

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 22 July, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), J.A. Francis, R.G. Chaplin, V.A. Fletcher (substitute for Councillor N.A. Dugmore), G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith

PB-17 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on 1 July, 2009 be confirmed and signed by the Chairman subject to minute number PB-8 being amended to read PB-16.

PB-18 APOLOGY FOR ABSENCE

Councillor N.A. Dugmore

PB-19 DECLARATIONS OF INTEREST

PB-20 PLANNING APPLICATIONS FOR DETERMINATION

(a) W2009/0337 – The Stores, Shop Lane, High Ercall, Shropshire

This application sought permission for the erection of an extension to the rear of the first floor flat above the existing shop which, together with the surrounding buildings, had been rebuilt recently (W2007/9651). A similar application (W2008/1365) had been refused, as detailed in the report. Ercall Magna Parish Council had requested that the current application be considered by the Plans Board as it was of the opinion that there was no issue of overlooking and that the design was acceptable. The Plans Board at its meeting on 1 July, 2009 had deferred determination of the application to enable a Site Visit to be undertaken.

The report drew Members' attention to the relevant planning policies. Policy UD2 expected development proposals to be of an appropriate design quality which related positively to its context and respected and related to any adjacent buildings and Policy CS15 required development to positively influence the appearance of the local environment. In addition, guidance contained in PPS1 stated that good design should contribute positively to making places better for people; design which was inappropriate in its context should not be accepted.

This proposal was for a first floor rear extension to provide extended bedrooms. It differed from the application refused in February 2009 by showing an amended roofline and an obscured window at the rear. The extension would result in the first floor rear elevation of the building being 2.1m closer to the rear elevation of no.4 Park Lane. This was similar to the

situation which had been considered unacceptable in the previously withdrawn application (W2007/0024) which the Local Planning Authority had not supported. The resultant separation distance from the first floor habitable room windows of 16.9m was considered inadequate, failed to respect or relate positively to the neighbouring dwelling and, as such, would have a detrimental impact upon mutual privacy. Since submission of the application the rear window had been amended to be obscurely glazed, so as to overcome the issues of overlooking. However, as it would be an escape window under building regulations, it was required to be opened which would not, therefore, mitigate against the detrimental effects of overlooking. In addition, as this room was a large double bedroom, the need for an outlook was considered necessary for the amenity of the occupant. Accordingly, the proposal was deemed contrary to Policy UD2 of the Wrekin Local Plan and guidance contained in PPS1.

The proposed rear extension itself was also considered unacceptable. It would introduce a hipped roof onto a building which was characterised by gable and parapet walls between each unit and the width of the extension at 9.1m, would be 0.3m wider than the existing gables. As the existing roof was finished with a parapet wall, the proposal would not respect this and would be an uncharacteristic addition and, therefore, of an inappropriate design. In addition, the brick to void ratio was considered unacceptable. Although, this had been broken up by some brick detailing since the previous application, it would not significantly alter the design to break up the brick to void ratio.

Furthermore, the proposal immediately backed on to the rear elevation of no. 4 Park Lane and would have an impact on the residential amenities by virtue of their outlook. Therefore, the proposal failed to relate positively to its context or positively influence the appearance of the locality. Accordingly, the proposal was deemed contrary to Policy UD2 of the Wrekin Local Plan, CS15 of the Local Development Framework and guidance contained in PPS1.

It was also recognised that the proposal abutted the extended Conservation Area and, as such, should not only respect and reinforce this setting, but preserve and enhance it; thus providing a greater emphasis on the need for high quality developments than previously required. Consequently, as the quality of proposals must be increased to address this, it was considered that the proposal failed to meet Policy HE3 which sought to respect and reinforce the context of the adjacent Conservation Area.

The Council's ecologist had raised no objections to the proposal but had requested an informative be attached to any approval with regards to the potential for bats. Three letters of objection had been received from two of the neighbouring properties to the rear, as outlined in the report.

Councillors V.A. Fletcher, J.A. Francis and R.G. Chaplin having visited the site were of the view that the application should be approved. Councillor V.A. Fletcher said that the impact of the proposed extension on numbers 4 and 4a Park Lane would not be any greater than the existing properties opposite to them and that they were already overlooked by an existing window. In

response the Planning Officer clarified that this was a bathroom window and, thus, not deemed to be a habitable room, whilst the proposed extension to the bedrooms would be habitable. In addition, Councillor V.A. Fletcher said that she was of the view that an extension to the rear of the shop would not have an adverse effect upon the Conservation Area to the front.

On being put to the vote the officer recommendation to refuse the application was not approved and on being put to a second vote it was:

RESOLVED – that with respect to planning application W2009/0337 delegated authority be granted to the Head of Planning & Environment to approve the application subject to appropriate conditions being negotiated with the applicant.

(Councillor G.M. Green abstained from both votes as she had not been able to attend the Site Visit.)

Reason for Approval

The proposed extension would have no adverse effects upon the amenities of the adjacent residents and the design was considered to be compatible with that of adjacent properties.

(b) W2009/0435 – Trench Lock Interchange, Trench Lock, Trench, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display seven non-illuminated advertisement signs to replace those currently displayed at various locations on the three islands at Trench Lock Interchange. The proposed signs would be 1200mm across and with an overall height of 900mm when displayed on their metal posts. This size had been agreed with the Council's Highways Officer as being an acceptable size which would not detract from highway safety or result in an unacceptable amount of visual clutter. The proposed signs were, therefore, considered acceptable in this urban location and would not detract from the amenity and character of the surrounding area. Similar sized signs to promote local businesses were already a feature on many roundabouts in Telford as part of the Telford & Wrekin Community Sponsorship scheme.

The Planning Officer reported at the meeting that the Council's Highways Engineer had expressed concern no details of the content of signs had been received and that the letters and numbers on the proposed signs could be too small. It was, therefore, agreed that he be requested to advise of a suitable condition that could deal with the size of text and that could be added to any approval. In addition, it was requested that the Council's Policy, Performance & Partnership Unit be notified of these concerns about the text when submitting any future applications for sponsored signs.

RESOLVED – that with respect to planning application W2009/0435 delegated authority be granted to the Head of Planning & Environment

to grant advertisement consent following the end of the consultation period subject to:

- (i) The Council's Highways Engineer advising of a condition to deal with the size of letters and numbers for this and any future advertisement signs on roundabouts;**
 - (ii) The conditions set out in the report with the addition of an extra condition relating to the size of letters and numbers for signs as advised by the Council's Highways Engineer.**
- (c) W2009/0457 – St. Lawrence C of E School, Preston, Shropshire

This application by Telford & Wrekin Council requested permission to extend the existing demountable classroom situated on the school site. The existing timber demountable classroom building was an established structure on the school site and, although quite a large building, the nearest boundary with the adjoining dwelling was well-screened and the demountable, with a low-pitched roof, would not be visually intrusive. It was, therefore, considered that the proposal to extend 5.5 metres on the rear of the demountable was acceptable. The resultant extended classroom would have little additional effect on the amenities of the surrounding area and would match the external appearance of the existing demountable building.

RESOLVED – that with respect to planning application W2009/0457 planning permission be granted subject to the conditions as set out in the report.

- (d) W2009/0488 – John Randall Primary School, Queen Street, Madeley, Telford, Shropshire

This detailed application by Telford & Wrekin Council requested permission for the erection of a timber shelter to provide a cover for the existing outdoor classroom located adjacent to the existing demountable classrooms. As set out in the report, the Early Years Foundation Strategy curriculum required schools to be able to teach indoor activities outdoors, a requirement which was met by the provision of an outside designated learning area. However, weather constraints meant that the School was not able to take full advantage of this amenity and, therefore, submitted this proposal for covered area.

The proposed timber materials would be sympathetic to the adjacent classroom and would have a tanalised finish. Furthermore, the structure would not be visible within the streetscene or the wider landscape and would not result in any loss of play area or parking. In addition, there were no nearby neighbours. As the number of pupils at the school would not be increased as a result of this development, a Travel Plan was not required. Accordingly, it was considered that the proposed development was compliant with both local and national guidance.

The Council's Engineer had recommended an informative in relation to land stability due to the previous mining operations in the locality.

RESOLVED –that with respect to planning application W2009/0488 planning permission be granted subject to the conditions as set out in the report.

- (e) W2009/0517 – Burton Borough School. Audley Avenue, Newport, Shropshire

This application sought planning permission for an extension of the existing car park to add a further 24 spaces at the front of the School together with a new exit point onto Audley Avenue to enable vehicles to use a one-way system through the car parking area. The application was part-retrospective with an aggregate track running through the centre of the site.

There were no Parking Standards for Schools in PPG13 (Transport) but those identified in the Wrekin Local Plan had been used as a guide to parking provision in this instance. There were currently 104 full-time members of staff with on-site parking provision of 89 spaces, a shortfall of 23 spaces. The proposed extension would provide an additional 24 spaces for staff and visitors thereby formalising an area that was already used as informal parking space.

The report originally submitted in respect of this application was amended by an update tabled at the meeting following submission by the Agent of an amended plan and revised Design & Access Statement. The original proposal had comprised the use of grasscrete for the car parking and turning area because of the high water table at the site; however it had since been established that the grasscrete cells would move due to the high groundwater. It was, therefore, now proposed to use tarmac with a French drain system (gravel filled trench) adjacent to the track to allow percolation of surface water. The turning area had been reduced, minimising any impact on the existing landscaping. The amended plan was principally the same as the original submission apart from the use of tarmac and the reduced turning area. The proposed materials were in keeping with existing development at the School and surrounding area and the amendment was, therefore, considered acceptable. In the DAS, Sport England had confirmed that the grassed area did not serve any sporting purpose and, as detailed in the report, the development would maintain the existing amenity provided by the trees and boundary hedge.

The proposed one-way system and access point for exit of vehicles was considered acceptable, as the junction is located close to the blocked off point of Audley Avenue, and would not create new access on to the main road. The development would continue the existing track through to the junction and utilise an existing gated entrance, thus not significantly altering the character of the site or the area.

The Council's Highways Engineer had confirmed that he had no objection to the scheme but, after speaking to the Council's School Travel Plan Co-ordinator, had requested that a condition be imposed on any consent to read:

'Within 6 months of the date of this permission, details shall be submitted of an updated School Travel Plan for the approval of the Local Planning Authority, in consultation with the Council's School Travel Plan Co-ordinator.'

The Highways Engineer's comments had been noted and the case officer reiterated that the conditions already proposed that a School Travel Plan should be submitted to the Local Planning Authority for approval. The suggested wording above was considered suitable and it would not be necessary to impose a pre-commencement condition as in the original report. The officer recommendation, therefore, remained one of approval, with the addition of a further condition that the development should be carried out in accordance with the amended plans received on 21st July 2009.

Councillor V.A. Fletcher expressed concern at the adequacy of the French drain system proposed as part of the amended plans. The Planning Officer confirmed that no such concerns had been raised by the Council's Drainage Engineers but agreed that further investigation of the drainage arrangements could be requested prior to approval of the application.

RESOLVED – that with respect to planning application W2009/0517 delegated authority be granted to the Head of Planning & Environment to approve the application subject to an additional condition stating 'C120 Development to be carried out in accordance with amended plan', the amendment of condition 2 to read 'Within 6 months of date of permission, submission of updated School Travel Plan', and to further satisfactory investigations being undertaken of the proposed French drain system.

(f) W2009/0528 – Priorslee Primary School Priorslee Avenue, Priorslee, Telford, Shropshire

The Chairman informed Members that, since the consultation period for this application did not end until 28 July 2009, he wished to propose that the application be deferred until the next meeting of the Board.

RESOLVED – that determination of planning application W2009/0528 be deferred to the meeting of the Plans Board on 12 August 2009.

PB-21 **SITE VISITS**

None.

PB-22 **PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.30 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 12 August, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.G. Chaplin, N.A. Dugmore, J.A. Francis, G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith

ALSO PRESENT: Adrian Fox (Retail Planning Consultant – White Young Green) for planning applications W2008/1308 and W2009/0313.

PB-23 MINUTES

RESOLVED – that the minutes of the Plans Board held on 22nd July, 2009 be confirmed and signed by the Chairman.

PB-24 APOLOGIES FOR ABSENCE

None.

PB-25 DECLARATIONS OF INTEREST

None.

PB-26 PLANNING APPLICATIONS FOR DETERMINATION

W2008/1308 - Land at, Mere Park Garden Centre, Stafford Road, Newport, Shropshire and W2009/0312 – Parkland House & Classic Furniture, Audley Avenue, Newport, Shropshire

These two applications were presented together. In considering them Members were referred to the Board's resolution at its meeting on 1st July 2009 to grant delegated authority to the Head of Planning & Environment to grant outline planning permission for a mixed retail/employment application at the Classic Furniture/Parkland House site on Audley Avenue (W2009/0312), subject to conditions and to there being no new issues raised during the departure consultation period. The Mere Park applicant had submitted a letter of objection to W2009/0312 and, subsequently, had submitted a letter during the departure period advising of his intention to take the Council to Judicial Review on the basis that it had acted unfairly and unlawfully in determining the application before his own retail application, which had been submitted first and that in doing so the Council had prejudiced the success of his application and that in resolving to grant planning permission for Audley Avenue the Board had not been advised by officers of his retail planning application for the Mere Park Garden Centre. Therefore, he had requested that the decision on the Audley Avenue application (W2009/0312) should not be issued and that both application W2008/1308 and application W2009/0312, together with any other relevant applications, should be taken to the same meeting of the Plans Board so that Members could make fully informed decisions.

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In order to facilitate the consideration of the two applications together both applications were brought before Members on the same agenda.

The officer report for Mere Park (W2008/1308) and the revised report for Audley Avenue (W2009/0312) had both been written to cross reference the issues between them. The officer presentation was also made on this basis as was the subsequent Member discussion and determination of both applications.

The Mere Park planning application was a full application for comparison retail (932 sq.m.) with café (500 sq.m.) with storage/administration and a covered walkway at the Mere Park Garden Centre located north-east of Newport adjacent to the junction with the A41(T) and A518. It had been submitted in October 2008. The Audley Avenue application had been a revised resubmission of W2008/0885 (that was submitted in June 2008 and refused by officers in November 2008). Therefore, it had been dealt with more quickly as not all of the issues needed to be revisited. In addition, the Audley Avenue applicant had advised officers that, if planning permission were forthcoming for the revised resubmission which no longer included the convenience retail element, he would withdraw the appeal and Public Inquiry, scheduled for 2nd September 2009 in respect of W2008/0885. Officers had acknowledged that there had been some delay in bringing the Mere Park application to decision but refuted that this had been done to favour the Audley Avenue application. Members' attention was brought to the other impending retail applications at Mere Park, as set out in the report, and which the applicant had agreed did not require consideration at this point in time.

The Audley Avenue application was for outline permission, including access, landscaping, layout and scale, for a mixed retail/employment development involving the erection of buildings for comparison retail (3,252 sq.m. gross) on the Classic Furniture part of the site and erection of a building to provide industrial/employment floorspace (3,344 sq.m. gross) on the Parkland House site, following the demolition of all of the employment/manufacturing/retail buildings on the Classic Furniture site and demolition of the warehouse/car auction buildings at Parkland House.

