



Civic Centre, Riverside, Stafford
Contact Jim Dean
Direct Dial 01785 619209
Email jidean@staffordbc.gov.uk

Dear Members

Cabinet

A meeting of the Cabinet will be held in the **Craddock Room, Civic Centre, Riverside, Stafford on Thursday 4 July 2019 at 6.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Interim Head of Law and Administration

CABINET - 4 JULY 2019

Chair - Councillor P M M Farrington

AGENDA

- 1 Minutes of 12 June 2019 as published in Digest No 256 on 14 June 2019
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

Page Nos

- (a) **ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**
- (i) Sports Facilities Strategy and Playing Pitch Strategy 3 - 9
 - (ii) Barlaston Neighbourhood Plan - Adoption 10 - 14
- (b) **LEISURE PORTFOLIO**
- (i) Planning Obligations Update 15 - 27
- (c) **RESOURCES PORTFOLIO**
- (i) Revenues and Benefits Collection Report 28 - 40
- PART CONFIDENTIAL

This Report is part confidential due to the inclusion of information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime, along with information relating to individuals. No representations have been received in respect of this matter.

Membership

Chair - Councillor P M M Farrington

- P M M Farrington - Leader
- R M Smith - Deputy Leader and Resources Portfolio
- J M Pert - Community and Health Portfolio
- J K Price - Environment Portfolio
- F Beatty - Economic Development and Planning Portfolio
- C V Trowbridge - Leisure Portfolio

ITEM NO 4(a)(i)

ITEM NO 4(a)(i)

Contact Officer:	Jenny Boulton
Telephone No:	01785 619514
Ward Interest:	Nil
Report Track:	Cabinet 04/07/19 Council 23/07/19
Key Decision:	No

**SUBMISSION BY COUNCILLOR F BEATTY
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

<p>CABINET 4 JULY 2019 Sport Facilities Strategy and Playing Pitch Strategy</p>
--

1 Purpose of Report

- 1.1 To recommend the adoption of the Playing Pitch Strategy and Indoor Sports Facilities Strategy, alongside the supporting evidence base (please refer to the [BOOKLETS](#) as circulated with this agenda).

2 Proposal of Cabinet Member

- 2.1 To approve and adopt the evidence base and the recommendations contained within the Playing Pitch Strategy and the Indoor Sport Facilities Strategy;
- 2.2 To establish a working group with partners to oversee the development and monitoring of action plans in order to secure delivery of the strategies, subject to availability of resources.
- 2.3 To use the information and recommendations within these Strategies to inform policies and allocations as part of the New Local Plan 2020-2040.

3 Key Issues and Reasons for Recommendation
--

- 3.1 The Playing Pitch Strategy (PPS) sets out 'Key Issues' relating to each pitch based sport across Stafford Borough, as follows:
- 3.2 **Football:** when factoring in future demand there is a shortfall in:
- Youth 11v11;
 - Youth 9v9; and
 - Mini 5v5

3.3 Third Generation Turf (3G), Artificial Grass Pitches (AGPS):

- Insufficient supply of full 3G pitches to meet current and anticipated future demand for football in Stafford Borough / Town
- Need for an additional 4 3G pitches

3.4 Cricket:

- Insufficient supply of cricket provision to cater for current senior demand across Stafford Borough / Town
- When factoring in future demand there is a shortfall for junior cricket and a continuing worsening for senior cricket.

3.5 Rugby:

- Currently there is a shortfall of 7.75 match equivalent sessions per week on senior rugby union pitches to meet current demand;
- Shortfall is further exacerbated when considering future demand, resulting in a shortfall of 11.25 match equivalent sessions.

3.6 However, the World Rugby compliant 3G pitch at Stafford Rugby Club will assist in alleviating grass pitch issues and therefore its impact should be reviewed following installation to determine whether further provision is required.

3.7 Hockey:

- A need for two full size hockey suitable Artificial Grass Pitches (AGPs) to accommodate existing and future demand. This requirement relates to if there are effective levels of scheduling to ensure there is only the recommended amount of match equivalent sessions taking place at peak time at both Beacon Sports and Fitness (5 home matches) and Stone Hockey Club (4 home matches)
- If this is not a feasible option, there will be a requirement to retain the pitch at Alleyne's Sports Centre, Stone in order to accommodate overspill and potential future levels of demand. This would require the surface pitch to be resurfaced.

3.8 Golf:

- Current supply of facilities in Stafford Borough / Town can meet current and future demand.

3.9 Bowls:

- There is enough capacity to cater for current needs and future demand.

3.10 Tennis:

- There is sufficient supply of courts to accommodate club based demand.
- Furthermore spare capacity existing on non-club courts. Therefore the future focus should be on improving quality and encouraging further use.

3.11 Athletics:

- Protect the track located at Rowley Park Stadium

3.12 The Indoor Sports Facilities Strategy sets out the following 'Key Issues':

- Current shortage of water space which currently equates to an 8-lane x 25m pool. When population projections are factored in this shortfall increases to a 10-lane x 25m pool;
- Development of a larger sports hall (6 court) which would serve both current and future needs ;
- Increase the volume of activity (classes etc...) provided in community / village halls;
- Further analysis of bowls community to ascertain the likely demand for an indoor bowls centre; and
- Focus on ensuring that all school sports facilities continue to accommodate for community use.

3.13 It is recommended that the evidence bases together with the Playing Pitch Strategy and the Indoor Sports Facilities Strategy (please refer to the [BOOKLETS](#)) be adopted for use by the Council.

3.14 To support this work it is recommended that the 'Key Issues' be acknowledged and that these issues be addressed, where possible, through policies and allocations as part of the New Local Plan 2020-2040.

4 Relationship to Corporate Priorities

4.1 From the Corporate Business Plan 2018-2021 the following Corporate Business Objective 2 is relevant:

'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.'

5 Report Detail

5.1 In order to provide an up-to-date evidence base for the New Local Plan 2020-2040 Knight, Kavanagh and Page Ltd (KKP) were commissioned to assess all formal sport and leisure facilities across the Borough, in order to assist the Council in strategically planning for future provision.

5.2 As part of this work KKP undertook consultation with sporting clubs and key stakeholders including national governing bodies, Sport England, local clubs and schools etc. to produce the evidence base and the subsequent strategies.

5.3 The work commissioned has resulted in the development of the Playing Pitch Strategy and an Indoor Sports Facilities Strategy.

5.4 Both of these strategies set out the position in terms of current provision and the impact of future growth on facilities and provision.

