

## **CABINET**

**Decision Notices and Minutes of a meeting of the Cabinet held on Monday, 9<sup>th</sup> March 2009 at 5.00 p.m. at the Civic Offices, Telford**

**PUBLISHED ON FRIDAY, 13<sup>th</sup> MARCH, 2009**

**(DEADLINE FOR CALL-IN WEDNESDAY, 18<sup>th</sup> MARCH, 2009)**

**PRESENT:** Councillors A.J. Eade (Chairman), J.M. Seymour, S. Bentley, S.P. Burrell, E.J. Carter, M.B. Hosken and A. Lawrence

**ALSO PRESENT:** Councillors R.K. Austin, W.L. Tomlinson and V. Tonks (Opposition Group Leaders)

### **CB-156      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Cabinet held on 23<sup>rd</sup> February, 2009 be confirmed and signed by the Chairman.

### **CB-157      APOLOGIES FOR ABSENCE**

Councillor G.M. Green,

### **CB-158      DECLARATIONS OF INTEREST**

Councillor S.Bentley declared a prejudicial interest in the next item, and withdrew from the meeting room during its consideration and determination.

### **CB-159      HIGH ERCALL CONSERVATION AREA MANAGEMENT PLAN AND PROPOSED BOUNDARY EXTENSION.**

#### **Non-Key decision**

Councillor M.B.Hosken, Cabinet Member for Environment, presented the report of the Head of Planning & Environment, which sought approval to adopt the High Ercall Conservation Area Management Plan to provide a sound basis for considering planning applications and for developing initiatives to improve the area; together with approval to amend the boundary of High Ercall Conservation Area.

Members were informed that the Council was required to formulate management plans for all Conservation Areas within its boundary. The development of management plans was also in line with English Heritage's best practice guidelines. The intention was that a clear and concise Management Plan for each Conservation Area would provide a sound basis for its future management.

Approval was also sought for the adoption of a revised boundary to the High Ercall Conservation Area as during the preparation of the recent Conservation

Area Appraisal for High Ercall in 2007, it became apparent that there was an opportunity to amend the boundary which had not been amended or reviewed since its designation in 1981.

As part of the adoption processes both the management plan and the proposed boundary extension had been subject to full public consultation between November 2008 and January 2009. The consultations resulted in a number of comments, most of which were encouragingly positive and supportive of the changes and, where appropriate, suggested revisions that had now been incorporated into the final draft document.

It was expected that the management plan and any subsequent amendments to the High Ercall Conservation Area boundary would rationalise the boundary to ensure that the overall character identified in the Appraisal of 2007 was preserved and enhanced.

Members wholeheartedly supported the report as a positive step to protect the High Ercall area for future generations of residents and visitors.

#### **RESOLVED –**

- (a) **that the adoption of the High Ercall Conservation Area Management Plan to provide a sound basis for considering planning applications and for developing initiatives to improve the area be approved;**
- (b) **that the proposed revised boundary to the High Ercall Conservation Area, as shown in Appendix 2 of the report, be approved**

Note: Councillor S Bentley returned to the meeting room.

#### **CB-160      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 involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

#### **CB-161      TELFORD RAILFREIGHT TERMINAL UPDATE.**

**Key Decision** identified as **Telford Railfreight Terminal** in the Forward Plan published on 12<sup>th</sup> February 2009.

The Cabinet Member for Environment and the Cabinet Member for Regeneration jointly presented the report of the Acting Head of Mobility & Development Services that provided an update on the implementation of the Railfreight Terminal project.

Since the Cabinet Report of 28<sup>th</sup> April 2008, works on the Telford Railfreight Terminal had progressed significantly with the project now substantially complete. The report updated Members on developments and sought endorsement for some amendments to the delivery model. Key points were summarised in the report.

All trackwork & terminal infrastructure had been installed, except for the office building and installation of services which were due to be complete in early May 2009.

During the contract period, an additional ERDF grant was secured that had facilitated the installation of a higher specification of terminal than was originally anticipated.

The marketing of the adjacent site was detailed within the report before Members together with the operator lease details and financial appraisal of the complete project.

Members commended the scheme that would provide a Flag Ship enterprise for the Borough.

#### **RESOLVED –**

- (a) **that the amendments to the Lease and the movement to a profit share arrangement with John G Russell (Transport) Ltd be endorsed;**
- (b) **that the changes to short term revenue costs associated with borrowings as well as medium to long term revenue costs associated with asset management and the Lease and arising during the operational phase of the project be approved.**

#### **CB-162      INTERIM WASTE TREATMENT & DISPOSAL CONTRACT**

**Key Decision** identified as **Interim Waste Treatment & Disposal Contract** in the Forward Plan published on 12<sup>th</sup> February 2009.

Councillor M.B. Hosken, Cabinet Member for Environment, presented the report of the Head of Planning & Environment that advised Members of the outcome of an investigation into the options for an interim solution for a waste treatment and/or disposal contract.

The report also sought approval to commence the procurement of the service, including the allocation of identified funds from the waste disposal budget for the procurement costs; and approval to amend the recycling services in line with the proposals contained within the report.

In December 2008 approval was given to cease the procurement of a long term facility for the treatment and/or disposal of waste. That created a need to

look at interim solutions in order to allow the council sufficient time to undertake the procurement of a new medium to long term treatment and/or disposal service. The objective was to find the Best Value solution for the disposal and/or treatment of waste, and the approach to recycling initiatives programmed for the next 2 years.

Options for the interim solution had been considered and the features of each were summarised in an appendix to the report.

Members, during an extensive debate, considered that Option 3 as contained in the report was the most appropriate way forward for the Borough.