Mere Park Garden Centre lay outside of the built-up area of Newport, as shown on the Wrekin Local Plan proposals map and, therefore, was considered to be an "out-of-town" location in retail planning terms. Retail advice contained in national guidance PPS6 sought to promote the vitality and viability of town centres and adopted a 'centre-first' approach to retail development by seeking to focus development in existing centres. PPS6 also required retail proposals outside centres to demonstrate that such proposals would be appropriate to local circumstances. By contrast the Audley Avenue site lay within the built-up area of Newport and within an existing employment/industrial estate and was considered to represent an "out-of-centre" location in retail planning terms. Both sites were considered equidistant from the town centre.

The report attached to the agenda set out in detail for both applications the planning considerations in respect of need, scale, sequential sites, access, and impact together with other material considerations. In addition there were updated reports for both applications which included information from the Mere Park applicant relating to suggested planning conditions from the applicant (and officers) and the free bus service that the applicant provided.

With regard to need, the Telford & Wrekin Retail Leisure Study (TWRLS) commissioned from White Young Green (Consultants) had identified a capacity need of 501–538sqm of comparison retail floorspace up until 2011, which the Mere Park proposal for 500 sqm comparison retail would meet. Whilst PPS6 placed greater weight on the quantitative need of a retail development, it also required Local Planning Authorities to take into account the qualitative need for retail development, which both the Mere Park and the Audley Avenue retail proposals would meet by providing the new modern retail floor space that was currently lacking in Newport. The TWRLS had also identified that some shopping expenditure was being directed elsewhere and that there was scope to improve Newport's share of the market facilities by improving the retail facilities on offer, which had been a material consideration when assessing the Audley Avenue application for bulky good comparison retail goods. Whilst that proposal had exceeded the identified quantitative need for comparison retail floorspace, the Audley Avenue applicant had submitted evidence to show that such bulky goods retail would help claw back some spending currently being directed to competing centres elsewhere outside the Newport area. However there would be no need for the Mere Park scheme given there were sequentially preferable sites in locations that were not out-of-town, such as Audley Avenue.

As required by PPS6 the Mere Park applicant had taken a sequential approach by considering a number of alternative sites, some of which had also been considered by the Audley Avenue applicant, details of which were set out in the report. However, having undertaken a sequential test, as described in the report, the applicant had concluded that the "out-of-town" site at Mere Park was the only available, suitable and viable site to accommodate the type of development he proposed and was sequentially equal to all out-of-centre sites. On further analysis of the sequential sites, officers observed that, if realistic walking routes were taken into account, then some of the applicant's sites would be beyond the 300m distance and hence would be classed as out-of-centre sites. Therefore the applicant had considered some out-of-centre sites.

However, Mere Park Garden Centre's location outside the built-up area and beyond the A41(T), together with poor pedestrian linkages, would make it inferior to a number of edge-of-centre sites and out-of-centre sites. Officers also considered that, as out-of-town locations were not referred to in the PPS6 order of sequential sites they were not usually considered appropriate and out-of-centre sites should be considered before allowing further out-of-town sites to come forward. Whilst the Audley Avenue and Mere Park sites were located relatively equidistant from the town centre, in PPS6 terms one site was considered out-of-centre (Audley Avenue) whereas the other was

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considered out-of-town (Mere Park) and it was considered that the Audley Avenue site was sequentially preferable to the Mere Park site in terms of accommodating further retail floorspace, subject to the relevant tests of need and impact. The applicant had questioned the Council's approach to the sequential test and whether the right approach had been applied, whether out-of-centre sites should be sequentially equal to out-of-town sites and whether out-of-town was better. Even if the Council was wrong about the nature of the sequential test, officers were of the view that the balance lay in favour of Audley Avenue for the reasons set out in the reports and reiterated by the officer's presentation and included below (and the need argument mentioned previously).

With regard to access, the Mere Park applicant considered the site to be more accessible by modes of transport given its location adjacent to the A41(T) and the A518 and on a regular bus service between Newport and Stafford. In addition, the applicant provided an unofficial 'Park & Ride' bus scheme and delivery van service to customers' homes to encourage those that wished to walk or cycle to the Garden Centre. Whilst these were material factors in terms of helping to provide a sustainable facility and to off-set the 'out-of-town' location of the site, access to the site for pedestrians and cyclists was not easy. Whilst there was a footpath from Stafford Street and a refuge on the A41(T), cyclists and pedestrians would need to negotiate and cross either the A518 and A41(T) roads and, in some instances, would also need to negotiate the roundabout at the end of Stafford Road.

In comparison, there was no bus service directly past the Audley Avenue site, which reduced its accessibility by public transport and the existence of bollards meant that there was no direct route for motorists from the town centre. Whilst there were no known end users of the retail units proposed at Audley Avenue, it was likely that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walked or cycled. However, both sites would probably attract a fair share of car borne customers and, generally, for the purchase of "bulky goods" bus travel might not always be the most appropriate means of travel. The Audley Avenue site was, however, better and more safely accessed on foot and by bike than was the Mere Park site for both customer and employees. Cyclists and pedestrians could use the quieter residential approach streets and Audley Avenue itself to reach the site from the town centre with no need to cross or pass along the A518 and A41(T). In considering accessibility to the site, it was important to note that PPS6 stated that in assessing new development, local planning authorities should consider whether the proposal would have an impact on the overall distance travelled. With the single comparison retail unit set within the Garden Centre complex officers considered it unlikely that customers would not travel elsewhere for comparison goods thus not significantly reducing the overall need for local residents to travel. In contrast, the Audley Avenue proposal would help to reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere, such as Telford, and would, therefore, reduce the overall distance travelled.

The Council accepted that there was a lack of larger retail units within Newport and that a significant level of comparison goods expenditure generated in the local area was currently being directed to competing facilities elsewhere. However, in considering the potential impact of the proposal on the town centre, the retail consultants considered that the level of impact had been understated by the applicant, due to his estimated turnover of the town centre being overstated at £60m. Consequently, this lower turnover would mean that the potential impact on the town centre would be higher than that identified by the applicant. Some garden centres were mainly retail, as was Mere Park, as they did not operate a horticultural element by growing their own plant stock on site. Local Plan Policy S5 served to acknowledge that garden centres were generally different retailing entities and allowed some retail provision in a location that otherwise would be contrary to policy, but there was no green light in Policy S5 for general retail. As the other existing retail units at Mere Park were currently restricted to selling only garden centre, farm shop or outdoor camping equipment type products, officers considered that this served to retain some connection and compatibility between the units and the Garden Centre as a whole and limited the impact on Newport town centre.

The applicant considered that the existing operation of the Mere Park Garden Centre and its various retail units had not adversely impacted on Newport town centre. However, officers contended that this may well be due to the fact that these units had conditions limiting the goods that could be sold and there were no general or comparison retail units currently operating from the site to compete or take trade from the town centre. Similar concerns had been expressed that the Audley Avenue application would impact on the town centre but this would be mitigated by the imposition of appropriate planning conditions, as described in the report. Officers considered that unrestricted comparison goods retail consent in an 'out-of-town' location such as the Mere Park Garden Centre complex, was likely to compete with existing businesses within the town centre and would undermine its continued vitality and viability. As with the Audley Avenue site, the range of goods that could be sold should be restricted in order to off-set the potential impact on Newport town centre and should be limited to those typically sold from garden centres and similar to the range of goods already conditioned to be sold at the site. Such a restriction would ensure that the retail unit complemented the town centre retail provision, not competed with it and did not create effectively an 'out-of-town' retail park. Without a goods condition restricting sales to garden centre type products officers considered that the retail unit should be refused but the applicant did not want such a restriction, although he was prepared not to sell certain items, details of which were tabled at the meeting. Officers considered that the applicant's suggested condition would allow a wide range of goods to be sold that would adversely impact on Newport town centre.

One significant difference between the Mere Park and the Audley Avenue applications was that the Mere Park proposal did not involve the loss of employment buildings/land. The Mere park applicant considered that, as the Audley Avenue site was within an existing industrial estate and would involve the loss of employment land, it was an inappropriate location for retail

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development while the Mere Park site was within an existing retail site. In previously considering the suitability of the Audley Avenue site for retail, officers and Members had weighed up the loss of employment land within the material considerations of the relevant employment benefits of new improved quality employment floorspace together with the Council's indicated intention to further increase employment land provision in Newport and the 3.5ha. allocated employment site on which there had been no take-up for almost a decade. In addition, the other material considerations, such as the proposed highway and access improvements to Audley Avenue and the overall reduction in travel (itself a sustainability aim of the Core Strategy), would serve to off-set the loss of employment floorspace from the Classic Furniture part of the site. Whilst job creation from retail uses should not be considered an important criterion upon which to judge retail proposals, both applications would see a potential increase in jobs.

In conclusion, officers considered that whilst there was a quantitative and qualitative need for such a comparison unit in isolation, the identified need could be met by the Audley Avenue application hence there was no need for the Mere Park proposal especially in this out-of-town location. In addition, they considered that there were locationally preferable sites within the built up area of Newport for comparison retail, including the Audley Avenue site. The Mere Park proposal would not serve to reduce the need to travel significantly or at all and, whilst the site might be located on a bus route that served the town centre, this was unlikely to attract significant numbers of people and the A41 (T) served as a barrier to pedestrians and cyclists, both customers and workers, who had to cross it. Officers also considered that a retail unit in an 'out-of-town' location selling unrestricted or limited comparison goods would have an adverse impact on Newport town centre. Without restrictions on the range of goods that could be sold, a precedent would be set and an 'out-of-town' retail park may develop with a resulting adverse impact on Newport town centre. Whilst this could be mitigated against and brought into line with the retail nature of a garden centre complex by imposing planning conditions to limit the range of goods sold to those typically sold at a garden centre, as had been done with the other retail units at Mere Park, the applicant was unwilling to accept such a restriction.

In order to provide the Board with all relevant information in coming to a decision, officers had drawn up a condition which could be imposed so as to make any planning permission acceptable by ensuring that the retail proposal did not adversely impact upon Newport Town Centre and which had been imposed on some of the existing retail units at Mere Park. The officers' condition was tabled at the meeting. Also tabled at the meeting were details of the type of goods the applicant would agree not to sell. In officers' opinion this was not restrictive enough and so was not considered to be acceptable by officers.

In discussing the application some Members expressed concern at the impact that it could have upon retail in Newport Town Centre, the potential for Mere Park to develop into a retail park and issues with enforcement of any goods conditions. However, other Members were of the view that approval would

not have such a detrimental impact upon Newport Town Centre and could serve to attract customers from surrounding areas such as Gnosall.

The Council's Solicitor drew Members' attention to the proposed condition, which officers thought could be imposed so as to make the planning application acceptable. He asked the Board to consider whether it thought this condition to be reasonable and said that the applicant might question its reasonableness bearing in mind that the application did not mention any such restrictions. He advised the Board that, if it considered that the imposition of the proposed condition would make the proposal not worth pursuing, for example because it would be unreasonably restrictive so as to make the proposal not viable, then it should not impose the condition. That would mean that the Board could approve the officers' recommendation to refuse or approve the application without the condition. Alternatively, if they thought the condition was reasonable and appropriate, they could approve the permission with that condition. Adrian Fox of White Young Green also explained that the conditions would be complementary to the existing conditions on Mere Park and together they would provide good control over future use. If approval of an open A1(non-food) retail use were to be approved, that would set a precedent and would compete with the Newport Town Centre and it was for this reason that the Audley Avenue application would be subject to restrictive conditions on the type of goods that could be sold and why the impact upon Newport town centre would be lessened if the Mere Park application was approved subject to the officers' proposed conditions restricting goods to those typically sold at a Garden Centre.

Members determined that the officers' suggested condition tabled at the meeting restricting the types of goods to be sold was reasonable and appropriate to apply this proposal in all the circumstances.

On being put to the vote the recommendation for refusal, as set out in the report, was not approved. The Chairman then proposed, seconded by Councillor M.J. Smith, that application W2008/1308 be approved subject to appropriate conditions and to the proposed condition relating to the types of goods that could be sold, as tabled. On being put to the vote, this was unanimously agreed.

RESOLVED:

- (a) **that with respect to planning application W2008/1308 (Mere Park) delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to appropriate conditions and to the condition restricting the type of goods to be sold to garden centre type goods.**

Reason for Approval

The retail unit hereby approved at this existing out-of-town garden centre (allowed under Wrekin Local Plan policy S5) outside the urban area of Newport shall be restricted to sell goods associated

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with garden centres (along with the other retail units at Mere Park that have permission and are restricted to sell garden centre/farm shop products and one unit restricted to only sell outdoor camping/walling equipment) to ensure that the retail proposal will not adversely impact on the vitality and viability of Newport town centre. The single storey building is of an appropriate design, character and appearance that will complement the other single storey buildings on the site in this semi-rural site beyond the built up area of Newport.

(b) that with respect to planning application W2009/0312 outline planning permission be granted subject to the conditions, as set out in the report, and to any other conditions officers subsequently deemed necessary.

(b) W2009/0506 - Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display four non-illuminated advertisement signs on the central island of the roundabout. The proposed signs would be 1200mm across with a total height of 900mm, which the Council's Highways Officer had agreed as being acceptable as they would not detract from highway safety.

The Council's Highways Officer had not reported on this application to date and any recommendations would be reported to the Plans Board in an update. Lawley & Overdale Parish Council had submitted an objection to the proposals on the grounds that the signs would be a distraction to motorists and, therefore, posed a safety issue.

The four proposed signs were to replace the existing advertisements on the roundabout and would not result in an unacceptable amount of visual clutter. They were, therefore, considered acceptable in this urban location and would not detract from the amenity and character of the surrounding area.

RESOLVED – that with respect to planning application W2009/0506 advertisement consent be granted subject to the conditions as set out in the report.

(c) W2009/0528 - Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire

The application by Telford & Wrekin Council was for a single storey extension to part of the school main building for general purpose use following internal reorganisation of the administrative accommodation within the school, together with the installation of a glazed canopy. Determination of the application had been deferred at meeting of the Board held on 22nd July, 2009 to allow for consultation responses to be confirmed.

The single storey extension would be built on a small area of incidental grass adjoining the main school building and would not result in a loss of play areas. It would be finished with brickwork and tiles to match the existing building and, therefore, the appearance would be satisfactory.

The proposed external canopy would cover part of the small courtyard area created by the new extension and would feature a curved roof with the metal framework having a powder coated finish to match existing metalwork on the school building. Given the siting of the main school building on a lower land level relative to the surrounding area, the proposed extension and canopy would not be visually intrusive and would have little impact on the street scene.

RESOLVED – that with respect to planning application W2009/0528 planning permission be granted subject to the conditions as set out in the report.

PB-27 SITE VISITS

None.

PB-28 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.48 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 12 August, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.G. Chaplin, N.A. Dugmore, J.A. Francis, G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith

ALSO PRESENT: Adrian Fox (Retail Planning Consultant – White Young Green) for planning applications W2008/1308 and W2009/0313.

PB-23 MINUTES

RESOLVED – that the minutes of the Plans Board held on 22nd July, 2009 be confirmed and signed by the Chairman.

PB-24 APOLOGIES FOR ABSENCE

None.

PB-25 DECLARATIONS OF INTEREST

None.