5.5 The **Playing Pitch Strategy** (PPS) has the following 'Strategic Aims and Recommendations':

Aim 1: To protect the existing supply of outdoor sport facilities where it is needed to meet current and future needs:

Recommendations:

- Ensure the use of the PPS, that outdoor sport facilities are protected through the implementation of local planning policy;
- Secure tenure and access to sites for high quality, development minded clubs, through a range of solutions and partnership agreements;
- Maximise community use of education facilities where needed;

Aim 2: To enhance outdoor sport facilities and ancillary facilities through improving quality and management of sites

Recommendations:

- Maintain quality and seek improvements where necessary;
- Adopt a tiered approach (hierarchy of provision) to the management and improvement of sites;
- Work in partnership with stakeholders to secure funding;
- Secure developer contributions

Aim 3: To provide new outdoor sport facilities where there is current or future demand to do so:

Recommendations:

- Rectify quantitative shortfalls through the current stock;
- Identify opportunities to add to the overall stock to accommodate both current and future demand

5.6 The PPS identifies the following major issues:

5.7 **Football:** in terms of grass pitches, when future demand is taken into account, there will be a shortage of youth 11 v 11, youth 9 v 9 and mini 5 v 5 and therefore new provision will be required in the coming years to accommodate this demand

5.8 There is already a shortage in available 3G pitches and this will be exacerbated by future growth. There is a requirement to supply 4 additional

3G pitches across the Borough. Potential locations are Walton High School, the North Stafford Strategic Development Location (SDL), Beacon Sport and Fitness, Alleynes Sport Centre and Wellbeing Park at Yarnfield.

- 5.9 **Cricket:** there is currently insufficient supply of senior cricket facilities within the Borough. This will increase when future growth is taken into account. Additionally when future growth is taken into account there becomes a shortage of supply for junior cricket. These shortages result in the need to provide additional facilities. The Action Plan contained within the Strategy sets out locations that should investigate the potential of Non Turf Pitches (NTP). Creation of new NTPs would go some way to help alleviate the current over use of pitches and also the increase for future demand.
- 5.10 **Hockey:** There are currently 3 full size hockey Artificial Grass Pitches (AGPs) within Stafford Borough / Town. Current demand requires the need for two full sized hockey suitable AGPs if fixtures are effectively scheduled i.e. matches aren't all played on the same day at the same time. Effective scheduling means that, for Stafford Hockey Club, this would mean a maximum of five designated home fixtures per week at Beacon Sports and Fitness with a minimum of four matches played away. In regard to Stone Hockey Club this would mean a maximum of four designated home fixtures a week at Stone Hockey Club with minimum of one match played away.
- 5.11 If effective scheduling cannot occur there is a requirement to retain the pitch at Alleyne's Sport Centre (the sand pitch has been identified as a potential site for conversion to a 3G pitch for football) in order to accommodate overspill and potential future levels of demand. If this is required then the surface of the pitch will need resurfacing.
- 5.12 The 'Key Issues' identified within the **Sports Facilities Strategy** are set out in para 3.12. However of these Key Issues there are two matters that are major issues, these being the current shortage of water space and the development of a new 6 court sport hall.
- 5.13 Current shortage of water space, which currently equates to an 8-lane x 25m pool, when population projections are factored in this shortfall increases to a 10-lane x 25m pool.
- 5.14 The development of a new swimming pool is a major investment requirement for the Council and the key issue is where the best location is to locate additional water space, based on current demand, new build housing and ownership of land.
- 5.15 The Strategy has identified four possible sites for a new pool in and around the town of Stafford to be investigated, these being:
- Rowley Park Sport Stadium;
 - Walton High School;
 - Extension of the North Stafford Strategic Development Location;
 - Extension of the East Stafford Strategic Development Location.
- 5.16 Following on from the adoption of the evidence base, and the Sports Facilities Strategy and the Playing Pitch Strategy, further work will need to be undertaken in terms of acting on the strategic recommendations.

- 5.17 A working group will be established with relevant Stakeholders, including Sports England, to develop an action plan.
- 5.18 The delivery of all these facilities is reliant on planning obligations and external funding. The Council will need to agree the priorities using the emerging New Local Plan to identify the need and also the delivery mechanisms working jointly with partners including regional sporting bodies.

6 Implications	
6.1 Financial	Staff resources required to manage and co-ordinate the finances associated with the projects. There will be a need to use external resources through consultancy studies in order to complete projects.
Legal	Nil
Human Resources	The requirements of the projects will be delivered by existing staff from within the Development Department and the wider organisation.
Human Rights Act	Nil
Data Protection	Nil
Risk Management	The Council will need to work collaboratively with key stakeholders to deliver the projects. Therefore the commitment for other organisations will be necessary to achieve the vision and corporate business objectives. If insufficient funding is provided there is a risk that the strategy and evidence based approach will be undermined or lead to the inefficient use of resources.
6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>The Playing Pitch Strategy and Indoor Sport Facilities Strategy partnership of projects, evidence base and strategies will improve sport and recreation across Stafford Borough. It will reconnect people and communities with sport and recreation to enjoy as part of a healthy lifestyle.</p> <p>As this report covers a number of independent strategies an individual CIA considering any impact will be undertaken when the Strategies</p>

	<p>have been developed. If appropriate management and maintenance plans etc. will be developed as part of the Strategies. Investigation as to whether these plans can have specific Health and Wellbeing targets will be investigated as part of the individual strategies.</p> <p>As part of the development of the Strategies consultation with Stakeholders and members of the public where appropriate will be undertaken. It is envisioned that this work will help identify any targets or measures to meet specific needs.</p>
--	---

Previous Consideration - Nil

Background Papers - Development Department (Forward Planning)

ITEM NO 4(a)(ii)**ITEM NO 4(a)(ii)**

Contact Officer:	Alex Yendole
Telephone No:	01785 619536
Ward Interest:	Barlaston
Report Track:	Cabinet 04/07/19 Council 23/07/19
Key Decision:	No

**SUBMISSION BY COUNCILLOR F BEATTY
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

<p>CABINET 4 JULY 2019 Barlaston Neighbourhood Plan - Adoption</p>

1 Purpose of Report

- 1.1 To approve that the Barlaston Neighbourhood Plan is formally adopted as part of the statutory development plan for Stafford Borough following a successful referendum held on 2 May 2019.

2 Proposal of Cabinet Member

- 2.1 That the Barlaston Neighbourhood Plan is 'made' to form part of statutory development plan for Stafford Borough and used when determining planning applications in Barlaston Parish.
- 2.2 That the Decision Statement (set out in the attached **APPENDIX**) is approved and published with the Barlaston Neighbourhood Plan (please refer to [BOOKLET](#) as circulated with this agenda).

