



CABINET

15 April 2014

A meeting of the CABINET will be held on Thursday, 24th April, 2014, 6.00 pm in Committee Room 1 Marmion House, Lichfield Street, Tamworth

A G E N D A

NON CONFIDENTIAL

1 Apologies for Absence

2 Minutes of the Previous Meeting (Pages 1 - 8)

3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 Question Time:

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules

None

6 Scheme of Delegations Decisions (Pages 9 - 12)

(Report of the Portfolio Holder for Operations and Assets)

7 Sprinkler Installation to High Rise Flats (Pages 13 - 16)

(Report of the Portfolio Holder for Public Housing and Vulnerable People)

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. Oates', written over a circular stamp or mark.

Chief Executive

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates



MINUTES OF A MEETING OF THE CABINET HELD ON 3rd APRIL 2014

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates

The following officers were present: Anthony E Goodwin (Chief Executive), Andrew Barratt (Director - Assets and Environment), Stefan Garner (Director of Finance), Anica Goodwin (Director - Transformation and Corporate Performance), Jane Hackett (Solicitor to the Council and Monitoring Officer), Robert Mitchell (Director - Communities, Planning and Partnerships), Michael Buckland (Head of Revenues), John Day (Corporate Performance Officer), Tina Mustafa (Head of Landlord Services) and Steve Pointon (Housing Strategy Manager)

129 APOLOGIES FOR ABSENCE

None.

130 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 March 2014 were approved and signed as a correct record.

(Moved by Councillor R Pritchard and seconded by Councillor J Oates)

131 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

132 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC

NO.1

Under Schedule 4, 13, Mr M Brookes asked the Portfolio Holder for Economy and Education, Councillor S Doyle, the following question:-

"Reference the Golf Course: please confirm the volume (in tons) of authorised landfill placed on the council land at Tamworth Golf Club (Amington) by the company Jack Barker Ltd during the time of the company's lease of the land?"

Councillor S Doyle gave the following reply:

Thank you for the question Mr Brookes.

There was never any “landfill/Domestic waste” tipped at the site but the operator did secure planning consent and a license from the Environment Agency to tip “inert material” to reshape the site and create a driving range.

The Council was responsible for ensuring all works were carried out in accordance with the respective planning permissions granted to Tamworth Golf Centre. It undertook site monitoring to ensure the contouring and location of the tipping was in line with the approved plans.

The contractor was in possession of a waste management site licence for the works, which was issued and compliance with the licence overseen by the Environment Agency.

Tamworth Borough Council cannot issue a Waste Management Site Licence, only the Environment agency can.

Tamworth Council where not responsible for the quality or quantity brought onto the site; this is stated in the site license issued by the Environment Agency to Tamworth Golf Centre and their contractor (Jack Barker).

The EA will have received information from the contractor on the loads tipped; the EA will also have docketts of the type of material tipped and have the legal responsibility to ensure it was materials that would not be harmful to the local environment.

The original planning permission approved the tipping of 150,000 cubic meters* of inert material.

There was Subsequent planning permission granted to extend the time allowed for tipping due to the Economic Recession.

The applications to extend the time also included a variation to reduce the overall amount of tipping. Planning permissions indicate that 101,000 cubic meters of insert material have been tipped forming the new landscaped fairways and incomplete driving range area.

During this time the site was monitored for the location and massing of the landscaping works to ensure compliance with the approved plans.

To achieve this 4000 cubic meters of fill was used and 1750 cubic meters of top soil. All the mounds have been grass seeded and are now incorporated into the golf course.”

Supplementary question:

If 101,000 cubic metres were tipped do you know the value obtained by Jack Barker Ltd?

Councillor S Doyle gave the following reply:

It was overseen by the Environment Agency and not information that the Council has. Jack Barker Ltd is now in liquidation so it is unlikely that the information is available.

*the volume of inert fill has been roughly converted to a tonnage and equates to approximately 167,000 tonnes. It is not possible to give a definitive answer as the composition of the inert fill is unknown.

133 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None

134 GOLF COURSE RE-DEVELOPMENT PROJECT

The Report of the Portfolio Holder for Economy and Education seeking to revisit the deferred recommendations from the report dated 20th February was considered.

RESOLVED: That Cabinet:

1. Delegated authority to the Portfolio Holder Economic Development and Education and Engagement Strategy to agree a strategy with residents and other stakeholders and approve in the interim the implementation of a regular electronic newsletter and regular press releases to support communications on progress to residents, and;
2. Approved the recommended approach for disposal of the site through unconditional sale following outline planning consent being secured.