PB-26 PLANNING APPLICATIONS FOR DETERMINATION

W2008/1308 - Land at, Mere Park Garden Centre, Stafford Road, Newport, Shropshire and W2009/0312 – Parkland House & Classic Furniture, Audley Avenue, Newport, Shropshire

These two applications were presented together. In considering them Members were referred to the Board's resolution at its meeting on 1st July 2009 to grant delegated authority to the Head of Planning & Environment to grant outline planning permission for a mixed retail/employment application at the Classic Furniture/Parkland House site on Audley Avenue (W2009/0312), subject to conditions and to there being no new issues raised during the departure consultation period. The Mere Park applicant had submitted a letter of objection to W2009/0312 and, subsequently, had submitted a letter during the departure period advising of his intention to take the Council to Judicial Review on the basis that it had acted unfairly and unlawfully in determining the application before his own retail application, which had been submitted first and that in doing so the Council had prejudiced the success of his application and that in resolving to grant planning permission for Audley Avenue the Board had not been advised by officers of his retail planning application for the Mere Park Garden Centre. Therefore, he had requested that the decision on the Audley Avenue application (W2009/0312) should not be issued and that both application W2008/1308 and application W2009/0312, together with any other relevant applications, should be taken to the same meeting of the Plans Board so that Members could make fully informed decisions.

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In order to facilitate the consideration of the two applications together both applications were brought before Members on the same agenda.

The officer report for Mere Park (W2008/1308) and the revised report for Audley Avenue (W2009/0312) had both been written to cross reference the issues between them. The officer presentation was also made on this basis as was the subsequent Member discussion and determination of both applications.

The Mere Park planning application was a full application for comparison retail (932 sq.m.) with café (500 sq.m.) with storage/administration and a covered walkway at the Mere Park Garden Centre located north-east of Newport adjacent to the junction with the A41(T) and A518. It had been submitted in October 2008. The Audley Avenue application had been a revised resubmission of W2008/0885 (that was submitted in June 2008 and refused by officers in November 2008). Therefore, it had been dealt with more quickly as not all of the issues needed to be revisited. In addition, the Audley Avenue applicant had advised officers that, if planning permission were forthcoming for the revised resubmission which no longer included the convenience retail element, he would withdraw the appeal and Public Inquiry, scheduled for 2nd September 2009 in respect of W2008/0885. Officers had acknowledged that there had been some delay in bringing the Mere Park application to decision but refuted that this had been done to favour the Audley Avenue application. Members' attention was brought to the other impending retail applications at Mere Park, as set out in the report, and which the applicant had agreed did not require consideration at this point in time.

The Audley Avenue application was for outline permission, including access, landscaping, layout and scale, for a mixed retail/employment development involving the erection of buildings for comparison retail (3,252 sq.m. gross) on the Classic Furniture part of the site and erection of a building to provide industrial/employment floorspace (3,344 sq.m. gross) on the Parkland House site, following the demolition of all of the employment/manufacturing/retail buildings on the Classic Furniture site and demolition of the warehouse/car auction buildings at Parkland House.

Mere Park Garden Centre lay outside of the built-up area of Newport, as shown on the Wrekin Local Plan proposals map and, therefore, was considered to be an "out-of-town" location in retail planning terms. Retail advice contained in national guidance PPS6 sought to promote the vitality and viability of town centres and adopted a 'centre-first' approach to retail development by seeking to focus development in existing centres. PPS6 also required retail proposals outside centres to demonstrate that such proposals would be appropriate to local circumstances. By contrast the Audley Avenue site lay within the built-up area of Newport and within an existing employment/industrial estate and was considered to represent an "out-of-centre" location in retail planning terms. Both sites were considered equidistant from the town centre.

The report attached to the agenda set out in detail for both applications the planning considerations in respect of need, scale, sequential sites, access, and impact together with other material considerations. In addition there were updated reports for both applications which included information from the Mere Park applicant relating to suggested planning conditions from the applicant (and officers) and the free bus service that the applicant provided.

With regard to need, the Telford & Wrekin Retail Leisure Study (TWRLS) commissioned from White Young Green (Consultants) had identified a capacity need of 501–538sqm of comparison retail floorspace up until 2011, which the Mere Park proposal for 500 sqm comparison retail would meet. Whilst PPS6 placed greater weight on the quantitative need of a retail development, it also required Local Planning Authorities to take into account the qualitative need for retail development, which both the Mere Park and the Audley Avenue retail proposals would meet by providing the new modern retail floor space that was currently lacking in Newport. The TWRLS had also identified that some shopping expenditure was being directed elsewhere and that there was scope to improve Newport's share of the market facilities by improving the retail facilities on offer, which had been a material consideration when assessing the Audley Avenue application for bulky good comparison retail goods. Whilst that proposal had exceeded the identified quantitative need for comparison retail floorspace, the Audley Avenue applicant had submitted evidence to show that such bulky goods retail would help claw back some spending currently being directed to competing centres elsewhere outside the Newport area. However there would be no need for the Mere Park scheme given there were sequentially preferable sites in locations that were not out-of-town, such as Audley Avenue.

As required by PPS6 the Mere Park applicant had taken a sequential approach by considering a number of alternative sites, some of which had also been considered by the Audley Avenue applicant, details of which were set out in the report. However, having undertaken a sequential test, as described in the report, the applicant had concluded that the "out-of-town" site at Mere Park was the only available, suitable and viable site to accommodate the type of development he proposed and was sequentially equal to all out-of-centre sites. On further analysis of the sequential sites, officers observed that, if realistic walking routes were taken into account, then some of the applicant's sites would be beyond the 300m distance and hence would be classed as out-of-centre sites. Therefore the applicant had considered some out-of-centre sites.

However, Mere Park Garden Centre's location outside the built-up area and beyond the A41(T), together with poor pedestrian linkages, would make it inferior to a number of edge-of-centre sites and out-of-centre sites. Officers also considered that, as out-of-town locations were not referred to in the PPS6 order of sequential sites they were not usually considered appropriate and out-of-centre sites should be considered before allowing further out-of-town sites to come forward. Whilst the Audley Avenue and Mere Park sites were located relatively equidistant from the town centre, in PPS6 terms one site was considered out-of-centre (Audley Avenue) whereas the other was

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considered out-of-town (Mere Park) and it was considered that the Audley Avenue site was sequentially preferable to the Mere Park site in terms of accommodating further retail floorspace, subject to the relevant tests of need and impact. The applicant had questioned the Council's approach to the sequential test and whether the right approach had been applied, whether out-of-centre sites should be sequentially equal to out-of-town sites and whether out-of-town was better. Even if the Council was wrong about the nature of the sequential test, officers were of the view that the balance lay in favour of Audley Avenue for the reasons set out in the reports and reiterated by the officer's presentation and included below (and the need argument mentioned previously).

With regard to access, the Mere Park applicant considered the site to be more accessible by modes of transport given its location adjacent to the A41(T) and the A518 and on a regular bus service between Newport and Stafford. In addition, the applicant provided an unofficial 'Park & Ride' bus scheme and delivery van service to customers' homes to encourage those that wished to walk or cycle to the Garden Centre. Whilst these were material factors in terms of helping to provide a sustainable facility and to off-set the 'out-of-town' location of the site, access to the site for pedestrians and cyclists was not easy. Whilst there was a footpath from Stafford Street and a refuge on the A41(T), cyclists and pedestrians would need to negotiate and cross either the A518 and A41(T) roads and, in some instances, would also need to negotiate the roundabout at the end of Stafford Road.

In comparison, there was no bus service directly past the Audley Avenue site, which reduced its accessibility by public transport and the existence of bollards meant that there was no direct route for motorists from the town centre. Whilst there were no known end users of the retail units proposed at Audley Avenue, it was likely that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walked or cycled. However, both sites would probably attract a fair share of car borne customers and, generally, for the purchase of "bulky goods" bus travel might not always be the most appropriate means of travel. The Audley Avenue site was, however, better and more safely accessed on foot and by bike than was the Mere Park site for both customer and employees. Cyclists and pedestrians could use the quieter residential approach streets and Audley Avenue itself to reach the site from the town centre with no need to cross or pass along the A518 and A41(T). In considering accessibility to the site, it was important to note that PPS6 stated that in assessing new development, local planning authorities should consider whether the proposal would have an impact on the overall distance travelled. With the single comparison retail unit set within the Garden Centre complex officers considered it unlikely that customers would not travel elsewhere for comparison goods thus not significantly reducing the overall need for local residents to travel. In contrast, the Audley Avenue proposal would help to reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere, such as Telford, and would, therefore, reduce the overall distance travelled.

The Council accepted that there was a lack of larger retail units within Newport and that a significant level of comparison goods expenditure generated in the local area was currently being directed to competing facilities elsewhere. However, in considering the potential impact of the proposal on the town centre, the retail consultants considered that the level of impact had been understated by the applicant, due to his estimated turnover of the town centre being overstated at £60m. Consequently, this lower turnover would mean that the potential impact on the town centre would be higher than that identified by the applicant. Some garden centres were mainly retail, as was Mere Park, as they did not operate a horticultural element by growing their own plant stock on site. Local Plan Policy S5 served to acknowledge that garden centres were generally different retailing entities and allowed some retail provision in a location that otherwise would be contrary to policy, but there was no green light in Policy S5 for general retail. As the other existing retail units at Mere Park were currently restricted to selling only garden centre, farm shop or outdoor camping equipment type products, officers considered that this served to retain some connection and compatibility between the units and the Garden Centre as a whole and limited the impact on Newport town centre.

The applicant considered that the existing operation of the Mere Park Garden Centre and its various retail units had not adversely impacted on Newport town centre. However, officers contended that this may well be due to the fact that these units had conditions limiting the goods that could be sold and there were no general or comparison retail units currently operating from the site to compete or take trade from the town centre. Similar concerns had been expressed that the Audley Avenue application would impact on the town centre but this would be mitigated by the imposition of appropriate planning conditions, as described in the report. Officers considered that unrestricted comparison goods retail consent in an 'out-of-town' location such as the Mere Park Garden Centre complex, was likely to compete with existing businesses within the town centre and would undermine its continued vitality and viability. As with the Audley Avenue site, the range of goods that could be sold should be restricted in order to off-set the potential impact on Newport town centre and should be limited to those typically sold from garden centres and similar to the range of goods already conditioned to be sold at the site. Such a restriction would ensure that the retail unit complemented the town centre retail provision, not competed with it and did not create effectively an 'out-of-town' retail park. Without a goods condition restricting sales to garden centre type products officers considered that the retail unit should be refused but the applicant did not want such a restriction, although he was prepared not to sell certain items, details of which were tabled at the meeting. Officers considered that the applicant's suggested condition would allow a wide range of goods to be sold that would adversely impact on Newport town centre.

One significant difference between the Mere Park and the Audley Avenue applications was that the Mere Park proposal did not involve the loss of employment buildings/land. The Mere park applicant considered that, as the Audley Avenue site was within an existing industrial estate and would involve the loss of employment land, it was an inappropriate location for retail

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development while the Mere Park site was within an existing retail site. In previously considering the suitability of the Audley Avenue site for retail, officers and Members had weighed up the loss of employment land within the material considerations of the relevant employment benefits of new improved quality employment floorspace together with the Council's indicated intention to further increase employment land provision in Newport and the 3.5ha. allocated employment site on which there had been no take-up for almost a decade. In addition, the other material considerations, such as the proposed highway and access improvements to Audley Avenue and the overall reduction in travel (itself a sustainability aim of the Core Strategy), would serve to off-set the loss of employment floorspace from the Classic Furniture part of the site. Whilst job creation from retail uses should not be considered an important criterion upon which to judge retail proposals, both applications would see a potential increase in jobs.

In conclusion, officers considered that whilst there was a quantitative and qualitative need for such a comparison unit in isolation, the identified need could be met by the Audley Avenue application hence there was no need for the Mere Park proposal especially in this out-of-town location. In addition, they considered that there were locationally preferable sites within the built up area of Newport for comparison retail, including the Audley Avenue site. The Mere Park proposal would not serve to reduce the need to travel significantly or at all and, whilst the site might be located on a bus route that served the town centre, this was unlikely to attract significant numbers of people and the A41 (T) served as a barrier to pedestrians and cyclists, both customers and workers, who had to cross it. Officers also considered that a retail unit in an 'out-of-town' location selling unrestricted or limited comparison goods would have an adverse impact on Newport town centre. Without restrictions on the range of goods that could be sold, a precedent would be set and an 'out-of-town' retail park may develop with a resulting adverse impact on Newport town centre. Whilst this could be mitigated against and brought into line with the retail nature of a garden centre complex by imposing planning conditions to limit the range of goods sold to those typically sold at a garden centre, as had been done with the other retail units at Mere Park, the applicant was unwilling to accept such a restriction.

In order to provide the Board with all relevant information in coming to a decision, officers had drawn up a condition which could be imposed so as to make any planning permission acceptable by ensuring that the retail proposal did not adversely impact upon Newport Town Centre and which had been imposed on some of the existing retail units at Mere Park. The officers' condition was tabled at the meeting. Also tabled at the meeting were details of the type of goods the applicant would agree not to sell. In officers' opinion this was not restrictive enough and so was not considered to be acceptable by officers.

In discussing the application some Members expressed concern at the impact that it could have upon retail in Newport Town Centre, the potential for Mere Park to develop into a retail park and issues with enforcement of any goods conditions. However, other Members were of the view that approval would

not have such a detrimental impact upon Newport Town Centre and could serve to attract customers from surrounding areas such as Gnosall.

The Council's Solicitor drew Members' attention to the proposed condition, which officers thought could be imposed so as to make the planning application acceptable. He asked the Board to consider whether it thought this condition to be reasonable and said that the applicant might question its reasonableness bearing in mind that the application did not mention any such restrictions. He advised the Board that, if it considered that the imposition of the proposed condition would make the proposal not worth pursuing, for example because it would be unreasonably restrictive so as to make the proposal not viable, then it should not impose the condition. That would mean that the Board could approve the officers' recommendation to refuse or approve the application without the condition. Alternatively, if they thought the condition was reasonable and appropriate, they could approve the permission with that condition. Adrian Fox of White Young Green also explained that the conditions would be complementary to the existing conditions on Mere Park and together they would provide good control over future use. If approval of an open A1(non-food) retail use were to be approved, that would set a precedent and would compete with the Newport Town Centre and it was for this reason that the Audley Avenue application would be subject to restrictive conditions on the type of goods that could be sold and why the impact upon Newport town centre would be lessened if the Mere Park application was approved subject to the officers' proposed conditions restricting goods to those typically sold at a Garden Centre.

Members determined that the officers' suggested condition tabled at the meeting restricting the types of goods to be sold was reasonable and appropriate to apply this proposal in all the circumstances.

On being put to the vote the recommendation for refusal, as set out in the report, was not approved. The Chairman then proposed, seconded by Councillor M.J. Smith, that application W2008/1308 be approved subject to appropriate conditions and to the proposed condition relating to the types of goods that could be sold, as tabled. On being put to the vote, this was unanimously agreed.

RESOLVED:

- (a) **that with respect to planning application W2008/1308 (Mere Park) delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to appropriate conditions and to the condition restricting the type of goods to be sold to garden centre type goods.**

Reason for Approval

The retail unit hereby approved at this existing out-of-town garden centre (allowed under Wrekin Local Plan policy S5) outside the urban area of Newport shall be restricted to sell goods associated

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with garden centres (along with the other retail units at Mere Park that have permission and are restricted to sell garden centre/farm shop products and one unit restricted to only sell outdoor camping/walling equipment) to ensure that the retail proposal will not adversely impact on the vitality and viability of Newport town centre. The single storey building is of an appropriate design, character and appearance that will complement the other single storey buildings on the site in this semi-rural site beyond the built up area of Newport.

(b) that with respect to planning application W2009/0312 outline planning permission be granted subject to the conditions, as set out in the report, and to any other conditions officers subsequently deemed necessary.

(b) W2009/0506 - Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display four non-illuminated advertisement signs on the central island of the roundabout. The proposed signs would be 1200mm across with a total height of 900mm, which the Council's Highways Officer had agreed as being acceptable as they would not detract from highway safety.

