

CABINET

11 MAY 2021

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COUNCILLOR COMMUNITY GRANT SCHEME

1. Decision:

- 1.1 Cabinet agreed the setting up of a pilot Councillor Local Community Grant Scheme as detailed in Appendix A to the report.
- 1.2 Cabinet agreed to delegate authority to the Cabinet Member for Community Engagement and the Head of Regulatory Services, Housing and Wellbeing to make any minor changes to the pilot scheme if improvements were identified at any point.

2. Statement of Reasons:

- 2.1 A councillor community grant fund is being proposed to enable councillors to directly award funding to grassroots organisations in their ward. Small amounts of funding can make a big difference to communities at a local level and elected members are well placed to identify local needs.
- 2.2 It is proposed that the scheme is run as a pilot over 2 years in order to assess its impact and value for money.

3. Any Alternative Options:

1. The funding earmarked for the scheme could be made available through the funding prospectus currently open but as this has a minimum award of £5k this isn't available to small grassroots organisations.
2. It could also be made payable direct from finance but this would significantly increase the administrative burden to the council if small amounts of funding were to be awarded.

LEYFIELDS AND NETHERSTOWE OPEN SPACE - PROPOSED AGREEMENT WITH BROMFORD

1. Decision:

Cabinet agreed

- 1.1 To recommend to Council the refund of planning applications fees of £13,365.60 and make payment of £103,491.37 (a total of £116,865.97) to Bromford and approve an amendment to the Medium Term Financial Strategy to fund the payment from general reserves.
- 1.2 That the agreement to cancel the contract for sale of land is granted
- 1.3 To recommend to Council to further amend the Medium Term Financial Strategy to remove the capital receipt of £527,000 from the Capital Programme.
- 1.4 That delegated authority be given to the Chief Executive, Leader of the Council and the Head of Governance and Performance to finalise the agreement and contractual terms with Bromford.

2. Statement of Reasons:

- 2.1 In September 2018 a Cabinet decision was made to enter into a contract for the sale of two pieces of District Council owned open space known respectively as Leyfields and Netherstowe subject to relevant planning permission being obtained. The contract for sale of the land was to be subject to granting of planning consent for affordable housing.
- 1.2 In July 2020 the contract was finally signed.
- 1.3 In August 2020 planning applications were submitted for the two sites and validated in September 2020
- 1.4 Under the provisions of the Local Government Act 1972 section 123 a Local Authority must give notice of its intention to dispose of open space by advertising in a newspaper for two consecutive weeks and consider any objections to the proposed disposal. This process was undertaken in November 2020. As explained in 3.2 below this should have been done in 2018 before the decision was taken by Cabinet, but we were not at this stage aware.
- 1.5 A report was submitted to Cabinet on 17th January 2021 with the results of the consultation.
- 1.6 At that meeting Cabinet resolved to proceed with the sale, but only on the basis that they were contractually committed to do so and that if this was not the case they would not be supporting disposal of the land.
- 1.7 This led to two further actions being taken.
- 1.8 Firstly an independent external investigation was commissioned to uncover what, if any, errors were made in the process of this proposed disposal
- 1.9 Secondly legal advice was sought as to the status of the consultation undertaken

- 1.10 The second of these issues revealed that the consultation process was challengeable in law as it had not been conducted legally in that the contract had already been signed prior to consultation being undertaken.
- 1.11 This coupled with the Cabinet desire to see the subject land remain as open space has given rise to a negotiation with Bromford to cancel the contract by mutual agreement with Lichfield District Council paying compensation to Bromford for costs reasonably expended. This would also result in the withdrawal of the planning applications for the two sites, which remain live and undetermined.
- 1.12 This report sets out the basis of this agreement.
- 1.13 A separate report has been submitted to the Audit and Member Standards Committee in respect of the findings of the external investigation. A further cabinet paper will come forward with details of the actions the council has and will take to prevent such issues occurring in the future.

3. Any Alternative Options:

It is important to note that any alternative scenarios will potentially result in the increased risk of legal challenge, increased costs for the council and our partner Bromford, as well as continued distress and uncertainty for the community. Given the intent of the current Cabinet is not to see this land developed but retained as open space the recommended option is the preferred route. That said for the purposes of transparency we could;

1. Continue with the Cabinet decision to dispose of the land; this action would give rise to the potential for a successful legal challenge against the council for having failed to follow the consultation procedure under s123 of the Local Government Act 1972.
2. Rerun the whole process seeking to undertake consultation before negotiating a new contract with Bromford ; this is clearly against the wishes of Cabinet and the views expressed by the public consultation
3. Although separate matters to that of disposal, allowing the planning applications to have been determined may have resulted in related difficulties and issues for the Council and Bromford. If approved the permissions may not have been capable of being implemented. If refused, appeals against those decisions may have been lodged by Bromford with again no certainty of deliverability if the appeals were duly upheld. In effect this is now a moot point as the applications have been withdrawn by Bromford
4. Take action to rescind the contract with Bromford but this could give rise to a legal challenge by Bromford and the potential of specific performance as well as increasing the costs to both parties

All of the above would also give further cause for distress to the community affected and be against the overall desire of the Cabinet and Council not to see development on these sites.

MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT

1. Decision:

- 1.1 Cabinet considered the content of the proposed Human Trafficking and Modern Slavery Statement and to provided feedback prior to formal adoption by the Council.

2. Statement of Reasons:

To propose a Modern Slavery & Human Trafficking Statement for adoption by the Council that will be regularly reviewed in line with ongoing development of best practice

3. Any Alternative Options:

The Council could choose to not publish a voluntary Modern Slavery and Human Trafficking Statement and wait until the legal requirements are updated.

