noted the representation attached to the report from the National Landlords Association and specifically the proposal that the Council offer Council Tax relief to landlords for a maximum

of 21 days if the landlords were accredited. Officers advised that if the approach suggested was adopted it could be perceived as unfair to other sections of society.

Overall the Committee considered that the proposal to reduce the period of 50% empty homes discount to three months was reasonable in the current circumstances. Members also supported the ability to create a hardship fund to help those most affected by the changes to Council Tax support.

RESOLVED that

the period of 50% Empty Homes Discount be reduced to three months.

96. OPTIONS FOR THREADNEEDLE HOUSE

The Committee considered a report which proposed to declare Threadneedle House as a surplus asset, to enable the building to be marketed for sale.

During consideration of the report it was noted that the Post Office would remain on site as a continuing tenant. Retention of the property involved significant expenditure and an ongoing void cost of £72k per year. Members also noted the opportunity to revitalise this area of the town centre with the disposal of the property.

RESOLVED that

- 1) Threadneedle House be declared as a surplus asset; and**
- 2) Officers be instructed to market the property in order to secure a capital receipt.**

97. MATCHBOROUGH EAST COMMUNITY CENTRE - EXTENSION OF LEASE

The Committee supported the proposal to extend the lease of the Centre so that the tenant could apply for additional funding grant from external organisations and undertake improvements.

RESOLVED that

Property Services be instructed to request Legal Services to accept a surrender of the existing 7 year lease for Matchborough East Community Centre from Your Ideas and simultaneously enter into a Full Repairing Lease for 12 years with Your Ideas.

98. OVERVIEW AND SCRUTINY COMMITTEE

The Committee received the minutes of the meeting of the Overview and Scrutiny Committee meeting held on 4th November 2013.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 4th November 2013 be received and noted.

99. WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 26th September 2013 were considered by the Committee.

RESOLVED that

the minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 26th September 2013 be received and noted.

100. SHARED SERVICES BOARD

The minutes of the meeting of the Shared Services Board held on 17th October 2013 were received by the Committee.

RESOLVED that

the minutes of the meeting of the Shared Services Board held on 17th October 2013 be received and noted.

101. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

There were no minutes or referral under this item.

102. ADVISORY PANELS - UPDATE REPORT

The regular update on the activity of the Council's Advisory panels and similar bodies was considered by the Committee.

RESOLVED that

the report be noted.

103. ACTION MONITORING

The Committee's Action Monitoring report was considered by Members. In response to a query it was noted that information on the costs of the additional meeting of the Executive Committee on 26th November had not yet been supplied to Councillor Brunner.

RESOLVED that

the Committee's Action Monitoring report be noted.

104. EXCLUSION OF THE PUBLIC

RESOLVED that

under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the said Act, as amended:

Minute 105 – Property A – Options for Disposal

105. PROPERTY A - OPTIONS FOR DISPOSAL

The Committee received an update report following the compulsory purchase of the property as previously agreed.

Officers advised that the disposal of the property on the open market offered the quickest option to bring the property back into use.

RESOLVED that

- 1) On the vesting of the property into Council ownership, authority is delegated to the Head of Legal, Equalities and Democratic Services and Housing Strategy Manager to deal with the contents left in the property;**
- 2) On the vesting of the property into Council ownership, authority be delegated to the Head of Customer Access and Financial Support to instruct agents for it to be sold on the open market and should no sale be agreed sold at auction, to include covenants that the house be improved to a decent homes standard or the plot redeveloped for housing within a specified time and agree any appropriate offer and complete the sale; and**

- 3) Authority be delegated to the Executive Director of Finance and Resources to use Regional Housing Capital pot funding to cover any shortfall between the sale price and Council's purchase cost.**

[During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed which would relate to the financial or business affairs of a particular person (including the authority holding that information).]

106. CONFIDENTIAL MINUTES / REFERRALS (IF ANY)

There were no confidential minutes or referrals.

The Meeting commenced at 7.00 pm
and closed at 8.26 pm