

## CABINET

### Decision Notices and Minutes of a meeting of the Cabinet held on Monday, 6<sup>th</sup> April, 2009 at 5.00 p.m. at the Civic Offices, Telford

PUBLISHED ON WEDNESDAY, 8<sup>TH</sup> APRIL, 2009

(DEADLINE FOR CALL-IN WEDNESDAY, 15<sup>TH</sup> APRIL, 2009)

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

**ALSO PRESENT:** Councillors R.K. Austin, G.M. Green, and V. Tonks (Opposition Group Leaders);

#### **CB-178      MINUTES**

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

#### **CB-179      APOLOGIES FOR ABSENCE**

Councillor W.L. Tomlinson

#### **CB-180      DECLARATIONS OF INTEREST**

Councillor R.K.Austin declared a personal, non-prejudicial, interest (as a school governor) in agenda item 5 (Campus Telford & Wrekin...) and remained in the meeting during its consideration.

#### **CB-181      CENTRAL TELFORD AREA ACTION PLAN D.P.D.**

**Key decision** identified as **Central Telford Area Action Plan** in the Forward Plan published on 17 March 2009.

**Resolution a) below is a decision for Council – not subject to call-in**

Councillor S.Bentley, Cabinet Member: Environment, presented the report of the Head of Planning & Environment that sought approval of the final draft of the Central Telford Area Action Plan in order that it could be submitted to the Secretary of State and progressed towards adoption as Council policy.

The Central Telford Area Action Plan had been prepared in order to provide a planning policy framework against which development proposals in Telford town centre and surrounding areas could be considered.

Prior to formal adoption the document required Full Council approval, followed by publication along with the accompanying Sustainability Appraisal and Consultation Statement for a six week final public consultation and then submission to the Secretary of State. Subject to the document being considered “sound” after public examination, it could then be adopted by the Council.

The draft "Publication" Central Telford Area Action Plan was appended to the report and covered the Telford Town Centre plus the adjacent areas of Central Park, Old Park, Hollinswood and Malinslee.

Key guidelines for the scale and location of new development included: 70,000 sq m of new non-food retail development and 7,000sqm of new food retail, 2,500 new homes (with 2,000 in the town centre where there was currently no housing at all) and 110,000 sq m of office floorspace.

The Area Action Plan sought to be flexible enough to ensure that development proposals were encouraged to come forward, yet robust enough to ensure that development helped deliver the key elements of the spatial vision for the area.

Further Appendices containing a Sustainability Appraisal and Statement of Consultation were also attached to the report for Members consideration.

Throughout 2008, a series of Development Plan Steering Group meetings considered elements of detail concluding with a meeting in December, 2008, at which Members considered the overall approach to the Central Telford Area. The draft "Publication" version of the Central Telford Area Action Plan was then considered by the Development Plans Steering Group on 3 February 2009 and resolved that, subject to specific amendments, the draft Central Telford Area Action Plan be endorsed for consideration by Cabinet and Council. A revised version was considered at a further meeting on 4 March.

During discussion of the report, reference was made to a letter that had been received on the day of the meeting, from representatives of the owners of Telford Shopping Centre. The content of the letter had been disputed by the Council's Planning and Legal Officers and a robust reply would be dispatched accordingly.

Members expressed disappointment at the timing of the receipt of the above letter, but commended the detail of the report and congratulated officers on its production.

The all-party Development Plan Steering Group had examined the documents in depth and Members of the Group at the meeting commented upon the thoroughness of its consideration.

Members wholeheartedly supported the report, and consequently, unanimously

**RESOLVED –**

- (a) **TO RECOMMEND TO COUNCIL to, approve the Central Telford Area Action Plan and supporting documents as attached as Appendices 1-3 to the report, in order that the documents can be**

published, subjected to consultation and, along with representations received, then submitted to the Secretary of State.

- (b) That delegated authority be given to the Head of Planning & Environment, after consultation with the Leader of the Council, the Chairman of the Council's Development Plan Steering Group and the Cabinet Members for Environment and for Regeneration, to agree any minor changes to the document prior to submission to the Secretary of State.

**CB-182      CAMPUS TELFORD & WREKIN – Additional Post 16 Provision, Trust School Status and B.S.F. Procurement Approval.**

**Key Decision** identified as **Post 16 Provision for Campus Telford and Transfer of Land to School Trusts** in the Forward Plan published on 17<sup>th</sup> March 2009.