3 Key Issues and Reasons for Recommendation
--

- 3.1 The Barlaston Neighbourhood Plan has been informed by a robust community consultation. It has undergone successful Examination to ensure it satisfies the basic conditions set out below:-
- (a) The plan must have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - (b) Contribute to the achievement of sustainable development;
 - (c) Be in general conformity with strategic policies of the development plan for the area;

- (d) Be compatible with European Rights (EU) and European Convention on Human Rights (EUCR) obligations.
- 3.2 Following a successful Examination, the Barlaston Neighbourhood Plan received a yes vote in favour of the plan at a referendum held on 2 May 2019. Local people endorsed the plan with 636 yes votes, to 116 people who voted no. It is the fifth Neighbourhood Plan in Stafford Borough to pass a referendum.
- 3.3 To comply with the Localism Act 2011 local planning authorities are required to 'make' a Neighbourhood Development Plan as soon as reasonably practicable following a successful referendum.
- 3.4 As with any planning decision, there is a risk of a legal challenge to the Neighbourhood Plan, and / or judicial review of the Council's decision to agree or refuse to make the Neighbourhood Plan. At all stages of preparing the Barlaston Neighbourhood Plan the Council has ensured that the process meets the statutory requirements and follows Regulations, so that the decision making process is clear and transparent.

4 Relationship to Corporate Priorities

- 4.1 From the Corporate Business Plan 2018-2021 the following Corporate Business Objectives are relevant:

Corporate Business Objective 1 'To deliver sustainable economic and housing growth to provide income and jobs.'

Corporate Business Objective 2 'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.'

5 Report Detail

- 5.1 In November 2012 Barlaston Parish Council applied to designate the Parish as a Neighbourhood Plan Area, which was approved by the Council in July 2013. Subsequently a Neighbourhood Plan Working Group consisting of local volunteers was established to produce the Neighbourhood Plan.
- 5.2 The Barlaston Neighbourhood Plan has been subject to extensive community consultation, and supported by an evidence base. The Parish Council published a pre-submission version of the Neighbourhood Plan and invited the public to comment between 10 November 2017 and 5 January 2018. Following the consultation, Barlaston Parish Council made subsequent amendments in order to produce the submission version of the plan.

- 5.3 In June 2018 Barlaston Parish Council submitted their Neighbourhood Plan, with supporting documents (Basic Conditions Statement, Consultation Statement and a Screening Assessment), to the Council for a six week publication period of consultation between 18 July and 7 September 2018. In December 2018 and January 2019 the independent Examination took place when the appointed Examiner considered the representations received and all of the relevant documents.
- 5.4 On 22 January 2019, the Council received the Examiner’s Report on the Barlaston Neighbourhood Plan, which recommended that the Neighbourhood Plan, subject to the Examiner’s recommended modifications, should proceed to Referendum.
- 5.5 Barlaston Parish Council has considered the Examiner’s Report and its recommendations, and is satisfied with the proposed amendments to the Plan.
- 5.6 After considering the Examiner’s Report, the Council are satisfied that the modifications made to the Barlaston Neighbourhood Plan satisfy the basic conditions and subsequently published a decision statement to take forward the Neighbourhood Plan and proceed to referendum.
- 5.7 A referendum was held on 2 May 2019 to enable local people within the Parish to vote on making (adopting) the Barlaston Neighbourhood Plan (please refer to the [BOOKLET](#)).

6	Implications
----------	---------------------

6.1	Financial	The costs incurred in arranging an independent Examination and Referendum are supported by grant aid from the Ministry of Housing, Communities and Local Government (MHCLG). £20,000 has now been claimed to cover the costs incurred by the Council.
	Legal	The Barlaston Neighbourhood Plan meets the legal requirements and Basic Conditions of the Neighbourhood Planning Regulations. As stated above, there is a risk of a legal challenge to the Neighbourhood Plan, and / or judicial review of the Council’s decision to proceed or not proceed to ‘make’ (adopt).
	Human Resources	The Council supports Parish Councils through the Forward Planning section in the Neighbourhood Planning process and administer the legislative requirements. The Elections and Corporate Support Team have provided support throughout the referendum.

Human Rights Act	Nil
Data Protection	Nil
Risk Management	The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation</p> <p>The Barlaston Neighbourhood Plan provides clear guidance to developers and also members of the public through planning policies and proposals in the Parish. This will enable any resident or business to see the requirements related to future development.</p> <p>Working from a consistent evidence base through the Parish Council and with partners, ensures that Community Impact Assessment recommendations made in relation to the Barlaston Neighbourhood Plan with policy-specific areas are also consistent and complementary to an approach that supports equality in both service provision and health outcomes.</p>
--	--

Previous Consideration - Cabinet - 7 March 2019 - Minute No CAB56/19

Background Papers - File available in Development Department (Forward Planning)



Barlaston Neighbourhood Development Plan

Decision Statement published pursuant to the Localism Act 2011 Schedule 38A (9) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012.

At the Cabinet meeting on 4 July 2019, Stafford Borough Council formally decided to make (adopt) the Barlaston Neighbourhood Development Plan under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended). This means the Barlaston Neighbourhood Development Plan has now been brought into legal force, forming part of the statutory development plan for Stafford Borough. Consequently the plan will be used to determine planning applications in Barlaston Parish.

Reasons for decision:

The Barlaston Neighbourhood Development Plan meets the basic conditions and is compliant with legal and procedural requirements. Paragraph 38A (4) (a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the plan being used to inform planning applications in the area. The Plan was endorsed by more than the required threshold in the referendum held on 2 May 2019.

This statement and the Barlaston Neighbourhood Development Plan (made / adopted version) can be viewed on the Stafford Borough Council website:

<https://www.staffordbc.gov.uk/barlaston-neighbourhood-plan1>

Hard copies can be viewed at:

Stafford Borough Council
Civic Centre,
Riverside
Stafford
ST16 3AQ

Please telephone 01785 619000 for up to date opening times.

ITEM NO 4(b)(i)

ITEM NO 4(b)(i)

Contact Officer:	Sally McDonald
Telephone No:	01785 619330
Ward Interest:	Nil
Report Track:	Cabinet 04/07/19 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR C V TROWBRIDGE
LEISURE PORTFOLIO**

**CABINET
4 JULY 2019
Planning Obligations Update**

1 Purpose of Report

- 1.1 To outline the current position and identify future actions required to produce an overarching strategy and process for collecting, monitoring and allocating financial contributions from existing and future Planning Obligations.
- 1.2 To provide clear definitions and future processes for Planning Obligations which demonstrate the complexities in adopting a comprehensive, robust approach to project delivery.
- 1.3 To propose new measures to enable a streamlined approach to allocating resources to projects below £50,000.
- 1.4 To provide an update on the projects currently in progress and identify the future priorities for project delivery.

2 Proposal of Cabinet Member

- 2.1 That Cabinet notes the progress made to date
- 2.2 That delegated authority is given to Head of Development in conjunction with the Leisure Portfolio Holder and relevant Local Ward Members to approve the allocation of resources for schemes up to a value of £50,000.