(Moved by Councillor S Claymore and seconded by Councillor D Cook)

135 LGA PEER ASSESSMENT - IMPROVEMENT PLAN

The Report of the Leader of the Council seeking endorsement of the proposed high level Improvement Plan arising from the recommendations set out in the LGA Peer Assessment final report was considered.

RESOLVED: That Cabinet:

1. Endorsed the high level Improvement Plan;
2. Committed to supporting CMT colleagues in the delivery

of stated outcomes;

3. Endorsed the inclusion of Locality Working and Corporate Commissioning as services for inclusion in the Sustainability Strategy workstream, and;
4. Agreed to monitor progress against the plan as part of the Performance Management process.

(Moved by Councillor D Cook and seconded by Councillor J Oates)

136 ANNUAL REVIEW 2013/14 AND CORPORATE PLAN 2014/15

The report of the Leader of the Council to inform Cabinet of the contents of the Annual Review and Corporate Plan was considered.

RESOLVED: That Cabinet:

1. Approved the Annual Review and Corporate Plan

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

137 TEMPORARY RESERVES, RETAINED FUNDS AND PROVISIONS

The Report of the Portfolio Holder for Operations and Assets seeking Member approval for the establishment of retention of Temporary Reserves, Retained Funds and Provisions, to write back to balances those reserves that have been identified as no longer being required was considered.

RESOLVED: That Cabinet:

1. Approved in principle the creation/retention of Temporary Reserves as detailed in the report and considered whether a spending plan against each of the individual reserves will be required;
2. Approved that should the actual outturn level adversely vary from the predicted outturn adjustments will be made and Members may be asked to review the creation of these reserves;
3. Approved the write-back of reserves identified as no longer being required in the sum of £56,875 to General Fund Balances and £25,600 to the HRA, to support the Medium-Term Financial strategy.

(Moved by Councillor R Pritchard and seconded by

Councillor D Cook)

138 MANDATORY AND DISCRETIONARY RATE RELIEF POLICY

The Report of the Portfolio Holder Operations and Assets seeking Cabinet approval of the proposed Mandatory and Discretionary Rate Relief Policy with effect from 1st April 2014 was considered.

Resolved: That Cabinet:

1. Approved the Mandatory and Discretionary Rate Relief Policy with effect from 1st April 2014.

(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

139 FEES AND CHARGES POLICY

The Report of the Portfolio Holder for Operations and Assets seeking approval from Cabinet to adopt Fees and Charges Policy as part of the Council's Financial Regulations was considered.

Resolved: That Cabinet:

1. Approved the Fees and Charges Policy for adoption within the Council's Financial regulations, and;
2. Approved the requests to Heads of Service to review the basis of the Fees and Charges within their service area as part of the Sustainability Strategy Service Review process and identify whether service provision is subsidised, part subsidised or full cost recovery and consider opportunities to revise fees and charges as appropriate.

(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)

140 TENANT DESIGNATED PANELS - LANDLORD SERVICES

The Report of the Portfolio Holder for Public Housing and Vulnerable People seeking to set out powers within the Localism Act 2011 whereby Landlords have the option to establish a Designated Tenants Panel (DTP) under which to refer complaints about the Council's Landlord Service was considered.

RESOLVED: That Cabinet:

1. Endorsed the Tenant Consultative Groups

recommendation to not establish a Designated Tenants Panel (DTP), and;

2. Delegated authority to the Director of Transformation & Corporate Performance to include tenants in the overall review of the Council's 'Tell Us' Policy planned for 2014/15.

(Moved by Councillor M Greatorex and seconded by Councillor D Cook)

141 ALLOCATIONS POLICY REVIEW

The Report of the Portfolio Holder for Public Housing and Vulnerable People to agree the Council's Housing Allocations Policy and to agree for future reviews and changes to the policy was considered.

Resolved: That Cabinet

1. Approved the Council's Allocations Policy, and;
2. Approved the Portfolio Holder for Public Housing and Vulnerable People to authorise non material changes to the policy.

(Moved by Councillor M Greatorex and seconded by Councillor D Cook)

142 HOSPITAL TO HOME PILOT PROJECT

The Report of the Portfolio Holder for Public Housing and Vulnerable People to update Cabinet regarding the approach that has been developed to prevent delayed discharge from hospital that is related to housing issues. To seek Cabinet approval to further develop this approach in partnership with the South East Staffordshire and Seisdon Peninsular Clinical Commissioning Group (CCG) and other partnership organisations for a six month period was considered.