Councillor S Burrell, Cabinet Member for Children & Young People, presented the report of the Head of BSF, Resources and Social Regeneration that sought approval for the implementation of the establishment of Post-16 provision at four schools in the Borough as per the objectives of Campus Telford & Wrekin. The report also commented on the progress of the Trust School applications for three schools in the Borough, namely Lord Silkin School, Sutherland Business and Enterprise College and Wrockwardine Wood Arts College. Furthermore delegated authority was sought for the Chair of the BSF Project Board (the Director of Children's Services) to approve stages within the procurement process.

Councillor G Green commented that she hoped that when the contracts were let for the construction process, that local materials and labour would be sourced where possible. Assurances were made to that effect.

**RESOLVED –**

- (a) That the proposals to establish Post-16 provision at The Burton Borough School, Wrockwardine Wood Arts College and South Telford Skills Centre (Lord Silkin and Phoenix pupils) be approved.
- (b) That delegated authority be given to the Head of Asset & Property Management, after consultation with the Head of BSF Resources and Social Regeneration, to negotiate the terms of the transfer of Land and Buildings in each Trust School proposal and delegated authority be given to the Head of Legal Services to execute all necessary agreements and documentation relating thereto.
- (c) That delegated authority be given to the Chair of the BSF Project Board (the Director of Children's Services) to approve stages within the procurement process as set out in paragraph 5.7 of the report.

**Key decision** identified as **City Region Employment & Skills Multi Area Agreement** in the Forward Plan published on 12 February 2009

Councillor E.J.Carter, Cabinet Member for Regeneration, presented the report of the Head of Economic Development that sought delegated authority for the Corporate Directors for Environment and Regeneration and Children and Young People, after consultation with the Cabinet Members for Regeneration and Children and Young People, to sign off an Employment and Skills Multi Area Agreement.

Members were informed that any group of two or more top-tier (county) or unitary local authorities in England could enter a Multi-Area Agreement (MAA). An MAA was a voluntary agreement between those Authorities and Government to achieve certain collective targets to improve economic prosperity in their local area.

MAA targets were National Indicators which were negotiated collectively but were then included in the Local Area Agreements of participating areas. A draft Multi Area Agreement (MAA) for Employment and Skills had been drawn up by a partnership of the West Midlands Authorities comprising Telford and Wrekin ; Birmingham; Dudley; Sandwell; Walsall; Wolverhampton; Solihull; Coventry; and Warwickshire.

It was considered that the MAA offered the opportunity for greater flexibility in the use of resources to reduce unemployment and improve skills in the Borough, together with the ability to target that activity more effectively at areas of the Borough experiencing the greatest need.

Amended recommendations were tabled that suggested the addition of a financial appraisal of the Agreement and a withdrawal clause should the Council's interests not be met.

During discussion of the proposals, reference was made to the need to build upon peoples skills to develop personal attributes that would enhance the employment market.

**RESOLVED** – that delegated authority be granted to the Corporate Directors for Environment and Regeneration and Children and Young People, after consultation with the Cabinet Members for Regeneration and Children and Young People, to sign off an Employment and Skills Multi Area Agreement, subject to the following conditions:

- A financial appraisal of the Agreement that demonstrates that Telford & Wrekin's financial interests are protected under the Agreement as proposed
- Agreement by the City Region Board that the Council had the right to withdraw from the Agreement should Telford & Wrekin's interests not be served through delivery of the Agreement.

**CB-184      WEST MIDLANDS BIODIVERSITY PLEDGE**

**Key Decision** identified as **West Midlands Bio Diversity Pledge** in the Forward Plan published on 17<sup>th</sup> March 2009.

Councillor S.Bentley, Cabinet Member for Environment, presented the report of the Head of Planning & Environment, which informed Members of the implications of the Council signing the West Midlands Biodiversity Pledge (A copy of which was appended to the report before Members).

The report outlined the actions the Council had both implemented and had planned to meet each commitment in the pledge; the opportunities for future action; and Implications of signing the pledge

Members were informed that last year, the West Midlands Biodiversity Partnership and West Midlands Local Government Association (WMLGA) established a Biodiversity Pledge (“the Pledge”) as a means of raising awareness of the duties imposed on Local Authorities in Section 40 of the Natural Environment and Rural Communities Act 2006 – commonly known as the ‘Biodiversity Duty’. All Local Authorities in the West Midland region were invited to sign the Pledge.