3 Key Issues and Reasons for Recommendation

- 3.1 Planning Obligations include Section 106 (S106) Agreements, Community Infrastructure Levy (CIL), commuted sum maintenance payments and indexation. Further detail and definitions of the Planning Obligations are provided in Section 5.
- 3.2 Council Officers are currently working on delivering a number of projects which are funded by Planning Obligations and a full list is attached as **APPENDIX 1**. Only projects which have been approved through Cabinet are included.
- 3.3 There are currently in the region of £1 million contributions collected from developers but not yet formally allocated to a project. These are outlined in a table attached as **APPENDIX 2** with proposed projects identified where possible.
- 3.4 In order to progress the delivery of S106 projects it will be necessary to coordinate a comprehensive system which will include all agreements signed from 2009. **APPENDIX 3** identifies the complete S106 process which highlights the resource implications for implementing this system and managing the process in the future. A separate paper will follow focussing on obligations related to Stone as they form part of the wider Stone Leisure Project.
- 3.5 In order to ensure a consistent approach to allocating funds and delivering projects it is proposed that all projects follow the process outlined and are managed through a single point of contact.
- 3.6 Once the contributions are received by the Council they are then allocated to specific projects in accordance with the specification of the section 106 agreement and the proposed process for delivery is outlined in **APPENDIX 4**. All projects must comply with relevant strategies, The Community Infrastructure Levy Regulations 2010 (which apply to Section 106 agreements) and meet the criteria set out in the Section 106 agreement itself.
- 3.7 The standard process for prioritising the order of delivering projects will be in date order from the date the money was received by the Council. Any other agreements relating to the same ward or catchment area will be considered to be pooled together to form a larger project. It is proposed to progress the outstanding projects identified in **APPENDIX 2** in this way.
- 3.8 All of the agreements laid out in **APPENDIX 2** need to be formally allocated to projects. The sums vary considerably however the process for allocating the funds to a particular project will be subject to consultation with Local Councillors irrespective of the amount.

- 3.9 The current process for allocating S106 agreements is the same irrespective of the project value. It is proposed that in order to streamline the process that projects under £50,000 be approved under delegated authority to Head of Development and the Portfolio Holder for Leisure.
- 3.10 To ensure Local Ward Members are involved in the process it is proposed that they will be invited an initial meeting. Where the catchment of a site exceeds the ward boundary the Councillors from adjacent wards will be included in the process. Where the proposed project falls within a Parish Boundary the local Parish Council will be consulted.
- 3.11 In order to create a robust audit trail for finance to allocate a project specific code it is proposed that a standard form is completed as attached as **APPENDIX 5**. This form will clearly identify the project, the contributions to be allocated and will be authorised by the Head of Development and Leisure Portfolio Leader.
- 3.12 In June 2019 it was confirmed that amended CIL Regulations will come into force on 1 September 2019 which propose changes as follows:
- A new requirement to publish infrastructure funding statements which should include details of how much money has been raised through developer contributions and how it has been spent. Statements must be published on local authority websites at least once a year. Councils will be required to publish their first statements by 31 December 2020.
 - Restrictions on the pooling of section 106 planning obligations to fund infrastructure are removed. Local authorities are currently allowed to pool no more than five developer contributions to fund a single infrastructure project.
 - Local authorities will be allowed to charge a fair and reasonable fee through section 106 to contribute toward the cost of monitoring and reporting on developer contributions.
- 3.13 To enable and sustain a consistent approach to the management and monitoring of all planning obligations through a centralised system additional resource is required. This is now being considered alongside our ability to charge a monitoring fee and a separate report will follow to progress this proposed new post.

4 Relationship to Corporate Priorities

- 4.1 Corporate Business Objective 1 & 2, of the Corporate Business Plan 2018-2021

'To deliver sustainable economic and housing growth to provide income and jobs.'

'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.'

5 Background

- 5.1 The Planning Obligations required from a developer can be secured through S106 agreements or the Community Infrastructure Levy (CIL).
- 5.2 The Planning Obligation has to fulfil three statutory tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 5.3 The Community Infrastructure Levy is a planning charge introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.4 Stafford Borough Council started developing a CIL Charging Schedule in 2015 and the Forward Planning team will be considering implementation as they develop the New Local Plan. The work undertaken in 2015 resulted in:
- Preliminary Draft Charging Schedule
 - Stafford Borough Council CIL Infrastructure Funding Gap
 - Stafford Borough Council CIL Viability Study (March 2015)
- 5.5 The Section 106 is a legal agreement between the Council and the developer or land owner and it outlines the planning obligations relevant to a particular development. The Council currently secures all planning obligations from developers through the S106 process.
- 5.6 The S106 agreement can be made up of a number schedules which detail the developer's obligation in relation to the following:
- Highways
 - Education
 - Sports and Recreation Contributions
 - Open space contributions
 - Affordable Housing
 - Cannock Chase Special Area of Conservation
 - Biodiversity
- 5.7 Not all developers will have obligations for all elements as it depends on the nature of the proposals.
- 5.8 The Council previously operated a manual system in order to monitor and manage off site open space contributions and historically reports have been provided by Leisure Services to Community Scrutiny.

5.9 As the demands on developers have grown over the years the Council needs to expand this system to deliver a cohesive approach over all contributions. To assist with this we have procured an IT system to record and monitor all these elements. **APPENDIX 6** identifies the process work required to populate this system.

5.10 The obligations placed on developers through S106 agreements can materialise in the following ways:

- On-site - the developer provides infrastructure directly on the site as part of their build
- Off-site - the developer pays a contribution for infrastructure to be provided at an alternative location
- Combination of both
- Commuted maintenance payment - the developer pays a sum towards the future maintenance of the land

6 Implications	
6.1 Financial	Please see Appendices plus 3.14. In discussions regarding additional resource requirement.
Legal	Planning obligations must be required, collected and spent in accordance with The Community Infrastructure Levy Regulations 2010 and with the details specified in the Section 106 agreements.
Human Resources	In discussions regarding additional resource requirement.
Human Rights Act	Nil
Data Protection	None.
Risk Management	<p>Currently Section 106 funds have been secured to deliver projects in specific locations across the Borough, through planning decisions over the short to medium term. However without progressing with projects there is a risk of not meeting future provision requirements and the Section 106 funds being returned to the developers.</p> <p>The new process proposed to streamline the allocation of budget under £50k will need to ensure conflicts of interest are avoided/declared and that other relevant departments are included within the process to minimise risk.</p>

<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>Delivering new projects will meet health and well-being objectives for local communities across the Borough. It seeks to ensure no groups and individuals, including hard to reach groups, are excluded.</p>
---	---