The Council's Highways Officer had not reported on this application to date and any recommendations would be reported to the Plans Board in an update. Lawley & Overdale Parish Council had submitted an objection to the proposals on the grounds that the signs would be a distraction to motorists and, therefore, posed a safety issue.

The four proposed signs were to replace the existing advertisements on the roundabout and would not result in an unacceptable amount of visual clutter. They were, therefore, considered acceptable in this urban location and would not detract from the amenity and character of the surrounding area.

RESOLVED – that with respect to planning application W2009/0506 advertisement consent be granted subject to the conditions as set out in the report.

(c) W2009/0528 - Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire

The application by Telford & Wrekin Council was for a single storey extension to part of the school main building for general purpose use following internal reorganisation of the administrative accommodation within the school, together with the installation of a glazed canopy. Determination of the application had been deferred at meeting of the Board held on 22nd July, 2009 to allow for consultation responses to be confirmed.

The single storey extension would be built on a small area of incidental grass adjoining the main school building and would not result in a loss of play areas. It would be finished with brickwork and tiles to match the existing building and, therefore, the appearance would be satisfactory.

The proposed external canopy would cover part of the small courtyard area created by the new extension and would feature a curved roof with the metal framework having a powder coated finish to match existing metalwork on the school building. Given the siting of the main school building on a lower land level relative to the surrounding area, the proposed extension and canopy would not be visually intrusive and would have little impact on the street scene.

RESOLVED – that with respect to planning application W2009/0528 planning permission be granted subject to the conditions as set out in the report.

PB-27 SITE VISITS

None.

PB-28 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.48 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 2 September, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore, V.A. Fletcher (substitute for Cllr. R.G. Chaplin), J.A. Francis, H. Rhodes, M.J. Smith and K.L. Tomlinson (substitute for Cllr. G.M. Green)

ALSO PRESENT: Councillor A.A. Meredith (on behalf of Councillor A. Stanton for planning application W2009/0376) and Councillor C.F. Smith (for planning application W2009/0424)

PB-29 MINUTES

RESOLVED – that the minutes of the Plans Board held on 12 August, 2009 be confirmed and signed by the Chairman.

PB-30 APOLOGIES FOR ABSENCE

Councillors R.G. Chaplin, G.M. Green and F.R. Picken

PB-31 DECLARATIONS OF INTEREST

None.

PB-32 PLANNING APPLICATIONS FOR DETERMINATION

- (a) W2009/0376 – Land Between 16 Longford Road and 1 Farm Grove, Newport, Shropshire

This application sought full planning permission for the erection of a bungalow with accommodation in the roof, associated access, parking and garden land on a small plot of land between No.16 Longford Road and No.1 Farm Grove. The site was formerly garden land to No.16 Longford Road but had been sold into separate ownership and was now entirely enclosed by timber boundary fencing with substantial hedge/tree planting to Farm Grove. Councillor Adam Stanton and Newport Town Council had both requested that the application be determined by the Plans Board.

In order to address the constraints of the site, the proposal was for the erection of a bungalow at the rear of the site with a footprint measuring 7.2m. by 6.1m., height to eaves 2.5m. and 6.2m. to ridge. The accommodation would consist of two bedrooms, one at ground floor and a larger bedroom at first floor, with a small lounge and kitchen. The frontage would be mainly driveway with parking and turning space together with an amenity area with screen fencing to provide some privacy to the occupants.

The principle of residential development on the site had been accepted with the granting of outline planning permission (W2006/0831) for a single
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bungalow with a larger footprint positioned over the culvert that crosses the site and in line with adjoining properties, subject to agreement by the Council's Drainage Engineer of a submitted scheme for a build-over solution or diversion of a culvert which ran through the site. However, the applicant had now advised that he could not get a build-over agreement and it was considered that a diversion would not resolve the issues. The Drainage Engineer had no objection to the current development proposal subject to a condition being imposed stating that no structure should be allowed within 3m of the culvert and that the hard standing should not be built over in the future. The applicant also needed to be made aware that this was a Greenfield site and that, should they wish to connect the surface water to the culvert, it would be necessary to attenuate flows coming off the site. Given the size restriction on the site, the applicant needed to have demonstrated that this was viable at the planning application stage and not as a condition.

A number of pre-application sketches had been submitted but these had not been deemed acceptable due to the location, design and height of the dwelling and the applicant had, therefore, been advised that the development would be unlikely to receive full planning permission. Whilst it was accepted that the position of the culvert did somewhat constrain the development, it was not considered that this proposal provided a suitable solution.

The layout of the development, with the dwelling located at the rear of the site and the garden area to the frontage, together with the design and scale of the dwelling, was considered to be out of keeping with the character and appearance of the adjoining bungalows in the area and, therefore, contrary to national and local planning policies which asserted that a development should relate positively to its context with a design that improved the character and quality of an area. In addition, the first floor accommodation would not relate to the adjoining bungalows and its small footprint, due to the narrowing of the site, would not reflect the size of the adjacent detached and semi-detached bungalows.

Given its proposed location at the rear of the site and first floor accommodation, the proposed bungalow would have a dominant and overbearing effect on the adjoining properties and affect the outlook from existing rear elevations and overlook rear gardens and properties. In particular, the private rear garden area of No.16 Longford Road would be only approximately 5m. away and would suffer a significant loss of privacy. Whilst there was no window indicated on the rear elevation at first floor level or rooflights, due to the layout of the first floor accommodation future occupants might require additional light and the position of these would be likely to overlook other properties at the rear.

It was further considered that, given the proposed position of the dwelling with a principal window to the ground floor bedroom on the rear elevation, there would be an unsatisfactory distance of approximately 2m. between the window and the boundary treatment leading to limited light and outlook to this habitable room. In addition, as the proposed amenity space would be located at the front of the dwelling, in contrast to the layout of the established

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properties on the estate, there would be no private amenity area and its location could introduce garden paraphernalia which, whilst not subject to planning control, would further detract from the character of the surrounding area.

The Council's Highways Engineer had no objection in principle but had requested conditions be imposed on any permission to stipulate that there should be no gates to the driveway and that, prior to the development being brought into use, the access driveway should be surfaced in a bound material for a minimum distance of 5m. from the rear of the highway boundary. The Fire Authority had advised that it would be necessary to provide adequate access for emergency vehicles.

Newport Town Council had strong reservations about the application, as it considered that the proposed dwelling was not in keeping with existing development in the vicinity, had a history of retaining water and its proximity to the culvert on the site. Thirty-six letters of objection had been received from neighbours, as summarised in the report. Members were informed by an update tabled at the meeting that a further letter of objection had been received citing the adverse impact of the development on wildlife.

In conclusion, it was considered that the proposal failed to respect or enhance the character and appearance of the existing residential area contrary to Policies CS6 and CS15 of the Core Strategy, UD2 and H6 of the Wrekin Local Plan and national guidance, as it would be of a significantly different scale, design and layout to the existing single storey properties and would not follow the building line.

Councillor A.A. Meredith was invited to address the Board on behalf of Councillor A. Stanton (Ward Member) and spoke in support of the officer recommendation and for local residents. He said that the addition of a two storey property on such a tiny site would be inappropriate in the middle of an area of high quality bungalows. The residents on both sides of the application site were elderly and retired and were concerned that, if approved, the property would disturb the birdlife in their gardens.

Members of the Board considered that the proposal, if approved, would be detrimental to the street scene by being out of proportion with the existing bungalows. In addition, neighbouring properties would be overlooked in an unacceptable manner.

RESOLVED – that planning application W2009/0376 be refused for the following reasons:

- (a) It was considered that the proposed bungalow with first floor accommodation was unacceptable by virtue of the footprint, height, design and siting, located in an area characterised by bungalows fronting the highway with rear garden areas situated along a distinctive building line. The proposed development would be constrained and would appear as a cramped form of**

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development at the rear of the narrowing plot, which would be out of keeping with the prevailing character of the area. Thus the proposal would be contrary to Policies CS6 and CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin Local Plan 1995–2006, and national guidance contained in PPS1 and PPS3;

- (b) The Local Planning Authority considered that the development by reason of its siting, height and proposed first floor accommodation, and the prevailing character of development, would have a detrimental effect on the amenities of the adjoining bungalows in Longford Road and Farm Grove in terms of overlooking, loss of privacy, loss of light and outlook. Accordingly, the development was contrary to Policy CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin Local Plan 1995 – 2006, and national guidance in PPS1 and PPS3;**
- (c) The proposal by virtue of its siting, the narrowing nature of the site and proximity to existing boundary treatments would have an adverse impact on the residential amenities of the proposed dwelling in terms of light, outlook and lack of private amenity area. Therefore the proposal would be contrary to national guidance contained in PPS1 and PPS3.**

(Democratic Services Officer note: Councillor K.L. Tomlinson having arrived at 6.15 p.m. did not take part in the voting on the above application.)

- (b) W2009/0424 – 88b Hire Station, Trench Road, Trench, Telford, Shropshire**

The applicant sought planning permission to change the use of an existing building from a tool and plant hire business (A1 use class) to car sales with a workshop/car preparation bay to the rear on a site on a classified road on a main bus route in a mixed residential and commercial area and directly opposite the existing site of the applicants' Fiat garage and showroom. The change of use would involve the relocation of staff from the existing car showroom for sales and valeting purposes. Councillor C.F. Smith, as Ward Councillor, had requested that this application be considered by the Plans Board.

The existing modern brick building with a metal roof consisted mainly of a workshop area with showroom and storage areas and ancillary facilities. The frontage comprised a showroom window together with small windows and double doors with further access points on the side and rear elevations. Rooflights were located on both planes of the roof with an existing flue to the heating unit. The building was set back from the road with an area of hardstanding to the front and had security bollards located in front of the main entrance points and a yard to the side enclosed by a wall and metal gates. Under the proposal it would be altered to incorporate a showroom and

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workshop area, with windows added and cladding to the fascia which would be of a form and appearance similar to the existing ones. Whilst the alterations would alter the scale and design of the building, they would not detract from the character or appearance of the existing development or have an unduly harmful impact on the adjoining residential amenities.

The proposal would allow the applicants to relocate their Suzuki vehicles, which were currently accommodated at the Fiat garage opposite, onto a separate site and so meet the necessary minimum standards to retain both franchises. They had advised that there would be no additional business or deliveries above the current approximately two transporter deliveries a week. Servicing of the vehicles would take place on the main Fiat garage site and valeting within the application site would only be on Suzuki vehicles for sale. The proposal would not, therefore, expand the business or increase traffic, but would improve the existing arrangements to display Suzuki products.

Four letters of objections had been received from neighbouring residents in Trench Road together with a petition with six signatures from residents in Trench Road and Springfield Road, as summarised in the report. However, Members noted that the tool hire business would have been able to increase its activities with little control over the number/frequency of deliveries of machinery, etc. The current permitted hours of operation enabled the business to operate from 8.00 a.m. Monday to Saturday, until 6.00 p.m. on weekdays and 5.00 p.m. on Saturdays, which could cause noise and disturbance. This application, therefore, offered an opportunity to control activities and deliveries on the site, together with more restrictive hours of working.

Whilst there was limited parking on the application site, the car sales site opposite had a large parking area to the rear for customers and staff and the main valeting and servicing of vehicles would be undertaken on that site. The workshop and jet wash facility, indicated on the plans to be at the rear of the building, could potentially create noise adjacent to rear gardens but the hours of operation could be strictly controlled by conditions with no opening on Sundays. The Council's Highways Engineer, following discussions with the applicants had agreed a limit of six vehicles for display and two customer parking spaces. In presenting the report the Planning Officer sought approval to make minor amendments to conditions 3, 4 and 6 relating to these issues.

Councillor C.F. Smith, the Ward Member, was invited to address the Board and said that he did not oppose the application but had taken a neutral position in meetings between the applicants and the local residents. The local residents had been concerned that the proposed changes would make the building too high but had been assured that only the front fascia height would be increased. Concern had also been expressed at the hours of operation as there was no limit on the current tool hire business and the site was noisy on a Saturday afternoon when tools were returned. Whilst concerns had also been expressed regarding the use of the jet wash, the applicants had assured him and the residents that this would only be used for cleaning cars for sale and new ones. However, he requested that an appropriate condition be

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attached to any approval to ensure that this was adhered to. The number of vehicles for sale, the number of customer parking places and the proposed hours of opening were acceptable and he was pleased to see the amendment to Condition no. 4 restricting the deliveries by transporter to no more than two per week.

Members were pleased to note the way in which the applicants had sought to work with local residents. However, Councillor V.A. Fletcher expressed concern at the possible problems that could be caused by there being more customers than there were available parking spaces and from the use of the jet wash, particularly with regard to the waste water drainage. In response the Planning Officer said that a condition could be placed on any approval to require the applicant to submit details of the disposal of the waste water. With regard to parking, it would be permissible for more than two customer vehicles to park on the site and on-road, which could not be controlled but, if there were more, the applicant's site on the opposite side of the road had sufficient parking space. Councillors V.A. Fletcher and N.A. Dugmore also raised a concern as to the provision of parking spaces for disabled drivers and it was agreed that a condition should be added to the planning permission requiring the applicant to submit details that clearly identified the customer car parking spaces and those for disabled drivers.

RESOLVED – that with respect to planning application W2009/0424 planning permission be granted subject to:

- (i) **the conditions, as set out in the report, with Conditions 3, 4 and 6 being amended, as shown in italics as follows;**
 - (a) **Condition 3: to read 'Maximum of 6 vehicles to be displayed *for sale* on forecourt area at any one time;**
 - (b) **Condition 4: to read '*no more than 2 deliveries by transporters a week*);**
 - (c) **Condition 6: to read 'Hours of preparation/valeting/*jetwashing* of vehicles limited to Mon – Fri 8.30am – 5.30pm, Sat 8.30am – 1pm. No such operations to take place on Sundays or Bank Holidays;**
- (ii) **and subject to additional conditions requiring the submission of satisfactory details relating to the disposal of waste water from the jet wash and to the submission of clearly identified customer car parking spaces included those for disabled drivers.**

Informative

No vehicles for sale to be parked or displayed on highway.

- (c) W2009/0523 – 12 The Parade, Donnington, Telford, Shropshire

This application related to a change of use of a shop unit from retail (A1) use to a mixed use of café (A3) and hot food takeaway (A5), with home delivery service located in a designated District Centres. The shop was one in a
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crescent of twelve units, all with residential flats above. Two of the units were A5 (hot food takeaway) uses and there was a car parking area in front of the crescent.

This shop unit had been vacant for eighteen months before the applicant opened it in January 2009 but using only a very small area for retail purposes. Planning permission had been granted in June 2009 (W2009/0329) for use as a café for 12-14 people but the applicant now wished to have a mixed café and takeaway use, with a home delivery service.

Policy S22 of the Wrekin Local Plan stated that proposals for any change from retail to non-retail use within Donnington District Centre would only be acceptable if it was demonstrated that it had not been possible to find a user for the premises following a period of continuous marketing of not less than twelve months. The Council's Property & Design Section, as owners of the property, had confirmed that it had been unable to find a tenant during the eighteen month period leading up to January 2009.

It was, therefore, considered that there appeared to be little demand for additional retail outlets in this shopping centre and it was considered that a more viable non-retail use might assist in bringing more customers into the District Centre and that the proposed change of use would not cause any demonstrable harm to the retail character of The Parade or in any way adversely threaten the vitality and viability of the Shopping Centre. However, should the application be approved, no further hot food takeaways should be allowed in The Parade as there would then be a definite imbalance in the relationship between retail and non-retail uses.