RESOLVED: That Cabinet:

1. Cabinet agreed to the further development of the 'Hospital to Home' project in order that a full assessment can be made as to its effectiveness, value for money and future potential to facilitate effective partnership working between housing, social care and health, and;
2. Approved to seek a waiver to financial regulations to deploy £25K of Homelessness Prevention Funding in order to continue joint working arrangements for the duration of the 6 month pilot of the 'Hospital to Home' project.

(Moved by Councillor M Greatorex seconded by Councillor J Oates)

143 REVIEW OF THE ORGANIC WASTE COLLECTION SERVICE

The Report of the Portfolio Holder for Environment and Waste Management seeking Cabinet approval to amend Organic Waste Service was considered.

RESOLVED: That Cabinet

1. Approved the removal of all food waste form Organic (Garden) Waste Bin from 13th October 2014;
2. Granted authority to the Director of Assets & Environment to commence the procurement of a contract for the disposal of garden waste, including entering into suitable legal agreement with the preferred supplier, and;
3. Approved the commencement of negotiations with Biffa Waste, East Staffordshire Borough Council and South Derbyshire District Council with a view to securing either the early exit from the existing waste disposal contract for the treatment of co-mingled garden and food waste or a reduction in the minimum tonnage.

(Moved by Councillor S Doyle and seconded by Councillor R Pritchard)

Leader

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THURSDAY, 24 APRIL 2014

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

SCHEME OF DELEGATION DECISIONS

EXEMPT INFORMATION

None

PURPOSE

To comply with the Local Government Act 2000, the Localism Act 2011 and any subordinate legislation which provides good governance for Local Authorities.

RECOMMENDATIONS

Cabinet is recommended to endorse the list of decisions taken in terms of the Scheme of Delegation for the period 1 December 2013 to 31 March 2014.

RESOURCE IMPLICATIONS

There are no resource implications arising as a result of this report – any financial implications concerning the scheme of delegation decisions will have been considered in the individual reports.

LEGAL/RISK IMPLICATIONS BACKGROUND

None

SUSTAINABILITY IMPLICATIONS

None

BACKGROUND INFORMATION

The Localism Act 2011 requires local authorities to be more open and accountable in the decision making process. Accordingly the attached list of decisions contains particulars of each decision and a summary of the matters in respect of which each decision was made. By producing this information the Authority is complying with its statutory obligations ensuring good governance and greater openness and transparency in the decision making process. By including those decisions taken under the Scheme of Delegation, all decisions are effectively reported in an open and public forum.

The following table lists decisions taken in the period from 01 December 2013 to 31 March 2014.

Portfolio Holder	Title	Decision	Report presented by	Date signed
Public Housing and	Final Framework Contract -	To approve the final framework contract	Deborah Casey	26 Feb 2014

Vulnerable People	Appointment of GVA	for the appointment of GVA as development consultant.		
Operations and Assets	Local Land Charges Search Fees	To update on the position regarding the fees charged by the Council in respect of land charge searches	Jane Hackett/ Ann Hickman	10 Feb 2014
Public Housing and Vulnerable People	Rent alignment on the Orchard system for flexible tenancies	To amend the rent charge on the Orchard Housing Management System to ensure tenants are paying the correct rent charge.	Sue Philp	26 Feb 2014
Corporate Services and Assets	To carry out Electrical Testing Services to portable appliances and computers at associated Borough sites.	To seek approval to use the framework agreement for the testing	Barry Curtis	10 Feb 2014
Corporate Services and Assets	Cash Collection Services (Contract REF:2009/03MB)	To seek approval for a two year extension to the Cash Collection Services Contract Ref: 2009/03MB	Stefan Garner	6 Jan 2014
Corporate Services and Assets	Electronic Payment Services (Northern Housing Consortium Framework Agreement)	To seek approval to transfer to the current Northern Housing Consortium (NHC) Framework Agreement (November 2010) for the provision of electronic payment services.	Stefan Garner	6 Jan 2014
Environment and Waste management	Environmental Health and Regulatory Services Fees and Charges 2014/15	To seek approval of the implementation of revised fees and charges in respect of services provided by Environmental Health and Regulatory Services to come into effect from 1 April 2014	Andrew Barratt	18 Mar 2014
Public Housing and Vulnerable People	Financial Assistance to Vulnerable Tenants During High Rise Lift Installation Project	To seek approval for affected residents to receive one delivery per week from the Co-op Tamworth for the duration of the project to be funded by	Paul Weston	26 Feb 2014

		Tamworth Borough Council.		
Community Development and Voluntary Sector	Building Resilient Families and Communities – Employment Support Service	For the Council to accept income from Staffordshire County Council and waive financial regulations in order to grant fund a 12 month Employment Support Service provided by Coalfields Regeneration Trust to support the Building Resilient Families and Communities (BRFC) programme.	Karen Adderley	13 Mar 2014
Economy and Education	Approval of New Fees and Charges	To seek approval for the proposed changes to fees and charges for the Communities, Planning and Partnership Directorate	Karen Adderley	11 Apr 2014

Scheme of Delegation Items are available to view in Democratic Services upon request.