Previous Consideration - Nil

Background Papers - File available in Development

APPENDIX 1 S106 Current Projects

No	Planning Appl No.	Date collected	Date spent by	Scheme	Amount	Ward	Project	Project Manager	Approval
1	12/17724/FUL	Sep-14	n/a	Land at Stone Road/Marsh Street	£12,211	Common	Off-Site Open Space Contribution Charnley Road Park Development	SM	Cabinet 01.11.18 CAB33
2	12/16840/FUL 13/19177/FUL	Dec-15	Dec-25	20 Sandon Road	£11,780	Common			
3	98/36945/OUT 97/34788/OUT	Aug-07	n/a	Sandon Rd/Freeman Street/Oxford Gardens	£7,600	Coton			
4	09/12090/FUL	May-12	May-22	Land at Douglas Road West, Stafford	£14,029	Coton			
5	12/17833/OUT	Jun-15	Jun-25	Site 1 MOD, Beaconside, Stafford	£347,421	Coton			
6	14/20018/FUL	Jul-14	Jul-24	land at Knightly Road, Gnosall	£43,617	Gnosall and Woodseaves	Off-Site Open Space Contribution Gnosall Recreational Facilities	SM/PC	Cabinet 06.12.18 CAB51
7	14/21135/OUT	Sep-16	Sep-26	Land off Little Tixall Lane, Gt Haywood, Staffs	£41,732	Haywood and Hixon	Off-Site Open Space Contribution Jubilee Playing Fields Leisure Facilities	SM/PC	Cabinet 07.12.17 CAB49
8	13/19534/OUT	May-16	May-26	Land adj to Jubilee Playing Fields	£61,879	Haywood and Hixon			
9	11/16313/FUL	Oct-16	Oct-26	299 Stone Road, Stafford	£15,758	Holmcroft	Off-Site Open Space Contribution Development of Play Facilities within Holmcroft * additional monies have been received from sale of land at Wodlands Road to fund this project	SM	Cabinet 06.07.17 CAB11
10	15/22692/FUL	Oct-16	Oct-21	Land adj Creswell Manor Eccleshall Rd Stafford	£37,055	Holmcroft			
11	10/13226/EXT 13/19226/OUT	Apr-16	Apr-26	Walnut Tree Farm, Ash Lane, Yarnfield	£20,066	Swynnerton and Oulton	Off-Site Open Space Contribution Yarnfield Drainage on Green and Leisure Facilities	SM/PC	Cabinet 02.05.17 CAB82
TOTAL ALLOCATED S106 RECEIPTS					£613,149				