The Council's Environmental Health Officer had confirmed that the proposed fume extraction system was acceptable but had requested that conditions imposed to ensure that it was installed before the proposed uses commenced, and that no vibration, noise, odours and smells were detectable at any time in the flats above the shop unit. The applicant wished to close at 10.30 p.m., which was an hour earlier than the stipulated closure time of the two other hot food takeaway outlets in The Parade.

Four letters of objection had been received from local residents together with a petition signed by 365 people, as set out in the report. The Parish Council had raised no objections to the application. Officers considered that the additional takeaway element would not adversely affect the residential amenities currently enjoyed by the occupiers of residential properties in the vicinity of the site through the generation of any appreciable increase in noise, smells, traffic, or other factors.

Councillor V.A. Fletcher raised a number of concerns relating to the layout of the premises but the Planning Officer explained that control of these was the responsibility of the Environmental Health Officer, who had raised no objections. However, she agreed that a condition could be imposed on the approval limiting the service of hot food and takeaways to an identified area within the public area of the café. The Board supported the recommendation

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for approval as they considered it preferable that the premises be used rather than left empty.

RESOLVED – that with respect to planning application W2009/0523 planning permission be granted subject to the conditions as set out in the report and subject to an additional condition limiting the serving of hot food and takeaways to an identified area of the café and to the noise mitigation of any fume extraction system prior to the commencement of the approved use.

- (d) W2009/0593 - Lilleshall County Primary School, Church Road, Lilleshall, Shropshire

This application by Telford & Wrekin Council related to the erection of an external covered play canopy located to the rear of the main school building and an entrance canopy at the front entrance door, which would project one metre. The proposed canopies would feature a curved roof design with polycarbonate glazing and would not exceed the height of the single storey elements of the school building to which they would be attached. Neither canopy would have a significant impact on amenities.

RESOLVED – that with respect to planning application W2009/0593 planning permission be granted subject to the conditions as set out in the report.

- (e) W2009/0594 – St. Matthew’s Church of England Primary School, Church Road, Donnington, Telford, Shropshire

This application by Telford & Wrekin Council requested planning permission to create a hard play area on an existing playing field, 29m by 20m, with a footpath link to the existing playground. St Matthew’s Church and a community centre were located adjacent to the application site.

The Council’s Drainage Engineer had stated that porous tarmac should be used for the play area and that conditions should be imposed regarding the submission of details on the discharge of the surface water drainage and to details of the additional land that would offset the development. The Geotechnical Engineer had requested additional information to establish whether the site was on a slope and would require earthworks at the foot of the spoil mound to ensure its stability together with a report on the number of mineshafts within site, which had not been received by the date of the meeting. The Council’s Environmental Planning Assistant had advised that, given the site’s location it had the potential to support protected species such as slow worms and an informative should be included stating that, if protected species were encountered during the works, the development must be halted and advice sought from a qualified ecologist/ Natural England.

Sport England had submitted an objection on the grounds of there being an unjustified loss of playing field as no detailed justification had been included with the application. This had now been submitted, as set out in the report,

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and forwarded to Sport England for further comment. An update tabled at the meeting informed the Board that the applicant's agent had submitted further information to demonstrate that the proposed site of the hard play area was the most suitable location for the development and would not lead to a loss of useable playing field as the area would not constitute a playing pitch of a necessary size and the topography made the site unsuitable for use as a formal pitch. The proposal would, however, create a level and well-drained playing surface and could be used for games/sport development when grassed areas were deemed unusable. It would also provide improved facilities to enable people with disabilities to take part in activities on a more solid and accessible surface.

Sport England had assessed this information and considered that, due to the constraints of the site and the fact that it was not currently used as a playing pitch and that the proposed hard play area could be used for games/sport development, the proposed development had the potential to be of sufficient benefit to sport to outweigh any harm caused by the loss of the grassed playing field area. Consequently, Sport England withdrew its objection to the proposal.

As the central area of the school grounds nearest to the main school building mainly comprised hard play areas, a tarmac pedestrian link from St Matthew's Road and a number of structures, it was considered that the proposal would relate to the prevailing use and would not result in a loss of the main playing field/pitch, as this would remain unaffected at the south of the site. The hard play area would be located within the site and constructed in tarmac matching existing areas at the school, in accordance with local urban design policies. It would be visible but not overly prominent from the adjacent public footpaths, with grassed areas surrounding the development and retention of existing screening.

RESOLVED – that with respect to planning application W2009/0594 planning permission be granted subject to the conditions as set out in the report.

- (f) W2009/0621 – Ladygrove Primary School, Old Office Road, Dawley, Telford, Shropshire

This application by Telford & Wrekin Council sought permission to extend the area of hard play space in order to replace that which would be lost during the extension of the school building. The proposed hardstanding would be to the south-east of the school building and would have multi-use sports markings.

The site was located within land designated as 'Green Network' in the Wrekin Local Plan but its use for children's play facilities was compatible with its long term aims of providing community and recreational facilities. In addition to having no adverse affect on the function of the Green Network, the proposal would provide educational benefits for a site of no ecological, geological or archaeological importance.

The proposed area of hardstanding was of a relatively small scale and would
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not dominate the property or the surrounding area and, being a modest addition on the edge of the existing hard play area, it would be in keeping with the character and appearance of the surrounding area. The majority of the large school site comprised playing field and, therefore, the proposal would not lead to a detrimental loss of green space. The nearest residential properties were located some 40m. away and benefited from substantial screening, therefore, the proposal would not have any detrimental impact on their amenities.

The Council's Drainage Engineers had raised no objections to the proposal subject to a condition stating that details should be provided regarding mitigation methods for the additional water runoff.

RESOLVED – that with respect to planning application W2009/0621 planning permission be granted subject to the conditions as set out in the report.

PB-33 SITE VISITS

The Chairman informed Members that an application relating to redevelopment of the Civic Centre was scheduled to be considered at the next meeting of the Board on 23 September 2009 and recommended that a site visit be agreed at this meeting. Members were in agreement and noted that, if the application was not included on the agenda for the 23 September meeting, the site visit would not take place.

RESOLVED – that with regard to the planning application for the redevelopment of amendments to the entrance to Wellington Civic Centre Market scheduled to be submitted to the Plans Board on 23 September, 2009 a site visit should take place at 4.30 p.m. on that day.

PB-34 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.46 p.m.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Friday, 24th July 2009 at 9.30 am in the Quaker Room, Meeting Point House, Southwater Square, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, G.J.L.Davies, J.A.Francis, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, A.A.Mackenzie, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

LC-17 MINUTES

RESOLVED – that the minutes of the meetings of the Licensing Committee held on 24th June, 29th June and 30th June 2009 be confirmed and signed by the Chairman.

LC-18 APOLOGY FOR ABSENCE

Councillor K.L.Tomlinson.

LC-19 DECLARATIONS OF INTEREST

Councillor G.J.L.Davies declared a prejudicial and personal interest in Minute Item LC-21 on the basis that he was a family friend of the legal representative who had been instructed to act on behalf of the licensee and stated that he would leave the meeting prior to the commencement of this particular hearing.

LC-20 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

N.B. In accordance with the previous declaration of interest that was made by Councillor G.J.L.Davies he left the meeting room prior to the commencement of the following agenda item.

LC-21 PRIVATE HEARING – MR.W.H – DUAL DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness and the licensee and his legal representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were not satisfied that the licensee was a fit and proper person to be licensed as a Dual Driver and that accordingly his Dual Driver Licence should be revoked.

The meeting ended at 4.40 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 27th July 2009 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), G.J.L.Davies, J.A.Francis, Y.C.Hicks, G.P.Hossell, T.Kiernan, A.A.Mackenzie (for minute items LC-22 – LC25 inclusive only), C.N.Mason and A.G.P.Williams.

LC-22 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, T.J.Hope, H.Rhodes, C.F.Smith and K.L.Tomlinson.

LC-23 DECLARATIONS OF INTEREST

None.

LC-24 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-25 PRIVATE HEARING – MR.M.A – REVIEW OF A PRIVATE HIRE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Driver subject to the issuing of a severe written warning to the licensee together with a further requirement that the licensee should attend a training session to be arranged by the Licensing Service to ensure that the licensee was fully aware of and conversant with his conditions of licence.

LC-26 PRIVATE HEARING – MR.K.S. – REVIEW OF A PRIVATE HIRE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Driver subject to the issuing of a severe written warning to

the licensee together with a further requirement that the licensee should attend a training session to be arranged by the Licensing Service to ensure that the licensee was fully aware of and conversant with his conditions of licence.

The meeting ended at 2.15 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 30th July 2009 at 9.30 am in the Quaker Room, Meeting Point House, Southwater Square, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, Y.C.Hicks, T.J.Hope (for minute items LC-27 to LC-32 inclusive only), T.Kiernan, A.A.Mackenzie (for minute items LC-27 to LC-32 inclusive only), C.N.Mason, H.Rhodes, C.F.Smith, K.L.Tomlinson and A.G.P.Williams.

LC-27 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, G.J.L.Davies and G.P. Hossell..

LC-28 DECLARATIONS OF INTEREST

Councillor E.J. Greenaway declared a personal interest in relation to minute number LC-31 and stated that she would leave the meeting during the consideration and determination of this particular agenda item.

LC-29 PRIVATE HIRE OPERATORS LICENCES

The report of the Head of Prevention & Protection was received by the Committee asking Members to consider whether it was necessary to attach a condition relating to maintenance of vehicles to Private Hire Operator conditions of Licence or whether the current conditions attached to Private Hire Vehicle Licences were sufficient to ensure the safety of licensed vehicles.

The Committee were reminded that Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allowed a local authority to impose any conditions that it considered reasonably necessary on a Private Hire Operator's Licence. Members of the Licensing Committee had asked whether a condition regarding maintenance of Private Hire Vehicles could be attached to Private Hire Operator Licences.

Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles & Drivers and Private Hire Operators within the borough of Telford & Wrekin. The purpose of licensing Hackney Carriages and Private Hire Vehicles & Operators Conditions was to ensure the provision of a safe and accessible service to the public.

As a result of the request the Licensing Operations Manager had looked at Private Hire Operator Conditions issued by other West Midlands local authorities. It was reported to the Committee that only one of those authorities had a condition attached to the Private Hire Operator Licence which related to the maintenance of vehicles. The particular local authority had informed the Licensing Operations Manager that the condition was enforced with a "light touch".

The Committee was reminded that the Council had recently undertaken a complete review of its conditions of licence for Private Hire Drivers, Vehicles

and Operators and the revised conditions which were resolved to be implemented by the Council's Licensing Committee had been implemented since 1st December 2008.

Since the implementation of the newly revised conditions, the Council's Licensing Service had undertaken three joint enforcement exercises, the results of which were outlined within Appendix C of the report. The results of the exercises indicated that the Licensing Service's enforcement procedures were working. The report advised the Committee that if a condition was attached to the Private Hire Operator's Licence relating to keeping of a maintenance record of vehicles, resources that would normally be used for vehicle inspections would be diverted towards inspections of maintenance records held by Operators.

During a discussion the majority of members considered that the existing conditions as drawn were of a sufficient nature to enforce the current conditions and also to ensure that vehicles were properly maintained. It was further concluded that excess time would be required if Licensing Officers were requested to spend time perusing individual vehicles maintenance log records. A minority of members were of the view that such records should be kept as operators should have been made responsible for vehicles which displayed their badges irrespective as to whether they owned the vehicle or not.

RESOLVED – that having considered all relevant information that Members decided to confirm that the current conditions of licence attached to Private Hire Vehicle Licences were considered to be sufficient to ensure the safety of licensed vehicles.

LC-30 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

N.B. In accordance with her previous declaration of interest Councillor E.J. Greenaway left the meeting during the consideration and determination of the following agenda item.

LC-31 PRIVATE HEARING – MR.A.O – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

N.B. Councillor E.J. Greenaway returned to the meeting for the remaining items of business.

LC-32 PRIVATE HEARING – MR.D.B – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

LC-33 PRIVATE HEARING – MR.M.H – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee was informed that the applicant was not in attendance as requested in the letters from the Democratic Services Officer. The Licensing Operations Manager informed Members that she had spoken to the applicant on the telephone who had advised her during the conversation that he wished to withdraw his application. The Licensing Operations Manager had advised the applicant that if he wished to withdraw his application that he was required to confirm this request in writing. It was confirmed that no such correspondence had been received by the Licensing Operations Manager or the Democratic Services Officer. After hearing the legal advice of the Council's solicitor and having discussed the matter further, it was;

RESOLVED – that the application for the granting of a Private Hire Vehicle Driver licence be adjourned sine die.

The meeting ended at 2.20 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 3rd August 2009 at 11.00 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, A.A.Mackenzie, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

LC-34 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, G.J.L.Davies and K.L. Tomlinson

LC-35 DECLARATIONS OF INTEREST

None

LC-36 URGENCY RESOLUTION

The Chairman of the Committee stated that she was of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.

LC-37 LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2009

The report of the Head of Prevention & Protection was presented to the Committee which sought to inform Members of the regulatory reform for Minor Variations to Premises Licences and Club Premises Certificates and to inform of the regulatory reform for supervision of alcohol sales in Church and Village Halls &c . The report also requested the Committee to consider whether delegated powers could be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

The Committee was advised that changes were being made by Legislative Reform to the Licensing Act 2003 for the introduction of new arrangements to facilitate minor variations to be made to Premises Licences and Club Premises Certificates and also to remove the mandatory condition on premises licences for Churches and Village Halls requiring sales of alcohol to be authorised by a designated premise supervisor and personal licence holder.

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 inserted new provisions into the Licensing Act 2003 to establish procedures for the variation of premises licences and club premises certificates in cases where the Licensing Authority considered that none of the variations proposed by the holder of the licence or certificate could have an adverse effect on the promotion of any of the licensing objectives. Under the new provisions, the holder of a premises

licence or club premises certificate may apply to the relevant licensing authority for variation of the licence or certificate.

In determining an application, the Licensing Authority must consult responsible authorities and must take into account any relevant representations made concerning the application by those authorities or by an interested party, provided that the comments were made in writing within ten working days following the date of receipt of the application by the Licensing Authority.

Members were further informed that the Licensing Authority must grant an application under the new provisions only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the Licensing Authority must reject the application. The procedure differed from the normal procedure for the variation of a premises licence or club premises certificate, where the applicant must give notice of the application to each responsible authority and where the application must be referred to a hearing of the Licensing Sub-Committee in the event that a responsible authority or interested party makes a relevant representation.

The Committee were advised that an application may not be made if the effect of the variation(s) proposed in the application would be to extend the period for which a premises licence has effect; to vary substantially the premises to which a premises licence or club premises certificate related; to specify an individual as the designated premises supervisor; to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at community premises. It was pointed out that variations of this type must be made through the normal variations procedure.

Under the Regulation the Licensing Authority was required to reach its determination within a period of fifteen working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the authority must return the (statutory) application fee. The report sought the Committee to grant delegated authority to the Licensing Operations Manager to approve and determine any applications for minor variations that were received in accordance with the new Regulation as detailed above.

The Committee was also informed of the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 the power of which was to insert new provisions into the Licensing Act 2003 so that the mandatory conditions, relating to a premises licence specifying a designated premises supervisor and personal licence holder for the sale of alcohol, be disapplied in relation to premises licences held by village halls, church halls, chapel halls, community halls and similar community premises.