The Pledge would commit the Council to ensuring that conservation of biodiversity was incorporated into all relevant strategies and plans. That would be delivered through protecting and enhancing priority sites, participating in Local Biodiversity Partnerships, maintaining up to date data (via partnership working) and community leadership.

An initial review, appended to the report, had been carried out to identify both actions already being implemented to meet the requirements of the Pledge and future opportunities. Those were consistent with a number of recommendations from last year’s scrutiny review. As a number had already been implemented the Council was therefore well placed to formally sign the pledge and make a public declaration of its commitment.

Members welcomed the report and hoped that bio-diversity principles could be incorporated into future Council policies.

**RESOLVED-**

- (a) that approval be given to sign up to the West Midlands Biodiversity Partnership/West Midlands Local Government Association Biodiversity Pledge, to assist in meeting duties under the Natural Environment and Rural Communities Act 2006;**
- (b) That delegated authority be given to the Head of Planning & Environment to sign the Biodiversity Pledge on behalf of the Council.**

**CB-185      DEPRIVATION OF LIBERTY SAFEGUARDS**

**Key Decision** identified as **Deprivation of Liberty Safeguards** in the Forward Plan published on 17<sup>th</sup> March 2009.

Councillor J Seymour, Cabinet Member for Adult & Consumer Care, presented the report of the Corporate Director: Adult & Consumer Care, that informed the Cabinet of new legislation that came into force on the 1<sup>st</sup> April, 2009 to protect people who lacked capacity to consent to stay in either hospital or residential/nursing home care and of the Deprivation of Liberty Safeguards (DoLS) that needed to be put into place from that date.

Whilst recognising that it may be in the person's best interests for hospitals or care homes to deprive an individual of their liberty, such authorisations would only be legal, where a DoLS assessment had been undertaken to determine that all the relevant criteria set out in the new legislation, applied.

The Council had developed a joint Policy & Procedure with Telford & Wrekin Primary Care Trust (T&W PCT) to ensure compliance with the new legislation and put arrangements in place to meet additional obligations.

It was a complex piece of legislation, which had additional workload implications which should be met from within existing resources, which included a small increase in the Mental Capacity Act specific grant.

**RESOLVED –**

- (a) **That the requirements of the new legislation be noted**
- (b) **That DoLS Policy & Procedure, as outlined, be approved.**

**CB-186      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-187      RELOCATION OF PUBLIC TOILETS & BUS STOP IN STAFFORD STREET CAR PARK, NEWPORT**

**Non Key Decision**

Councillor E.J.Carter, Cabinet Member for Regeneration, presented the report of the Head of Asset & Property Management that sought approval for the relocation of public toilets on Stafford Street car park Newport to enable the development of the neighbouring derelict site to provide sheltered accommodation

The developers were in discussions with the planning officers to build retirement flats on the adjoining site as indicated on the plan attached to the report. To facilitate the development they had requested the relocation of the existing toilet block and bus pull in area at their expense.

Newport Town Council had indicated their approval in principle to the replacement of the toilet block on the Stafford St. car park, on the condition that: there was no net loss of parking spaces, any new build toilet should be in place and functional before the demolition or closure of the existing facility and that there was no net loss in toilet provision.

The Council intended to sell the existing site and use the proceeds of the sale to fund the building of a new toilet block and the other alterations to the car park.

**RESOLVED – that, subject to planning permission:**

- (a) The existing toilet block on Stafford Street Car Park be demolished and a new toilet block be built in a new location on the same car park**
- (b) The lease with the Newport Town Council for the maintenance and repair of the toilet block be renegotiated;**
- (c) The land occupied by the existing toilet block and the bus lay-by be sold to the developers identified in the report, to enable the development of retirement flats**
- (d) The Council's Contract Procedure Rules be waived in respect of the requirement to obtain 4 tenders for the contract and authority be given to the Head of Asset & Property Management to let the contract to the identified developers, as detailed in the report, and on terms to be agreed.**

The meeting ended at 5.48 p.m.

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

**Ken Clarke**  
**Head of Audit & Democracy**  
**Date: 8<sup>th</sup> April 2009**

**Signed:** .....

**Date:** .....