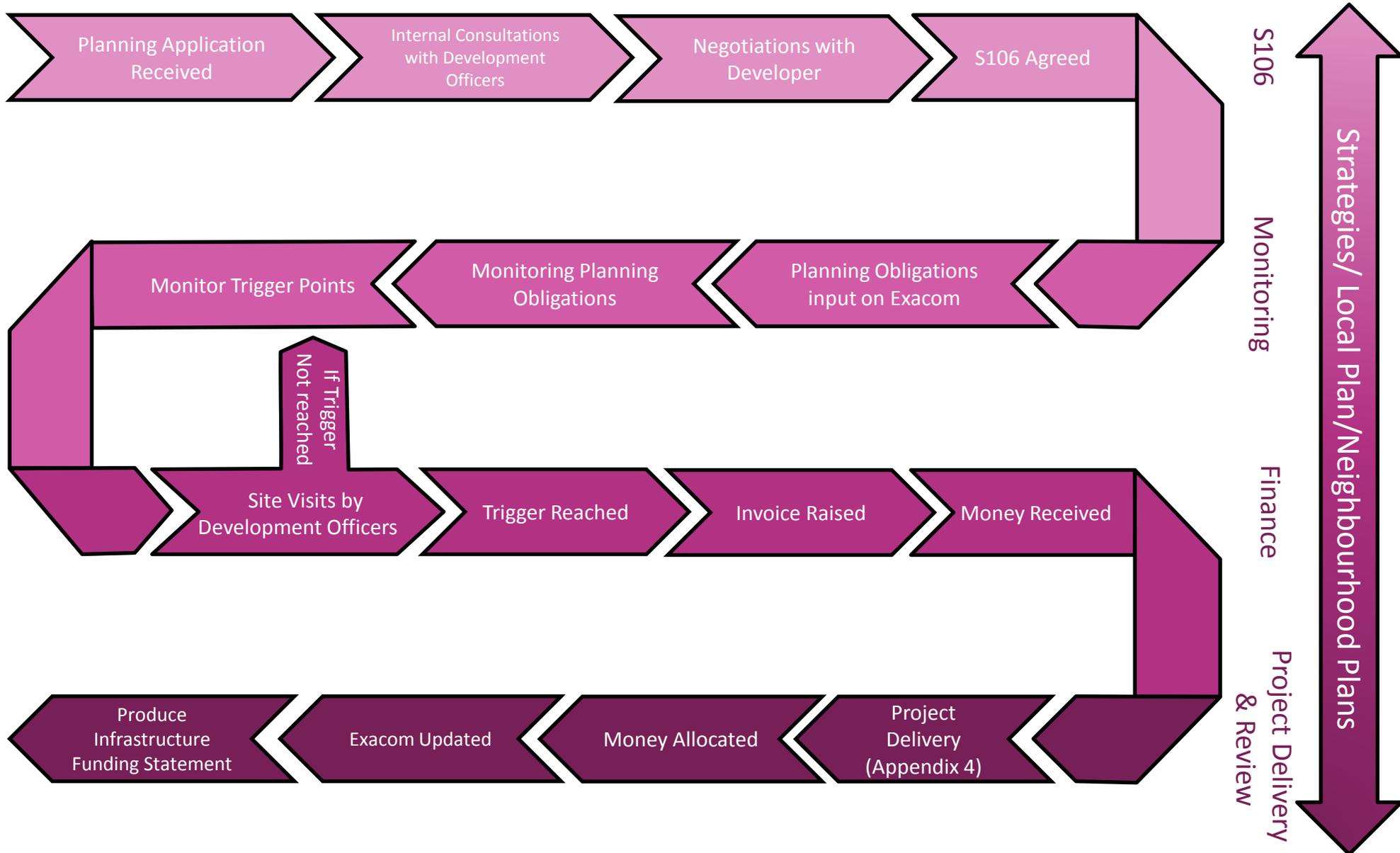
APPENDIX 2 S106 Future Projects

	Planning Appl No.	Date collected	Date spent by	Scheme	Amount Unspent	Ward	Project	Project Manager
1	06/06655/FUL	May-10	May-20	Castle View/Castle Street	£10,222	Doxey and Castletown	Off-Site Open Space Contribution	
2	14/20425/FUL	Dec-15	Dec-30	Mallard way, Doxey	£121,536	Doxey and Castletown	Off-Site Open Space Contribution - Burley fields	
3	14/20425/FUL	Apr-18	Apr-33	Doxey Rd Stafford	£56,889	Doxey and Castletown	Swim pool	
4	14/20425/FUL	Apr-18	Apr-33	Doxey Rd Stafford	£71,753	Doxey and Castletown	Sports Court	
5	14/20425/FUL	Apr-18	Apr-33	Doxey Rd Stafford	£10,526	Doxey and Castletown	Artificial Turf Pitch	
6	14/20425/FUL	Apr-18	Apr-33	Doxey Rd Stafford	£2,690	Doxey and Castletown	Allotments	
7	14/20425/FUL	Sep-18	Apr-33	Doxey Rd Stafford	£4,334	Doxey and Castletown	Swim pool Indexation	
8	05/05039/OUT	Aug-11	Aug-21	St George's Park	£11,963	Forebridge	Biodiversity Kingsmead Marsh	BW
9	09/12911/OUT	Sep-14	n/a	North Wall Car Park	£13,719	Forebridge	Biodiversity Kingsmead Marsh	BW
10	14/19967/FUL 15/21904/FUL	Sep-15	Jan-25	Greenhall, Lichfield Road, Stafford	£67,711	Forebridge	Off-Site Open Space Contribution Victoria Park HLF Project	MT
11	08/10313/FUL 09/13100/FUL	Jul-14	Jul-24	30 Castle Street, Eccleshall	£16,157	Eccleshall	Off-Site Open Space Contribution	
12	13/19177/FUL	Feb-16	Feb-26	20 Sandon Rd, Stafford	£4,180	Common	Swim pool	
13	13/19177/FUL	Feb-16	Feb-26	20 Sandon Rd, Stafford	£5,545	Common	Sports Court/Hall	
14	13/19177/FUL	Feb-16	Feb-26	20 Sandon Rd, Stafford	£757	Common	Artificial Turf Pitch	

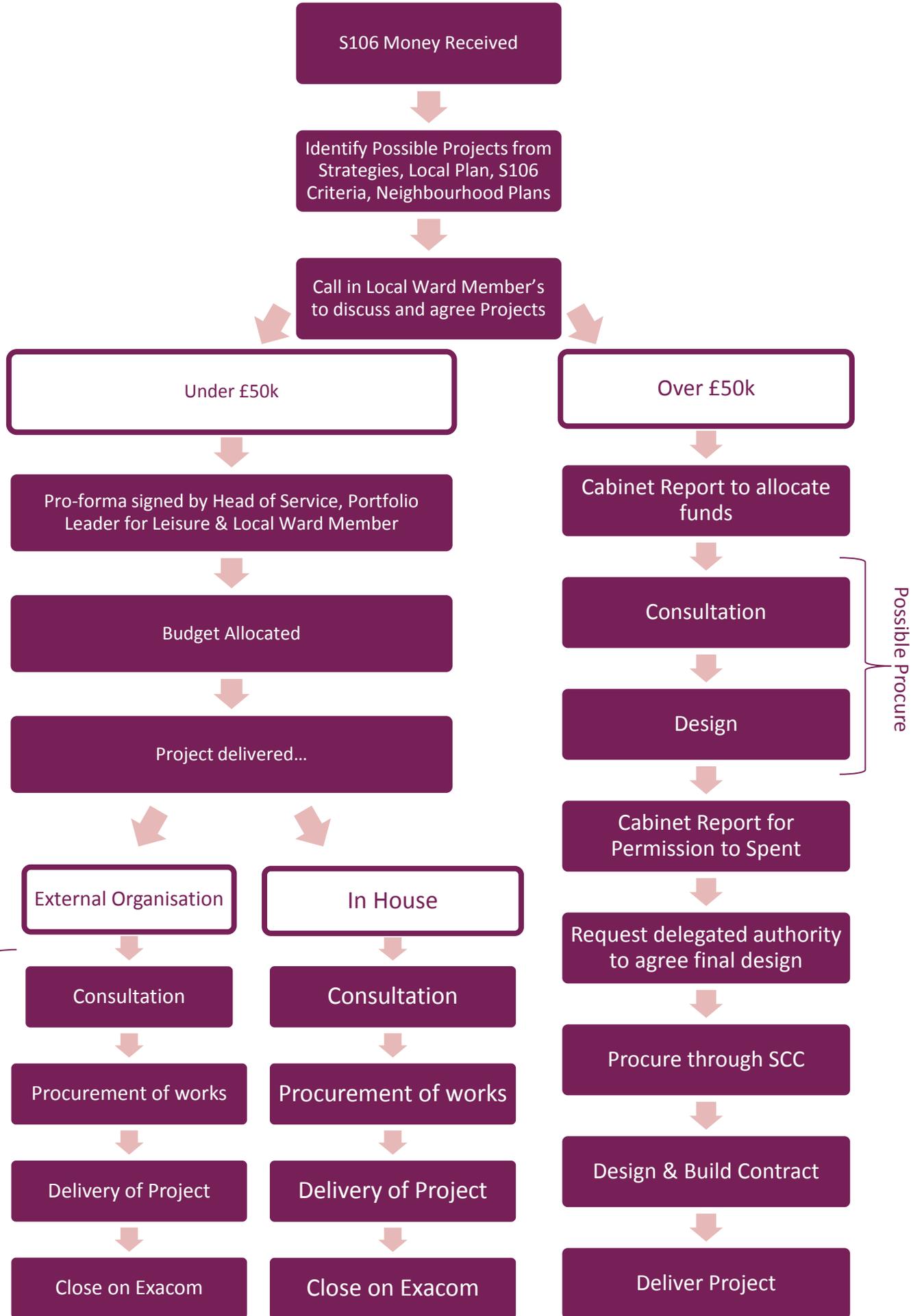
15	13/18997/FUL	Jul-16	Jul-26	Winghouse Public House, Tittensor	£22,487	Swynnerton and Oulton	Off-Site Open Space Contribution	Parish Council TBC
16	09/12911/OUT	Nov-17	Nov-27	Land at Yarnfield Park, Yarnfield	£172,616	Swynnerton and Oulton	Off-Site Open Space Contribution	Parish Council TBC
17	13/19305/OUT	Oct-16	Oct-26	The rectory, Rectory Lane, Haughton	20,090	Seighford and Haughton	Off-Site Open Space Contribution	Parish Council TBC
18	13/19534/OUT	Aug-17	Aug-27	Land adj Jubilee Playting Fields, Gt Haywood	£67,187	Haywood and Hixon	Off-Site Open Space Contribution	Parish Council TBC
19	16/24235/OUT	Jul-18	Jul-28	Land West of Coley Lane, Lt Haywood	£10,569	Haywood and Hixon	Off-Site Open Space Contribution	Parish Council TBC
20	14/21159/OUT 17/26277/FUL	Nov-17	Nov-27	Rickerscote Arms, Rickerscote, Stafford	£11,381	Penkside	Off-Site Open Space Contribution	
21	17/26061/FUL	Feb-18	Feb-28	Playing Field South of Mansell Close, Stafford	£16,056	Rowley	Off-Site Open Space Contribution	
22	11/15998/OUT	Jul-18	Jul-28	Former Castleworks, Castle Street, Stafford	£86,498	Rowley	Station Gateway Linear Park	MS
23	18/27849/FUL	Sep-18	Sep-28	Former Staffs Police HQ, Cannock Rd, Stafford	£129,096	Weeping Cross and Wildwood	Off-Site Open Space Contribution	
24	18/27849/FUL	Sep-18	Sep-28	Staffs Police HQ, Cannock Rd, Stafford	£38,458	Borough Wide	Biodiversity Enhancements within the Borough	BW
TOTAL ALLOCATED S106 RECEIPTS					£972,420			