REPORT AUTHOR

Lara Allman 01827 709264, lara-allman@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

None

APPENDICES

None

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THURSDAY, 24 APRIL 2014

REPORT OF THE PORTFOLIO HOLDER FOR PUBLIC HOUSING AND VULNERABLE PEOPLE**SPRINKLER INSTALLATION TO HIGH RISE FLATS****EXEMPT INFORMATION
NON CONFIDENTIAL****PURPOSE**

- To update on the outcome of Leaseholder consultation in respect of sprinkler installations.
- To revise scope of project in light of the feedback arising from the consultation process.

RECOMMENDATIONS

It is recommended that:-

- Leaseholders wishes to opt out of the sprinkler installation be accepted
- Sprinklers are to be installed in all Council tenanted flats
- An option will be given to any leaseholder wishing to have sprinklers installed to buy into the installation contract, thus gaining the benefit of any economy of scale the Council achieves from its tender process.

EXECUTIVE SUMMARY

Cabinet approved the installation of fire sprinkler systems to the 6 town centre high rise blocks on 23rd January 2014. Following this approval the first stage of the formal consultation process with the block's Leaseholders commenced in accordance with the Commonhold and Leasehold Reform Act.

Letters outlining the proposals and inviting comments were sent to all 40 leaseholders, the consultation process allows Leaseholders 30 days to submit their views and comments on the proposals.

Of the 40 Leaseholders invited to comment 31 responded, all 31 were opposed to the installation of sprinklers within their flats citing a number of reasons for their objections.

In accordance with the Commonhold and Leasehold reform Act the Council as the Landlord is required to consider the merits of any comments or objections made by Leaseholders during the consultation period before making a decision as whether or not to proceed with the works.

Based on the overwhelming opposition to the installation of sprinklers technical advice was sought from the technical officer at Staffordshire Fire and Rescue, specifically they were asked to advise on the effectiveness of a sprinkler system where not every flat was protected. They advised that whilst it would impact on the fire protection for the individual flats without a sprinkler head it would have no overall

adverse affect on the rest of the block and that the flats where sprinkler heads were installed would still be protected. Staffs Fire And Rescue feel that the installation of sprinklers in as many flats as possible is a viable option and would enhance the overall protection to the blocks.

There are no technical or practical reasons to prevent the installation of a partial system; capacity will be built in to the system to allow leasehold flats to be added at a later stage should the Leaseholder decide to opt in to the project or to accommodate any future changes in legislation that may mandate the installation of sprinklers.

OPTIONS CONSIDERED

Cease installation completely – it was initially questioned whether or not it was worthwhile proceeding with only a partial installation of sprinklers. Following advice from the technical officer at Staffs Fire and Rescue the view is that partial installation still enhances fire safety in the block and will provide additional protection to those in the flats where sprinklers are installed. This still achieves the majority of the objective outlined in the original Cabinet report.

Require Leaseholders to have sprinklers installed – there is no specific provision within the leases that would allow the Council to require Leaseholders to have sprinklers installed. The only means of doing this would be to take the matter to the Residential Property Tribunal for a ruling. As there is no legislative requirement to install sprinklers there is no guarantee that the Tribunal would require Leaseholders to comply.

RESOURCE IMPLICATIONS

If sprinklers are not installed in the leasehold flats it will have the affect of reducing the overall project costs, however as the cost of installing sprinklers in Leasehold flats was to be recovered in full from leaseholders it will have no financial impact on the sums that will be paid by the council for works completed in flats still in council ownership.

LEGAL/RISK IMPLICATIONS BACKGROUND

There is no specific legal requirement at this time to install sprinkler systems in high rise blocks. Over the years the blocks have been maintained to a high standard with fire risks being addressed in co-operation with Staffs Fire and Rescue.

The installation of sprinklers in Council tenanted flats will enhance fire safety within those flats. Where sprinklers are not installed it will have no overall impact on the risk from its current position.

SUSTAINABILITY IMPLICATIONS

None identified.

BACKGROUND INFORMATION

This is a follow up report to the Cabinet Report approved on 23rd January 2014, and highlights the outcome of the formal Leaseholder consultation process.

REPORT AUTHOR

Paul Weston, Head of Asset Management

LIST OF BACKGROUND PAPERS

APPENDICES

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