Members were advised that where the mandatory conditions were disapplied, an alternative mandatory condition would be automatically applied instead. The effect of the alternative condition would be that responsibility for authorising sales of alcohol would fall on the premises licence holder itself, which would be considered to be the committee or board of individuals responsible for the management of the premises. These individuals would be required to undertake the responsibilities that would normally be undertaken by a designated premises supervisor. The new regulations would state that provided the premises licence holder (i.e. the committee) had properly authorised the sale of alcohol, for example in written form through a hire agreement, an organisation or hirer using these premises for the sale of alcohol under the authority of the premises licence would not be required to obtain a personal licence.

There would be no automatic disapplication of the conditions in respect of any premises. A management committee of a community, church or village hall that sought the removal of the conditions from an existing licence, or wished to apply for a licence that did not include them would need to apply to the licensing authority for the conditions to be removed and the alternative condition imposed instead.

The Committee was further advised that the licensing authority would be required to determine the application taking into account any representations from the police. If such representations included a statement to the effect that in the exceptional circumstances of the case, granting the application would undermine the crime prevention objective, the authority would be required to reject the application. It was further mentioned that where a premises licence has had the usual mandatory conditions removed in this way, they may be reinstated if concerns arose over the promotion of any of the licensing objectives by means of an application for review.

Following a discussion, it was;

RESOLVED –

- (a) that the contents of the report in relation to Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 and the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 be noted; and,
- (b) that delegated authority be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the provisions contained within the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

LC-38 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the

likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-39 PRIVATE HEARING – MR.G.B – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witnesses and the applicant and his legal representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked immediately in accordance with Section 52 of the Road Safety Act 2006.

The meeting ended at 2.45 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday, 1st September 2009 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: V.A. Fletcher (Chairman), E.J. Greenaway (Vice-Chairman), G.J.L. Davies, J.A. Francis, Y.C. Hicks, G.P. Hossell, C.N. Mason, and A.G.P. Williams.

LC-40 MINUTES

RESOLVED – that the minutes of the meetings of the Licensing Committee held on 24th July, 27th July, 30th July and 3rd August 2009 be confirmed and signed by the Chairman.

LC-41 APOLOGIES FOR ABSENCE

Councillors R.G. Chaplin, T.J. Hope, T. Kiernan, A.A. Mackenzie, H. Rhodes, C.F. Smith and K.L. Tomlinson.

LC-42 DECLARATIONS OF INTEREST

None.

LC-43 COMMUNITY GOVERNANCE REVIEW – PARISH OF HADLEY & LEEGOMERY

The report of the Head of Legal Services was presented to the Committee which sought to inform Members of a letter that had been received from Hadley & Leegomery Parish Council requesting that a review should be undertaken in relation to the Parish Ward arrangements in the Hadley & Leegomery Parish Ward.

Members were reminded that the Local Government and Public Involvement in Health Act 2007 had transferred to the Council powers to conduct reviews of both parish areas and parish electoral arrangements. Hadley and Leegomery Parish Council had requested that the Council should conduct a review of its Hadley and Leegomery Parish Ward. The Committee was referred to the copy of the letter that had been received from the Parish Council that was attached to the report.

The Committee were advised that if the Committee were minded to approve the proposed review the first requirement would be the preparation by the Council's Electoral Services Manager of a Terms of Reference document for the Committee's consideration. It was anticipated that the report submitting the proposed Terms of Reference would be submitted at the Licensing Committee meeting to be held on 21 October 2009.

Members were advised that Hadley and Leegomery Parish Council comprised two parish wards for the purposes of elections of councillors to its council: the Apley Castle Parish Ward with 2,378 electors which returned four parish councillors, and the Hadley and Leegomery Parish Ward with 7,143 electors

which returned 12 parish councillors. Members were further referred to the letter that had been received from the Parish Council's which stated its arguments for an alternative parish warding arrangement.

The Committee was further advised that the procedure for a review of parish electoral arrangements was laid out in Part 4 of the Act. The Act required that principal councils should be mindful of any guidance issued by the Department for Communities and Local Government and by the Electoral Commission on how to conduct reviews.

Members were advised that the Act allowed for reviews to be triggered either by the principal council following an application from a parish council or in response to a petition from local electors. It was stated however that the principal council was not legally required to conduct a review in response to a parish council request, and the Committee could therefore decline the formal request from Hadley and Leegomery Parish Council. However, the request from the Parish Council was comparatively straight forward; did not affect any neighbouring parishes; the initial arguments were well put, and it was therefore recommended that this Council should undertake a review.

A review would commence with the Committee adopting and publishing a Terms of Reference document, which would initiate a twelve-month period in which the review had to be completed. It was believed that the review would run to a fairly short timetable. It would need to focus on two issues: firstly, whether it was desirable for particular areas of the existing parish ward to be separately represented on the parish council, and, secondly, whether the number and distribution of local government electors in the present parish ward made a single election of councillors impracticable or inconvenient.

Members were further informed that the Terms of Reference document would outline the timetable for the review, allowing sufficient time for public consultation with all interested organisations and with the electorate. A suggested timetable would allow for two months for initial submissions to be made; two months for comments on Draft Proposals, and one month for any comments on Final Proposals before the Committee published its Recommendations and, if need be, a Reorganisation Order.

Members did note the comments contained within the Parish Council letter that made reference to the current geographical position in relation to the current parish warding arrangements, the cost of any bye-elections that may be initiated within the current Hadley & Leegomery parish ward and the perceived difficulties that maybe experienced by local residents being unsure as to which of the current twelve parish councillors to approach due to the large nature of the particular parish ward.

RESOLVED – that following consideration of the letter that had been received from Hadley & Leegomery Parish Council that a review of the Hadley & Leegomery Parish Ward of the Hadley & Leegomery Parish Council be commenced with the preparation of the Terms of Reference document for the subsequent approval by the Committee in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.

The meeting ended at 6.35 pm.

Chairman:

Date:

SCRUTINY LEADERSHIP BOARD

Minutes of a meeting of the Scrutiny Leadership Board held on 9 July, 2009 at 4.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors D.R. W. White (Chairman), R. Aveley, A.A. Mackenzie, A.A. Meredith and K.L. Tomlinson

ALSO PRESENT: Victor Brownlees (Interim Chief Executive), Michael Barker (Head of Planning & Environment), Tom Currie (Safer & Stronger Communities Manager), Alison Smith (Scrutiny Manager) and Stephanie Jones (Scrutiny Officer)

SLB-54 MINUTES

RESOLVED – that the minutes of the meeting of the Scrutiny Leadership Board held on 23 June, 2009 be confirmed and signed by the Chairman.

SLB-55 APOLOGY FOR ABSENCE

Councillor J.A. Francis

SLB-56 DECLARATIONS OF INTEREST AND PARTY WHIP

None.

SLB-57 SCRUTINY SUGGESTIONS FROM 12 MAY 2009 – FOR FURTHER CONSIDERATION

Suggestion by Councillor R.K. Austin

Councillor Austin had submitted a Scrutiny Suggestion that the Board should scrutinise the perceived breakdown of communications between Telford & Wrekin Council and Hark Apollo, the owners of Telford Town Centre. This had originally been submitted to the Scrutiny Leadership Board meeting on 12 May but Councillor Austin had subsequently agreed that it be deferred until this meeting.

Victor Brownlees, Interim Chief Executive was invited to inform the Board of the current situation. In doing so he stated that he was only able to speak on the relationship between the Council and Hark Apollo since the date of his appointment, the 7 May 2009.

Since that date he had held four meetings with Rob Cossey of Hark Apollo in addition to speaking to him on the telephone and he considered that their relationship was now harmonious, and although some significant points of issue remained there is now an open and honest dialogue. He spoke of the need for there to be one plan for the Town Centre to which the three partners, Telford & Wrekin Council, Hark Apollo, and the Telford International Centre, could all sign up to. He emphasised that although he could not guarantee that a solution could be formulated which would be agreeable to all parties, they were working hard to achieve a collective vision. He stressed that whilst he was currently

engaged in these discussions, it would be for the Cabinet and full Council to take any decisions.

The Chairman commented on the issues that had arisen in the past between the Council and Hark Apollo and said that whilst it was not possible to change the past, it was possible to ensure that such issues did not arise in the future. The redevelopment of Telford Town Centre was too important an investment project for the partners to be opposing each other and the Council needed to be able to work with the largest landowner in the Centre. It was vital that each of the partners was aware of any changes in policy by the Council before they became public knowledge.

In conclusion, it was agreed that the Suggestion should be left on the table in order to allow for the Chief Executive to continue to develop the relationship and progress discussions and that the Board should be kept informed of progress.

Suggestion by Councillor K.L. Tomlinson

Councillor Tomlinson's Suggestion relating to the adoption of new housing estates had been deferred from the 12 May 2009 to enable the current position to be established and Michael Barker, Head of Planning & Environment, had been invited to discuss this with the Board.

Michael Barker explained that problems arose when a development had not been completed, which could be for a variety of reasons. Whilst many developers fulfilled all their contractual obligations others did not and could be in default of their Section 106 obligations. Most instances of non-adoption arose from economic or non-intentional reasons such as bankruptcy. In considering this issue, the legal and financial implications of adoption by the Council would need to be investigated before any action was taken. The situation was further complicated by the differing procedures of other agencies and partners and the fact that the planning and highways processes of the Council operated independently of each other. He, therefore, suggested that appropriate legal or government advice should first be sought and that ascertaining what course of action other local authorities took could also be useful.

Michael Barker said that he was not currently aware of the full extent of this problem in Telford & Wrekin and recommended that Scrutiny should first try and identify the areas affected and the nature of the actual problems before deciding how best to take forward this Suggestion.

Members put forward a number of suggestions including that of considering Best Practice in other authorities. The Chairman recommended that a Spotlight Review be undertaken, following which a decision could be made on how best to take the work forward, and this was agreed by the Board.

Suggestion by Mrs. J. Clarke

This suggestion regarding the need for improved security in the Town Park had been deferred at the Board's meeting on 12 May 2009 to allow for relevant information on the number and types of offences to be ascertained.

Tom Currie, Safer & Stronger Communities Manager, had been invited to speak to the Board on this issue. As requested he had provided relevant information from the West Mercia incident recording systems on the level of criminal offences and anti-social behaviour incidents committed within the Town Park during the past twelve months. In addition, he had spoken to Dave Ottley, Sport & Recreation Development Officer, on the work of the Town Park Wardens and CSOs. He said that, whilst the problems described by Mrs. Clarke were very serious for the victims, Members needed to be aware that it was not possible to police the Park twenty-four hours a day.

The information provided by West Mercia Police showed that the level of anti-social behaviour in the Park was less than in other areas of the Borough. When incidents did occur they tended to peak at mid-day and were not, therefore, alcohol related. In addition, young people were exposed to assault robbery (relating to mobile phones and ipods) from their own age group.

The following actions were being taken to address issues in the Town Park:

- Active police patrols
- Incidents investigated fairly and fully
- Barriers erected to slow down access from motorbikes, etc. at some entrances
- CSOs were on patrol and Council Park Wardens were equipped with mobile phones
- High visibility patrols helped to increase public confidence

The police, CSOs, and Council staff had a key role in combating anti-social behaviour.

The Board discussed this issue and noted that none of the Park Wardens were currently accredited to issue Fixed Penalty Notices (FPNs) for the offences but, if so authorised by the Chief Constable, their role could be expanded and agreed that accreditation could provide a front line method of dealing with issues. The Board also agreed that this could be further strengthened by erecting notices setting out Codes of Behaviour for users of the Park and the action that would be taken if these were not adhered to.

In response to a question from Councillor Aveley, Tom Currie said that appropriate training could be sourced through the Safer & Stronger Communities Section and the police. Accreditation could also be extended to staff dealing with other problems such as fly tipping and could be extended to other parts of the borough.

The Scrutiny Leadership Board agreed that a recommendation should be made to the Cabinet for the accreditation of appropriate officers to be considered, that

notices setting out Codes of Behaviour for users of the Park and the action that would be taken if these were not adhered to be erected and suggested that the Town Park could be used as a pilot scheme which, if successful, could be extended to other areas of the Council's services such as cleansing and environmental maintenance.

The Scrutiny Manager reminded Members that the Board now had legislative power to scrutinise the Crime & Disorder Partnership. This was a power that needed to be developed for the future and she suggested that this would be an appropriate agenda item for the Board in Autumn 2009 and would enable the context, strategy, patterns of behaviour, and 'hot spots', etc. to be established.

Members further agreed that if accreditation was introduced in respect of the Town Park, a review be carried out once it had been in operation for an appropriate period of 3 or 6 months. In addition, they asked the Scrutiny Manager to inform Mrs. Clarke of the action being proposed by the Board.

RESOLVED – that a report be submitted to the Cabinet seeking approval for Wardens in the Telford Town Park, including Dog Wardens, to become accredited to issue Fixed Penalty Notices and for appropriate notices warning of this action to be erected.

SLB-58 NEW LEGISLATION UPDATE

The report of the Head of Finance & Audit summarised the progress of the three pieces of new legislation that would affect the future remit of Scrutiny.

The Local Government and Public Involvement in Health Act 2007

The Act enabled Scrutiny Committees to scrutinise the actions of certain public service providers in relation to the delivery of their Local Area Agreement (LAA) targets. It also enabled Scrutiny Committees to require a response from the executive/council and partner authorities would have to have regard to reports and recommendations from Scrutiny.

The Police & Justice Act 2006

The Police & Justice Act 2006 was enacted on 30 April 2009 following which Regulations and guidance had been issued on the scrutiny of local Crime & Disorder Reduction Partnerships (the Safer and Stronger Communities Partnership in Telford & Wrekin). A copy of the guidance was attached as Appendix B of the report.

The main objective of this legislation was to enable Scrutiny to scrutinise its local Safer & Stronger Communities Partnership, as set out in the report. A more detailed report on the ways in which the scrutiny of the Safer & Stronger Communities Partnership could potentially operate would be brought to the Scrutiny Leadership Board in September for consideration.

The Local Democracy, Economic Development and Construction Bill 2008-09

This Bill sought to create greater opportunities for community and individual involvement in local decision making, as set out in the report. It was currently in Committee Stage but the Department for Communities & Local Government anticipated that it would receive Royal Assent before the summer recess of Parliament on 21 July. They foresaw that, for the statutory scrutiny officer and joint Scrutiny parts of the Bill, the power would come into effect in September with guidance following shortly after. The part of the Bill relating to petitions was not likely to come into force until April 2010.

Review of Health Scrutiny by the Department of Health

The Department of Health (DoH) was undertaking a review of Health Scrutiny, which it had begun by running a number of listening events in the autumn of 2008. The two drivers for the review were:

- a) Lord Darzi's review of the NHS and the reconfiguration of health services had prompted the DoH to look at whether timescales should be introduced for the determination of substantial variations by Health Scrutiny and the process for referral to the Secretary of State by scrutiny of NHS consultations;
- b) The legislation on Health Scrutiny had been introduced six years ago and the structure of the NHS had changed significantly with the introduction of Foundation Trusts and the developing role of PCTs through commissioning.

The DoH's current position was that there was no case for the introduction of timescales in relation to determining substantial variation and these should continue to be worked out locally by Health Scrutiny members and local NHS partners. There were no plans to reduce the remit of Health Scrutiny to determine substantial variation of services. The DoH had also highlighted concerns around the interaction of Health Scrutiny and Foundation Trusts from the listening exercises which it wanted to address. Following two further listening events in 27 July, which would be facilitated by the Centre for Public Scrutiny, the draft guidance would be made available in autumn 2009.