 Indicates new project

S106 Process



Project Delivery



APPENDIX 5

Planning Obligations Budget Allocation

Formal request to allocate budget received from the following S106 agreements:

Planning Application No	Date Received	Definition in Schedule	Amount	Ward

Project Description
Ward Interest

Name of Councillors	Date Consulted	Response Received	Comments

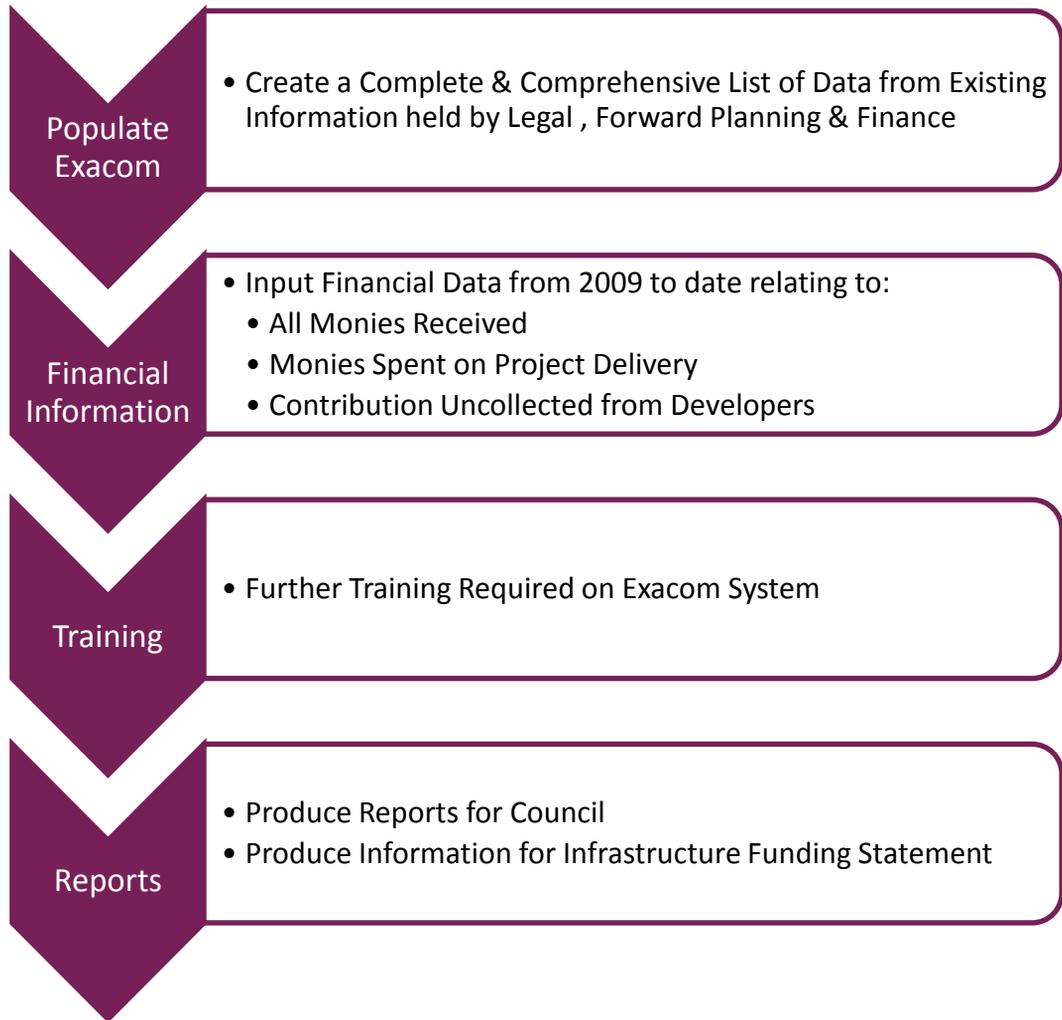
I authorise the above S106 contributions to be allocated to the project specified

Head of Development _____ Date _____

Leisure Portfolio Leader _____ Date _____

Finance Only
Authorised Signature _____ Date _____
Cost Code: _____

Implementation



ITEM NO 4(c)(i)

ITEM NO 4(c)(i)

Contact Officer:	Bob Kean
Telephone No:	01785 619241
Ward Interest:	Nil
Report Track:	Cabinet 04/07/2019 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR R M SMITH
RESOURCES PORTFOLIO**

<p>CABINET 4 JULY 2019 Revenues and Benefits Collection Report</p>

1 Purpose of Report

- 1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards
- collections of Council Tax during the 2018-2019 financial year.
 - collections of Business Rates during the 2018-2019 financial year.
 - the recovery of overpaid Housing Benefit during the 2019-20 financial year.
- 1.2 To seek approval to the write-off of the arrears listed in the **CONFIDENTIAL APPENDIX**.

2 Proposal of Cabinet Member

- 2.1 That the information regarding collections be noted.
- 2.2 That the arrears listed in the **CONFIDENTIAL APPENDIX** be written off.

3 Key Issues and Reasons for Recommendation
--

- 3.1 Efficient collection of the Council's revenues is of major importance to the funding of Council services and those provided by our preceptors.
- 3.2 The report detail below will explain that over £128M was collected by the Revenues and Benefits Service in the last financial year.