### **RESOLVED –**

- (a) **that the procurement of an interim landfill contract effective from 1<sup>st</sup> April 2010 until 31st March 2013 with an optional 2 year extension period (subject to this providing improved value for money) be approved.**
- (b) **that delegated authority be given to the Corporate Director: Environment and Regeneration and Corporate Director: Resources to enter into a contract for the service.**
- (c) **that the acquisition of Landfill Allowances (LATS) from other Authorities to meet the required deficit in allowances in each year to 2015 be approved.**
- (d) **that the funded improvements to the recycling services as detailed in the report be approved.**

### **CB-1632 PROPOSALS FOR A POOLED BUDGET – ADULTS WITH LEARNING DISABILITIES SERVICES: INCLUDING TRANSFER OF FUNDING**

**Key Decision** identified as **Pooled Budget – Adults with Learning Disability Services (including Transfer of Funding)** in the Forward Plan published on 12<sup>th</sup> February 2009.

Councillor J.M.Seymour, Cabinet Member for Adult & Consumer Care, presented the joint report of the PCT Chief Executive and the Corporate Director : Adult & Consumer Care that outlined proposals for the transfer of NHS funding to the Council and the establishment of a pooled budget agreement between Telford and Wrekin PCT (PCT) and Telford and Wrekin Council (T&WC) for Adult Learning Disability Services, including proposed principles and protocols to underpin the agreement.

The proposals were in response to the national Government requirement for NHS responsibilities for some learning disability services to transfer from PCTs to Councils by 1 April 2009.

In August 2008 the Department of Health (DH) published guidance to support the transfer of funding from the PCT to the LA for non-health related services and activities. After detailed discussion between officers of the two authorities it is proposed that the establishment of a Pooled Budget arrangement would be the most appropriate means of ensuring transparency in the transfer of resources and continuing partnership. This paper outlines initial proposals to support this outcome. A further paper will be submitted to PCT Board and Council Cabinet in early summer. The proposed commencement date for the Pooled Budget is 1 April 2009, to be formally ratified by both authorities by 1 July 2009.

Members were reminded that in the 1980/90s steps were taken to move people with learning disabilities out of long stay hospitals into residential, community based accommodation. Many people re-settled in the area near to the original hospital, and others returned to the original area of residence. Telford and Wrekin did not have a long stay hospital and instead, some people were placed in accommodation 'out of area'. As 'long stay hospitals' closed, some people remained in residential services run by the NHS, often called 'campus' accommodation. The Government had now made a commitment to end all campus provision by April 2010. For information, T&W have two people living in campus accommodation in North Staffs and arrangements were in hand to ensure that that was no longer the case before March 2010.

**RESOLVED** – that the Corporate Director: Adult & Consumer Care be granted delegated authority, following consultation with the Cabinet Member:

- (a) To approve the proposal to establish a pooled budget arrangement between Telford and Wrekin PCT (PCT) and Telford and Wrekin Council (LA) to commission and deliver services for adults with learning disabilities, the terms of the agreement to be approved by the Head of Legal Services and authority to be given for the Council's seal to be affixed to such agreement, as appropriate, under Article 14.06 of the Council's Constitution.
- (b) To approve the proposed transfer of funding from the PCT to the LA, as required by the Department of Health (DH), and set within the overall context of a Memorandum of Understanding, which will be drafted prior to final approval being sought from the PCT Board and Cabinet before 1 July 2009.
- (c) To approve the draft Principles, Protocols and Action Plan linked to the Pooled Budget.

| CB-1634 **URGENT ITEM – PART 4, SECTION 5 OF THE CONSTITUTION.**

With the agreement of the Chairman of the Scrutiny Leadership Board, in accordance with paragraph 16 (a) and (b) of Section 5 of Part 4 (Rules of Procedure) of the Constitution, Non-application of Call-In and urgency; the Chairman of the meeting made the following statement:

"I am 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 delay that would seriously prejudice the Council's interests".

#### **CB-1645 TELFORD TOWN CENTRE**

**Key Decision** identified as **Telford Town Centre** in the Forward Plan published on 12<sup>th</sup> February 2009.

The Head of Asset & Property Management presented a report that sought approval to select, and enter into a conditional sale contract with, a preferred bidder for the Civic Offices Site.

The bids were evaluated on the basis of the strength of the financial offer and the overall receipts that may be realised from the whole of the available site. On the basis of the evaluation, the preferred bidder's offer was the most economically advantageous to the Council.

Members were also informed that once a preferred option for new Civic Offices had been established, approval for that funding would be included in the proposed investment programme for 2010/11 as part of the Service and Financial Planning strategy for future years.

Members were informed that by giving approval for the sale of the Civic Offices site they were giving priority to the provision of alternative Civic accommodation in line with the dates as detailed in the report.

#### **RESOLVED –**

- (a) That delegated authority be given to the Head of Asset & Property Management (A&PM) to negotiate and enter into a conditional contract with the preferred bidder for the sale of the Civic Offices Site, following consultation with the Cabinet Member for Regeneration;**
- (b) That delegated authority be given to the Head of A&PM to negotiate and agree any documents required by the Homes and Communities Agency (HCA) and others as necessary to provide clean title in the sale and the Head of Legal Services be authorised to execute all legal documentation necessary to give effect to such agreement(s);**
- (c) That a Planning Application for the existing Civic Offices site will be made by the preferred bidder in the coming months be noted;**

- (d) That an outline planning application for Southwater Core area will be submitted in the coming months be noted;
- (e) That resources be allocated to commence a project appraisal for new Civic Offices, with a report and recommendations to be brought back to Cabinet during 2009.

The meeting ended at 5.53 p.m.

**Signed for the purposes of the Decision Notices**

**Ken Clarke**  
**Head of Audit & Democracy**  
**Date: 13<sup>th</sup> March 2009**

**Signed:** .....

**Date:** .....