RESOLVED:

- (a) **That the progress on the following legislation, that would affect the remit of Scrutiny, be noted:**
 - (i) **The Local Government and Public Involvement in Health Act 2007;**
 - (ii) **The Policy & Justice Act 2006;**
 - (iii) **The Local Democracy, Economic Development and Construction Bill 2008-09;**
- (b) **That the progress on the Department of Health review of Health Scrutiny be noted.**

SCRUTINY LEADERSHIP BOARD APPOINTMENTS TO JOINT HEALTH SCRUTINY COMMITTEE WITH STAFFORDSHIRE, STOKE-ON-TRENT AND SHROPSHIRE COUNCILS

The report of the Head of Finance & Audit informed Members of the need for appointments to be made from the Council's Scrutiny Health Monitoring Sub-Group to a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils for the purpose of considering whether the proposal by the Specialist Commissioning Team for the West Midlands to develop Primary Angioplasty (PPCI) was a substantial variation in service that would require public consultation.

Councillor D.R.W. White, as Chairman of the Health Scrutiny Monitoring Sub-Group, had been approached by the Specialist Commissioning Team (SCT) for the West Midlands with regard to a development they wished to make to specialist heart treatment for a small number of patients in Shropshire and Staffordshire. The SCT was unsure whether this development would constitute a substantial variation or development in service which would, if so, require a three month public consultation.

The Joint Committee would be convened under the relevant direction from the Secretary of State, which related to consultations by NHS bodies under the Health and Social Care Act 2001 whereby people from more than one local authority area might be affected by proposed variations or developments to NHS services. In these circumstances all Health Scrutiny Committees consulted must decide whether they considered the proposals to be "substantial" and those that did were required to form a Joint Health Scrutiny Committee to deal with the consultation and to respond on behalf of their communities.

In consultation with the Staffordshire, Shropshire and Stoke-on-Trent Scrutiny functions, Councillor Derek White, as Chairman of the Sub-Group, had agreed to a Joint Committee being convened for this purpose and that, as agreed with the other authorities, the requirement for political proportionality in Joint Committees should be waived in this instance. It had also been agreed that three Health Scrutiny Members would be nominated by each Local Authority taking part and it was proposed that the following members of the Health Scrutiny Monitoring Group be nominated as Telford & Wrekin Council's representatives on the Joint Health Scrutiny Committee.

Councillor Derek White
Councillor Angela McClements
Ms Dilys Davis (Co-optee)

RESOLVED:

- (a) **That the requirement for a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils to consider whether the introduction of Primary Angioplasty (PPCI) was a substantial variation in service and required public consultation be noted;**

- (b) That Councillors Derek White and Angela McClements and Ms. Dilys Davis (co-optee) be nominated to sit on the Joint Health Committee;
- (c) That it be agreed that political proportionality be waived for this Joint Health Scrutiny Committee.

SLB-60 SIX MONTHLY REVIEW OF NEW SCRUTINY ARRANGEMENTS

Attendance/Involvement Update

Details of Member participation in the In-depth and Special Interest Meeting reviews during 2009-10 was tabled for the Board's information. Following a discussion, it was agreed that the Chairman should write to those Members who had not yet put their names forward to attend any of these meetings. Those Members who were currently unable to attend meetings due to ill-health, would be requested to inform the Chairman of this in writing, with an e-mail being acceptable.

Progress with Work Programme

The update on 2008 Programme and the 2009 In-depth Review Programme and Special Interest Meetings, as tabled, was noted by the Board.

Scrutiny Assembly Sessions

Stephanie Jones, the Scrutiny Officer, informed Members that the October Scrutiny Assembly would take the form of a meeting with the Chief Executive and the Leader of the Council and asked what format they would wish this meeting to have. A Question Time format was suggested.

The Chairman said that the format should be that of a dialogue between the Chief Executive and the Leader to inform the Board of the political and policy objectives of the Council but that there should not be a workshop session.

The Scrutiny Manager suggested that, in order for the Chief Executive and the Leader to be sufficiently challenged, questions should be submitted before hand with the Scrutiny Leadership Board acting as a filter but the Chairman said that he would wish there to be a Question Time open to the floor of the meeting. He would also be in favour of the Chief Executive and the Leader seeing the questions before the Assembly Session in order that they could give considered responses rather than their immediate reactions. However, supplementary questions could then be asked in order to probe the original responses given. In conclusion the Chairman suggested that suggested questions should be sought from the Scrutiny Assembly Members and that the Scrutiny Leadership Board would then approve an agreed small number of questions to be put at the Assembly Session and a final decision taken on the format of the Question Time in the light of these.

Councillor K.L. Tomlinson commented on the Assembly Session held on 19 May, 2009 and said that in future she would prefer to have a discussion rather than a Quiz and the Chairman responded that a new mechanism would be drawn up for the next Scrutiny Assembly.

Other Issues

Councillor K.L. Tomlinson asked for details of the Council's current organisational structure to be made available and Councillor A.A. Meredith asked for information on the South Telford Cluster.

SLB-61 CHAIRMAN'S UPDATE

As a result of the recent change in the Council's political balance, following the establishment of the Independent/Liberal Democrat Group, the seat on the Board previously held by TAWPA was now held by the new Group with Councillor K.L. Tomlinson as the current member.

Councillor H.J. Williams, who had been the TAWPA representative on the Board, had subsequently resigned from the Value for Money Scrutiny Group of which she had been the Chairman. As Councillor K.L. Tomlinson did not wish to be appointed to this vacancy, the Chairman agreed that the Leader of the Independent/Liberal Democrat Group should be invited to nominate a representative to join the Value for Money Scrutiny Group and that a new Chairman would be sought from the existing Value for Money group Members.

The Chairman reminded the Board that he and Councillor R.E. Groom had previously proposed, unsuccessfully, that a Staff Suggestion Scheme should be introduced. He and Councillor Groom had now spoken to relevant people, and decided that in the current climate the scheme should be reconsidered. As a result, the original proposals would be reviewed with a view to submitting a report to Cabinet. .

SLB-62 FORWARD PLAN – AGENDA ITEMS 2009-10

The Board noted the Scrutiny Forward Plan items, as set out in Appendix D.

SLB-63 DATE OF NEXT MEETING

Members noted that the next scheduled meeting of the Board would take place on Wednesday, 16 September, 2009.

The meeting ended at 6.12 p.m.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 28th July 2009 at 5.30 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D. Wright (Chairman), I.T.W. Fletcher (Vice-Chairman) and R.K. Austin.

OFFICERS PRESENT: Paul Clifford – Interim Corporate Director: Resources, Jenny Marriott – Audit & Risk Manager, Andrew Cardoza and Peter Evans – KPMG, Andrew Meredith – Customer Services Manager, Tracey Drummond – Senior Auditor and Andrew Roberts – Democratic Services Officer.

AUC-13 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on 16th June 2009 be confirmed and signed by the Chairman.

The Committee were requested to confirm that they had received the additional information arising from the previous meeting in relation to Business Continuity from the Head of Prevention & Protection. Members confirmed that they had received the information and confirmed that the information supplied had been very informative.

AUC-14 APOLOGIES FOR ABSENCE

Councillors L. Lomax and W.L. Tomlinson.

AUC-15 DECLARATIONS OF INTEREST

None.

AUC-16 INTERIM AUDIT REPORT 2008/09 TELFORD & WREKIN COUNCIL

The Committee received the report from KPMG in connection with the Interim Audit Report for 2008/09. The report summarised KPMG's planning and interim audit work that had been undertaken within the Council in relation to the 2008/09 financial statements. Members were informed that the audit work to date included Audit planning and risk analysis and Control evaluation.

The Committee was also informed that the Audit Commission had also undertaken a review of all local authorities that had been involved with investments in Icelandic Banks. Members were referred to Section four of the report that summarised KPMG's conclusions on the Council's treasury management activity and policies. The recommendations of KPMG were outlined within Appendix A of the report and further Appendix B detailed their conclusions on the progress in the implementation of previous recommendations.

The report further outlined the findings as a result of ongoing audit work in relation to Audit Planning; Control Environment; Use of Resources

Assessment and the Treasury Management Review. The report also contained details of one elector question that had been received.

Members were requested to comment on any aspect contained within the report. These are outlined below with any further comments from KPMG being placed in the brackets that followed the statement or question.

Councillor Fletcher – enquired about Recommendation Number 4 in connection with the reduction in the number of Super User access rights. (Members were requested to note the response that had been received from the Council in connection with this particular recommendation.)

Councillor Wright – referred to the recommendation that was numbered 5 in the recommendations in relation to Internal Audit work that had been provided by external contractors and expressed concern that the statement made within the report seemed to contradict the reported good relationship with the Council. (By way of response KPMG confirmed that they were very happy with the work of Internal Audit – however it was pointed out that this particular comment was in connection with an instance where work that had been performed by an external contractor had not meet the requirements of KPMG. It was further pointed out that the role of KPMG was to sufficiently challenge the robustness of the Council.)

Councillor Austin – enquired about the details of the elector question that had been received. (It was confirmed that this related to a resident’s consultation exercise that had been undertaken by Transforming Telford and that residents had not been informed of a change to the proposals that had been implemented at the conclusion of the consultation exercise. It had been noted that in the future where changes were made to proposals that all interested parties should be informed.)

RESOLVED – that the KPMG Internal Audit Report 2008/09 Telford & Wrekin Council be noted.

AUC-17 ANNUAL AUDIT FEE LETTER – 2009/2010

The Committee received the Annual Audit Letter – 2009/2010 that had been received from KPMG. Members were referred to the letter that outlined the audit work that would be undertaken by KPMG for the 2009/10 financial year together with the fee that was proposed to be charged to the Council.

Members were reminded that KPMG were contracted to undertake an annual audit of the Council and the basis on which this was undertaken. The level of the fee was based on the current risks that remained associated with the Council and also the size of the Borough when compared to similar sized local authorities. The various ongoing risks associated with the current initiatives that were being undertaken by the Council needed to be considered. The Committee were further informed that based on the current Audit Commission’s scale of fees that the proposed indicative fee for the Council should be set at the scale fee of £270,000 – however following discussions that had been held between the Council and KPMG a reduced fee level had been agreed at the rate of £255,000 which would also include an additional 15

days of IFRS support work. It was reported to Members that the proposed fee was some 6% below the current mid point level. KPMG were obliged to undertake a robust and challenging audit and it had been stated that the required level could not be maintained at the current low level of the audit. As a result the current low fee level could not be sustained.

Members noted the letter and the reasons that deemed that an increase of the audit fee was required.

Councillor I.T.W. Fletcher commented that he was agreeable to the proposed level and accepted the factors that had led to the fee increase.

Councillor R.K. Austin enquired as to whether there had been any change in the services that had been undertaken by the previous external auditors. By way of response Andrew Cardoza (KPMG) replied by stating that he could not comment on behalf of the previous auditors but that there had been no change in the external auditing process. He stated that the previous fee was extremely low and that as far as the Council were concerned the level had been extremely well negotiated but given the reasons for the proposed increase that had been reported earlier the current level of audit fee was unsustainable.

RESOLVED – that the KPMG Annual Audit Fee Letter – 2009/2010 be noted.

AUC-18 ANNUAL REPORT ON COMPLAINTS AND ASSURANCE ON LESSONS LEARNT 2008/09

The report of the Head of Customer Services & Business Transformation was received which sought to inform the Committee on how the Council was performing against the customer service standards for compliments, complaints, Freedom of Information, Data Protection and MP Enquiries for the period 1st April to 31st March 2009. The report also presented more detailed information for the period 1st September 2008 to 31st March 2009 which was now available with the introduction of the new Customer Feedback System in September 2008.

Members were informed that during 2008/09 there had been a slight decrease in compliments from 793 to 671. The majority of compliments were addressed to front line services, particularly those in Environmental Maintenance, Adult and Consumer Care and Community Services. During the same period 657 complaints were received compared to 656 in 07/08. The majority of concerns were around conditions of roads, refuse collection, benefit issues and leisure centres.

Details were also provided in connection with the percentage of complaints that had been responded to within the target of 20 working days with 93% of complaints being responded to during 2008/09, against a target of 88%. The Committee was referred to the individual portfolio response rates together with comparative figures for the previous year as detailed within the report.

In relation to Statutory Complaints: Adult & Consumer Care and Children & Young People responded to 59% and 39% respectively of statutory complaints within the target timescale. It was further reported that in relation to Stage 3 complaints 26 in total had been received – with 20 not being upheld, 2 partly upheld, a resolution found in two cases prior to full investigation and 2 being withdrawn.

Members also noted that the Local Government Ombudsman reported no findings of maladministration against the Council in 2008/09.

The Committee were also informed of Freedom of Information requests and Data Protection requests, during 2008/09 the Council received 436 Freedom of Information requests, which represented an increase of 47% compared to 2007/08. The Council responded to 86% within the 20 day target which was slightly below the performance target of 88%, although this response rate was noted as a good performance given the increase in requests for information that had been received from the public and the relatively small number of services that these requests related to. During 2008/09 the Council received 111 Data Protection Requests, which represented an increase of 76% on the total of 63 requests that had been received in 2007/08. The response rate was 85% within the 40 day timescale which was slightly below the performance target of 93%. Again it had been noted that demand for this service had increased significantly and impacted on a relatively small number of service areas.

During 2008 a complaint satisfaction survey was introduced, with satisfaction ratings in the region of 57% - this compared to the 24% reported in the 2008 Citizens Survey.

The Committee were referred to the report which provided information in connection with the Respond system that had been implemented from the 1st September 2008. Members were advised that during the period to date the Council had received 1925 pieces of feedback from customers, with 43% being concerned with the Environment and Regeneration portfolio. Overall the Council had received 344 compliments and 395 complaints. Members were also informed that a target of 10 days was also introduced for responding to complaints that had been received through the Respond system. Overall the Council responded to 83.5% of complaints within the 10 days target. Resources responded to 90.9%, Community Services 88.4%, Environment and Regeneration 83.4%, Adult and Consumer Care 53.6%, Children & Young People 52.4%. The report also outlined the reasons when the 10 day target was exceeded with 35.6% being due to the council needing to wait for further information from either the customer or officers and 31.1% due to other work commitments. The Committee were informed that the main areas for concern were around the quality of service, and in particular the perceived failure to respond to customers in a timely manner and some concerns around the highways service.

In connection with Corporate Complaints there had been a reduction of the stages in the Corporate Complaints procedure from 3 to 2. It was reported that since the 1st September 2008 the Council had received 17 Stage 2 complaints of which 7 customers had been advised, in agreement with the

relevant Business Manager/Head of Service that no further value could be added to the Stage 1 response. A further 3 were not upheld, 1 was withdrawn, 1 was outside the Council's jurisdiction and 5 were under investigation

With effect from 1st September the Council began to administer Parish and Member enquiries for those who wished to use the feedback system (Respond) of which 15 Parishes and 21 Members had. To date the Council had responded to 79.3% Parish Enquiries and 82.8% Member enquiries within 10 working days.

Members were referred to the appendices within the report which outlined in greater depth an analysis of complaints, enquiries and satisfaction levels for the overall reporting period.

RESOLVED – that the Customer Feedback Performance Annual Monitoring Report for 2008/09 be noted.

AUC-19 2008/09 ANNUAL REPORT – CORPORATE ANTI-FRAUD AND CORRUPTION ACTIVITY

The Committee received the report of the Interim Corporate Director: Resources which requested Members to consider the 2008/09 Annual Report on the Corporate Anti-Fraud and Corruption activity. The report set out the Corporate Anti-Fraud and Corruption activity for 2008/09 to enable the Audit Committee to monitor the policy's operation.