- 3.3 Collection rates for Council tax due amounted to £77.2M, of which some **98.4%** was collected by the end of the financial year. As at the end of May the collection rate had increased to 98.6%
- 3.4 In 2018-19 some £51.8M was due from local businesses, of which 98.4% was recovered by the end of the financial year. By 31 May, the collection rate had reached 98.8%. In addition the amounts outstanding in respect of periods prior to April 2018 reduced from £2.2M to £767K in the financial year.
- 3.5 Regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write of bad debts in the sum of £140,581.53, in accordance with the Scheme of Delegation.
- 3.6 The amount attributable to Stafford Borough amounts to approximately £13,050 (Council Tax) and £36,540 (Business Rates)

4 Relationship to Corporate Priorities

- 4.1 Not Applicable

5 Report Detail

Council Tax

- 5.1 Council Tax is collected on behalf of the Borough Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Stafford Borough Council retains around 10% of the council tax collected.
- 5.2 Council taxes due for 2018-19 financial year amounted to £77.2M, of which some **98.4%** was collected by the end of the financial year. This is a pleasing performance, meets our target and matches the previous year. Action continues to be taken to recover the remainder, alongside the current year's charges. As at the end of May the collection rate had increased to 98.6%
- 5.3 During the 2018-19 financial year, your officers continued to recover amounts that were unpaid for periods up to and including 31 March 2018. Those arrears reduced by £1.1M (from £5M to £3.9M) over the course of the year, with action still continuing.
- 5.4 In accordance with the Council's approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this involves the issue of bills, reminders and final notices, followed by Summonses in the Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will consider personal bankruptcy action against individuals.

5.5 The recovery powers available to the Council are considerable but not completely infallible. There are occasions when bills are not paid and the debts cannot be recovered.

5.5.1 Statutory safeguards such as Debt Relief Orders, Individual's Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.

5.5.2 For any of our powers to be effective we need to know the whereabouts of a debtor and this is not always the case. Where debtors abscond we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include;

- Checking our internal Council systems, and following any information which may help us to trace the debtor.
- Using the Locating Council Tax Absconders (LoCTA), a Local Authority data sharing system, to check for forwarding addresses at other Local Authorities,
- Use of Transunion credit reference agency data.
- Trace and collect facilities offered by our Enforcement Agencies
- Visits to the last known address by the Council's Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

Data protection legislation allows us to receive information as to a debtor's whereabouts but we cannot disclose information to other creditors. Reciprocal arrangements with utility companies and similar are not therefore workable.

5.6 Irrecoverable council tax debts in the sum of £10,094.67 are listed in the **CONFIDENTIAL APPENDIX** to this report.

Business Rates

- 5.7 Business rates income now forms a part of the Council's core funding, with around 28% of receipts being retained by this Council. The remainder is collected on behalf of Central Government and our major preceptors.
- 5.8 In 2018-19 some £51.8M was due from local businesses, of which 98.4% was recovered by the end of the financial year. This is slightly less than the 98.6% collected in the previous year, but again our efforts continue to recover the balance alongside this year's charges. By 31 May, the collection rate had reached 98.8%.
- 5.9 The amounts outstanding in respect of periods prior to April 2018 reduced from £2.2M to £767K in the financial year. This is particularly pleasing as the reduction of nearly £1.5M is a net reduction after increased charges from a number of new large new assessments which were brought into rating, by the Valuation office agency, retrospectively.
- 5.10 The recovery powers available to us are again contained in the Council's approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described at paragraph 5.4 above, with the exception that deductions from individuals' benefits and earnings are not permissible, even if the debtor is an individual.
- 5.11 Where rates are owed by an individual, similar safe guards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described at 5.5 above.
- 5.12 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.

Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Your officers continue to actively monitor these issues.

- 5.13 The **CONFIDENTIAL APPENDIX** to this report lists business rate debts of £130,486.86, which cannot be recovered for the reasons stated and for which approval to write off, is requested.

Housing Benefit Overpayments

- 5.14 The funding of the Housing Benefit scheme is a little complex and of recent times, the government's contribution to the cost of the administration is significantly reduced. Government funding is received in 3 ways.

- 5.15 An **Administration Grant** is paid towards the cost of managing the function (staffing, technology, accommodation etc). This grant is routinely less than the cost of providing the service and so the Council has a shortfall to fund.
- 5.16 Some **Specific Grants** are paid from time to time to contribute to the council's expense in New Burdens created by government initiatives and legislative changes. In recent times, these grants have been paid in respect of fraud prevention, Universal Credit support and developments in Information and Communications Technology. Such grants are not significant in the wider scale of the service and are often matched by liabilities to our software systems providers.
- 5.17 **Housing Benefit Subsidy** is the mechanism by which the benefits paid to claimants is funded. Wherever the Council pays Housing Benefit properly in accordance with the legislation, DWP meet 100% of the amounts paid.
- 5.18 There are occasions when a claimant is paid more benefit than they due, as a result of errors by either the DWP or Council, or fraud or error on the part of the claimant. This is called an overpayment and differing rates of subsidy apply to the different categories.

Overpayments caused by DWP error are funded by DWP **100%**

Overpayments caused by fraud or claimant error attract subsidy of **40%**.

Overpayments caused by Local Authority Error receive a sliding scale of subsidy

- **NIL** if our errors total more than 0.54% of all benefits paid in the year
- **40%** if our error rate is between 0.48% and 0.54%
- **100%** if our error rate is less than 0.48%.

For several years our error rate has been less than 0.48% and full subsidy received.

- 5.19 Notwithstanding the subsidy paid by DWP, the Council can and is expected to seek recovery of the overpaid benefit from the recipient, except in the case of DWP error, or a Local Authority error which the claimant could not have reasonably recognised as an overpayment at the time he was paid.
- 5.20 During the 2018-19 financial year, overpayments were raised in the sum of £875,665.47. The amounts recovered during the year were £863,209.88, a comparison of 98.9%.

Legislation has been amended in recent years to permit the use of DWP and HMRC records to trace Benefit Overpayment debtors and recover the sums due. This has contributed to increased rates of recovery as demonstrated here.

- 5.21 There are no Benefit Overpayment debts recommended for write off in this report.

6 Implications	
6.1 Financial	<p>Under the Business Rates Retention Scheme, business rates write offs will no longer be offset against the National Non-Domestic Rating Pool. Write offs will now form part of the costs of collection of business rates. The Business Rates write offs in this report are 12 cases totalling £130,486.86. This represents 0.25% of the outstanding collectable debit as at 1 April 2019.</p> <p>Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write-offs on this report are 3 case totalling £10,094.67. This represents 0.013% of the outstanding collectable debit as at the 1 April 2019.</p> <p>The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action.</p>
Legal	Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.
Human Resources	There are no Human Resources implications relating to this report.
Human Rights Act	There are no Human Rights implications relating to this report.
Data Protection	The appendices to this report contain personal information and are therefore not published.
Risk Management	The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.
6.2 Community Impact Assessment	The Borough Council considers the effect of its actions on all sections of our community and has

Recommendations	addressed all of the following Equality Strands in the production of this report, as appropriate:- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
------------------------	---

Previous Consideration - Nil

Background Papers - Nil