The Anti-Fraud and Corruption Policy was reviewed and updated in September 2008. The policy supports one of the key dimensions of good Corporate Governance – Standards of Conduct. The Council aim was to ensure that all those associated with the Council maintained high standards of ethics and conduct in public life contributing to good corporate governance.

Nationally due to the economic climate there had been indications from the Police that fraudulent activity had and would continue to increase during the recession. Therefore it was important that the Council continued to maintain its vigilance in respect to Council services and the Community.

The report contained information about counter fraud and investigation activities within Benefits, Internal Audit and Trading Standards, including Licensing. The Committee were requested to note that the Council's procedures and controls were designed to minimise the opportunity for fraud and to highlight where possible activity that may have occurred.

In connection with benefits the caseload had steadily increased over the last 12 months, from 16,057 (live cases) in March 2008 to 17,424 in March 2009, an 8.5% increase over the year. It was expected that this figure would increase further over the coming months particularly given the continuing economic climate.

The Council had followed the Department for Work & Pensions (DWP) lead in "securing the gateway". The DWP aim at 'getting it right, and keeping it right' i.e. ensuring only those properly entitled were granted and paid benefit. To

this end, the Council had embarked on visiting as many benefit claimants as possible in their homes. This ensured the best possible service for the customer, made sure that the information obtained was accurate, made the customer aware of their responsibilities, and ensured that performance targets were met. During 2008/09 1,460 successful visits were undertaken to check the accuracy of ongoing benefit awards. In addition the Benefits Team undertook a home visit on over 50% of the new benefit claims that were made to the Council before the claim was submitted for payment. This ensured that all reasonable checks had been made to make sure that the gateway into the benefits systems was secured from the outset.

Members were referred to a table within the report which detailed the referrals to the Benefits Investigation team, the sources, number and percentage of total.

Members were also informed that the Housing Benefit Matching Service (HBMS) produced 73 referrals for the team in 2008/09, 42 of which had achieved a positive result. It was also mentioned that the Council now undertook internal checks in respect to monthly data matches with all new starters. This ensured that all changes in circumstances had been declared. During the period, the Council undertook 8 staff investigations, with one investigation resulting in a formal caution.

For the first time, the National Fraud Initiative (NFI) also produced matches against 'Single Person Discount' cases for Council Tax. This was a mandatory exercise produced by the Audit Commission, which identified a total of 2,591 cases for investigation. Of these, 225 had been identified as potentially fraudulent, 72 of which failed to respond (resulting in £31,334 of discount being removed). The total amount of discount removed to date as part of this exercise was £71,606.87.

The Benefit Investigation Team also received 1296 referrals and using a risk based approach 683 was investigated with 309 proving positive. Of this total, 80 cases received a formal sanction with the breakdown of the sanctions applied in these 80 cases being indicated within the report. As a result of concluded successful prosecutions fines totalling £3,515 were imposed and costs awarded in the sum of £1,400. The total amount of overpayments claimed back totalled £464,625.

Members were reminded that publicity of cases had been identified as a deterrent with the issue of press releases informing about forthcoming prosecution cases with these being followed up when the result of the case was known together with any punishment. The Council also participated in the national poster campaign instigated by the Department of Works and Pensions that targeted benefit fraud. Internally a quarterly newsletter was distributed to all staff together with publication on the Intranet which highlighted the work of the Benefit Fraud Team – this provided details of case studies, statistics and general information of the team.

It was further noted that Internal Audit had an important role in the investigation of suspected internal fraud and assisting managers in ensuring

they had appropriate systems and controls in place that were designed to prevent or reduce the opportunity for fraud.

The Committee were advised that annually days were allocated within the risk based audit plan to undertake proactive fraud work and work in areas where previous frauds had occurred. This work was informed by a Fraud Risk register which was developed for 2008/09 and has been updated for 2009/10. In addition to good practice and local internal intelligence, this register was also part of the West Midlands Fraud Group. Members were referred to Appendix A within the report which outlined a summary of the risk areas, types of fraud and audit action taken during 2008/09.

In addition to proactive fraud work and continuous advice and guidance to managers, Internal Audit also received potentially irregular activities reported to them throughout the year for investigation, details of these investigations being outlined within Appendix B of the report.

The majority of investigations undertaken resulted in improvements to procedures, controls and training and awareness for employees, during this reporting period one employee was dismissed following a disciplinary hearing.

Overall the number of days work undertaken on suspected fraudulent activities during 2008/09 was 115.5 days. These days were taken from the allowed contingency (175) or by re-allocating planned audit time after consultation with the appropriate Head of Service.

The council also had a statutory responsibility to provide data to the Audit Commission for the prevention and detection of fraud as part of the National Fraud Initiative (NFI). NFI was an exercise that sought to match electronic data within and between audited bodies to prevent and detect fraud. The Council was required to provide a number of datasets to specifications as set out by the Audit Commission in October 2008 and the particular data that was included was indicated within the report.

The Council also ensured that both Members and Officers were aware of their responsibilities in respect to the Council's Anti-Fraud and Corruption policy. In addition to member induction two Member Information Seminars on Governance, Risk and Fraud were held in October 2008 and March 2009.

For officers there was also the Code of Conduct for Employees and High Standards Cards which were also included in induction sessions and personal information folders. A Booklet had been provided to Managers and a leaflet to all employees, with copies being available on the Intranet. The local Code of Good Governance was updated in May 2008 and Good governance leaflets were developed for members and officers. These were included in employee's November payslips. It was also noted that the Speak Up leaflet was also re-issued during 2008 following update of the policy in late January 2008. It was reported that the High Standards Cards would be re-issued to all officers and members when the new Chief Executive had been appointed.

The Committee's attention was also drawn to the work of Trading Standards and Licensing both of which played a significant role in delivering the

Council's response to business related fraud in the borough. The majority of the responses were based around statutory responsibilities refined to provide effective detection and countermeasures in respect to fraud. Further details were outlined within the report for both of these particular services. In particular the individual work within the Scambusters Team and the Loan Shark Team were particularly identified.

Finally Members were referred to those challenges for 2009/10 which were outlined in the report.

RESOLVED – that the 2008/09 Annual Report on Corporate Anti-Fraud and Corruption Strategy be noted.

AUC-20 RESULTS OF THE SKILLS AUDIT – JUNE 2009

Members received a briefing note that had been prepared by the Audit & Risk Manager following the completion of the recently completed skills audit. It was reported that all of the Committee had responded positively to the audit and all had concluded that they had a good grasp of the required skills in order to operate effectively. A number of members had highlighted specific areas where it was considered that some benefit would be obtained following further refresher training.

In connection with the request that consideration be given to whether it was felt that an appointment of a co-optee should be considered it was felt that the Members had the sufficient financial expertise to enable them to effectively engage with financial reporting. As a result it was agreed that the appointment of a co-optee would not be pursued at this time.

In connection with training it was noted that there would be a training session on the Council accounts prior to the Audit Committee to be held on 23rd September and in relation to Treasury Management on 6th October 2009.

RESOLVED – that

- (a) the contents of the report following the completion of the skills audit be noted with refresher training in the areas identified to be arranged, and;
- (b) the proposal to pursue the appointment of a co-optee to the audit Committee is not agreed.

AUC-21 UPDATE ON BUSINESS CONTINUITY PLANS – CHILDREN & YOUNG PEOPLE SCHOOLS LEA AND REVENUES & BENEFITS

Following the previous meeting and the requests of the Audit Committee the Audit & Risk Manager provided an update report in relation to the Business Continuity Plans for Children & Young People – Schools within the LEA and for the Revenues & Benefits Service should they be adversely affected by a pandemic situation e.g. swine flu. Members were referred to the tabled update reports that had been obtained as a result of the enquiries being concluded.

In connection with Children & Young People – Schools within the LEA the situation was in the overall control of the CYP Capital & Facilities Manager. He was working very closely with the Operations Manager – Civil Resilience and the Head of Prevention & Protection. It was further reported that the Head of Prevention & Protection had weekly briefing sessions with a number of officers within the Council. There were further weekly meetings with the PCT to ensure that there were appropriate and direct communications between the two agencies.

It was further reported that a letter had been sent to all parents on the 8th July from the Corporate Director Children & Young People, regular emails were also sent to all Headteachers with the Cabinet Member Councillor S. Burrell copied into all updates that were sent to schools and parents. All schools had been reminded to ensure that their contact details for staff and pupils were available out of hours and during the weekends. Members were informed that Environmental Health had recently conducted an audit of toilet and hand washing facilities in all schools and child care settings and where necessary had made recommendations for improvements. All schools were also given the Health Protection Agency guidance on infection control.

On 2nd July the Country had moved from a containment phase to a treatment phase, in order to manage the current pandemic. This had resulted in cases no longer being confirmed by laboratory testing but with GPs following clinical observation, followed by dispensing anti-virals. As a result it was considered unlikely that schools would be closed unless the teaching and support resources were severely affected by the virus or if there was a public health issue.

The Committee were further informed that the Capital & Facilities Manager would continue to meet with the groups that had been mentioned and to liaise and advise the schools on the latest situation. It was further noted that to ensure business continuity within the Capital & Facilities section the Manager had kept his team, the Corporate Director: Children & Young People, the Cabinet Member; Children & Young People and the Senior Leadership Team fully up to date with the latest developments.

It was commented by Members as to whether the Cabinet Assistant could also be included in relation to the reporting in the circumstances that any element of the BCP was initiated. It was also enquired as to whether the plan could be amended to ensure that if any individual schools or other settings were closed that the relevant ward member(s) should also be informed. The Risk & Audit Manager confirmed that she would check the situation into the points that had been raised.

Members also received a briefing note in connection with the detailed arrangements that had been established for business continuity planning for Revenues & Benefits and ICT.

In connection with ICT it was reported that as part of the current infrastructure project ICT had built in BCP measures that would support the Council's ICT infrastructure and the support service areas. In relation to the effects of a

pandemic on ICT officers and any third parties that ICT would be reliant on, the Head of ICT had tasked his business managers with the development of a BCP that would mitigate as far as possible any effects a pandemic would have. Members were informed that this initial work had been completed and a draft plan had been submitted to the Head of ICT for approval together with Regulation & Resilience for comment. Internal Audit had viewed the draft plan and was assured that the documented actions would mitigate the effect of the pandemic on the Council's ICT service.

It was also noted that Revenues & Benefits did have a BCP in place but this was based on the current resources available. However, the implementation of the new ICT infrastructure would enable an improved response in the long term to a pandemic outbreak or other incident. The current plan did require further development and testing to ensure resilience in respect to the possibility of a significant number of Revenues & Benefits officers were off work and agency staff were unavailable.

Revenues & Benefits had identified additional actions in respect to an outbreak of a pandemic nature which could be effected in order to maintain some level of the benefits service. In particular there were six laptops which could be used by benefit assessors and an additional 4 home broadband links which could be used by application support staff for the generation of benefit payments and associated batch processing. In the case that a significant number of benefit assessors were absent from work the laptops could be allocated to assessors to work from home in order to lessen the risk of catching any pandemic outbreak from colleagues. However, it had to be noted that performance would be slower but the arrangements would enable a minimum level of service.

The Committee were also requested to note that the planned recovery time objective for benefits processing was ten days and in the majority of cases the current pandemic had a recovery period of ten days so it had been anticipated that even if a large proportion of benefit assessors became ill at the same time many would return to work within the 10 day period for recovery of the service.

Members formally thanked the Audit & Risk Manager for the work that had been involved in the compilation and preparation of the briefing papers.

RESOLVED – that the Briefing Papers in connection with Business Continuity Plans for the Children & Young People – Schools and the Revenues & Benefits Service be noted.

AUC-22 REVIEW OF THE KEY STRATEGIC RISK REGISTER – MAY 2009

The report of the Interim Corporate Director: Resources was received which sought the Committee to note the revised changes to the key strategic risk register following the review that had been undertaken in May 2009.

The Committee was reminded that the Council was required to review the Key Strategic Risk Register regularly in order to reflect the constant changes affecting the Council, its risks and the effectiveness of the controls

implemented to manage these risks. The last formal review of Key Strategic Risks took place during January 2009 and was approved at Cabinet in February 2009 and reviewed by the Audit Committee in March 2009. The results of the May 2009 review of Key Strategic Risks were shown in Appendix A.

In connection with the review that had been undertaken it was reported that no new risks had been identified during this review; however the residual score for strategic risk 30 had been increased to 7 which now made this a key strategic risk. It was also noted that a number of risk owners had changed in accordance with the current restructuring. Members were referred to the table and Appendix A within the report that detailed further information following the recent review.

Members were informed that no risks had been removed as a result of the review. The Committee were requested to note that in January 2009 there were 19 key strategic risks identified on the key strategic risk register however following the review there were now 20 key strategic risks. The next review was planned for September 2009. It was further reported that when the revised Corporate Management Team was in place in the Autumn a complete refresh of all risks would be undertaken.

Councillor I.T.W. Fletcher enquired as to whether the reports had been completed in connection with Risk Number 29 as it had been indicated that these were due in May 2009, and enquired why there had been a delay. The Audit & Risk Manager confirmed that she would investigate this and report back to Members.

Councillor I.T.W. Fletcher also enquired as to whether the risk had been identified in relation to the consultation that had been undertaken in connection with the Regional Spatial Strategy – Phase 3 and as to whether it should be included within the risk register. Again by way of response the Audit & Risk Manager confirmed that she would investigate this further and report back to Members.

RESOLVED – that the changes to the Key Strategic Risk Register as outlined in paragraph 6.3 and Appendix A of the report be noted.

AUC-23 DATES OF FUTURE MEETINGS

The Committee noted the future dates of meetings that were scheduled to be held for the remainder of the 2009/10 Civic Year. Members were also reminded of the planned training sessions that would be held on 23rd September 2009 (Training Session on the Final Council Accounts) and the 6th October 2009 (Treasury Management)

AUC-24 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information as defined in Paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A Local Government Act 1972.

**AUC-25 INTERNAL AUDIT UPDATE ON QUARTER 1 UPDATE
REPORT 2009/10 (APRIL – JUNE 2009)**

The Committee received the joint report of the Head of Finance & Audit and the Audit & Risk Manager which sought to provide an update on the work of Internal Audit during Quarter 1 – which covered the period April – June 2009. The report also provided an update on the progress of previous audit reports that were issued in the period January 2008 to March 2009.

It was noted that Internal Audit activity during this period had focussed on the completion of the audits set out in the Internal Audit Plan with a key focus on the completion of the annual fundamental audits from 2008/09. It was further reported that key work undertaken during this period included a review of performance indicators and their associated data quality systems. This work had just been completed and it was noted that this would be reported to the Committee at the next meeting. It was further reported that work on the Pupil Referral Units had been undertaken following a request from the relevant Business Unit Manager earlier in the year. The Team had also completed the final accounts audit for Adams Grammar School and fraud and compliance work to meet the requirements of the External Auditor as identified in the Internal Audit Fraud Risk Register.

Members were referred to the appendices attached to the report which included a list of the final reports that had been issued within quarter one which also contained following the previous request of Members to include the budgeted and actual time information, with their respective grading, a schedule of all of the work that had lasted for more than one day within the quarter, a list of all the graded reports from January 2008 to March 2009 and their current status and the provision of further information in connection with the two amber reports that had been issued during this particular quarter.

RESOLVED – that the update report in connection with Quarter One (April – June 2009) be noted.

The meeting ended at 7.00 pm.

Chairman:

Date: