

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 30th May, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 5th JUNE, 2013

(DEADLINE FOR CALL-IN: MONDAY, 10th JUNE, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, A.R.H. England, W.A.M. McClements, R.A. Overton, H. Rhodes, C.F. Smith and P.R. Watling

ALSO PRESENT: Councillor A.J. Eade (Conservative Group Leader), Councillor W.L. Tomlinson (Liberal Democrat/Independent Group Leader)

CB-1 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 25th April 2013 be confirmed and signed by the Chairman.

CB-2 APOLOGIES FOR ABSENCE

Councillor S. Davies

CB-3 DECLARATIONS OF INTEREST

None

CB-4 'SHAPING PLACES' LOCAL PLAN – STRATEGY & OPTIONS

Key Decision identified as **Shaping Places Local Plan – Draft Strategy & Options** in the Notice of Key Decisions published on 30 April 2013.

Full Council decision – not subject to Call-in

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which explained the process for the preparation of a new Local Plan called 'Shaping Places' scheduled for adoption in January 2015. The Strategy & Options document was an early stage in developing the Plan, and set out a proposed spatial strategy and policy options. A copy of the document was appended to the report.

The new Local Plan would need to reflect significant changes in planning rules, including the National Planning Policy Framework which set out the Government's requirements for Local Plans and associated planning

decisions. The Plan would play a significant role in the delivery of the Council's current priorities around economic growth, housing and sustainable local communities. A wide range of stakeholders had been consulted in developing initial strategy proposals. There had been general support for growth with a number of key messages around providing a choice of homes, regeneration and providing certainty on planning requirements.

The resulting Strategy & Options document would provide the community and other stakeholders with the opportunity to comment on and influence the proposed scale and location of development at an early stage of the plan making process. It set out the vision, aims and objectives on development needs; the potential scale of growth to deliver a locally derived housing target to meet both national and local needs; broad options for the spatial distribution of new development; and the potential areas where detailed policy could be developed.

It was proposed to commence a formal six week period of public consultation on the Strategy & Options document on 10 June 2013. This would be undertaken in a variety of ways, and would include engagement with individual Parish and Town Councils.

During the ensuing discussion, Councillor A.J. Eade (Conservative Group Leader) expressed the view that the focus of new development should be on existing brown-field sites rather than on green-field sites. Pressure should be put on landowners to bring forward brown-field sites for development. The Cabinet Member agreed that brown-field sites should be a priority for development, but that in order to meet government targets and to achieve balanced development across the Borough, it would not be possible to retain all green areas. Other Members referred to the importance of retaining green spaces in the urban areas, and to the need for a good mix of new homes – including affordable housing.

RESOLVED – that the Strategy & Options document be approved for public consultation, and that the document be **RECOMMENDED** to COUNCIL for approval.

CB-5 DESIGNATION OF A NEIGHBOURHOOD PLAN AREA FOR NEWPORT

Key Decision identified as **Application for the Designation of a Neighbourhood Area - Newport** in the Notice of Key Decisions published on 30 April 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which detailed an application by Newport Town Council for its area to be designated as a Neighbourhood Plan Area for planning purposes.

The Localism Act 2011 introduced Neighbourhood Planning as a mechanism to increase local engagement in plan making. Newport Town Council was one of four Parish/Town Councils in the Borough currently preparing

Neighbourhood Plans. Following consultation with neighbouring parishes and other stakeholders, an application had been submitted to designate Newport Town Council area as a Neighbourhood Area. The boundary of the proposed Neighbourhood Area was shown in a plan appended to the report. The application for designation had been advertised with a period of 6 weeks for any representations to be submitted. The consultation period ended on 5 April 2013, and no comments were received.

It was considered that the correlation with the Town Council area would assist with any future referendum and would provide a good model for future neighbourhood plan proposals. If approved, work would continue to develop the Neighbourhood Plan – led by the Newport Neighbourhood Development Plan Steering Group.

RESOLVED – that the Neighbourhood Area application by Newport Town Council be supported, and that the area shown at Appendix A of the report be designated as a Neighbourhood Area.

CB-6 **TELFORD & WREKIN MULTI-AGENCY STRATEGY FOR CARERS 2013 - 2016**

Key Decision identified as **Carers' Strategy** in the Notice of Key Decisions published on 30 April 2013.

Councillor A.R.H. England, Cabinet Member: Adult Social Care, presented the report of the Assistant Director: Care & Support, appended to which was the draft Multi-Agency Strategy for Carers 2013 to 2016 – 'Making Connections for Carers in Telford & Wrekin'.

The Strategy was set within the context of national policy and guidance, but also reflected local needs captured in the joint strategic needs assessment for carers. The views of a wide range of stakeholders, including carers, carer related groups, health and social care providers and voluntary organisations had been taken into account in identifying eight key priorities/outcomes which reflected concerns facing local carers. Information, Advice & Support, Planning for the Future and A Life Outside Caring were the top three outcomes. The Strategy was supported by an action plan of improvement – a copy of which was attached to the main document. Progress against this action plan would be monitored by the Health & Wellbeing Board, supported by the Carers Partnership Board. The Cabinet Member highlighted the important and valuable role played by individual carers in supporting infirm or disabled family members to remain at home, and that any support provided to carers through the Strategy represented good value for the Authority.

During the ensuing discussion, Councillor A.J. Eade (Conservative Group Leader), expressed concerns about respite opportunities for carers, particularly following the closure of Lea Court. Concerns had also been raised that the Adult and Learning Disability (ALD) Forum and the ALD Partnership were either no longer functioning or were not operating effectively. The Assistant Director: Social Care Specialist advised that he was not aware that there was a general problem with respite for carers. In relation to the specific

case referred to, a decision had been made not to renew the contract due to the very high costs and low levels of usage. Alternative provision had been made for most clients, but it was recognised there may be some residual issues. The partnership groups referred to had not met regularly recently, and there was a need to re-invigorate the ALD Board. Councillor E A Clare (former Cabinet Member for Adult Care & Support) added that Lea Court was coming towards the end of its life and, although a better service could be provided elsewhere, it was difficult in getting some clients to accept change. The Cabinet Member added that he was happy to meet with any individuals or groups to discuss any issues.

RESOLVED – that the Multi Agency Strategy for Carers 2013-2016 and associated action plan for implementation, as appended to the report, be endorsed.

CB-7 THE ANNUAL GOVERNANCE STATEMENT 2012/13

Non-Key Decision

Councillor R.A. Overton, Deputy Leader, presented the joint report of the Assistant Director: Finance, Audit & Information Governance and the Monitoring Officer, attached to which was the draft Annual Governance Statement for 2012/13.

Under the Accounts & Audit Regulations 2011, the Council was required to produce an Annual Governance Statement, and it was best practice that it was signed by the Leader and Managing Director of the Council. The Statement included an action plan to ensure that the Council continued to improve its existing governance arrangements. The action plan attached to the 2011/12 statement (implemented during 2012/13) had been reviewed and updated and was appended to the report.

The Annual Governance Statement outlined that the Council had been adhering to its Local Code of Corporate Governance, continually reviewing and improving its procedures to maintain and demonstrate good corporate governance, and that it had in place robust systems of internal control. The Council could be assured that during 2012/13, including during organisational changes, the existing governance framework had continued to support proper governance. Assurance for the Annual Governance Statement was provided by all areas of the Council including senior management, Members, the Chief Financial Officer, the Monitoring Officer and internal audit.

RESOLVED – that the Annual Governance Statement 2012/13, as shown at Appendix A of the report, be agreed.

CB-8 MARCHES LOCAL TRANSPORT BODY

Non-Key Decision

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Neighbourhood & Leisure

Services, which updated Members on the proposals and framework for the establishment of a Marches Local Transport Body (LTB) in response to the Department for Transport's plans for devolving major transport scheme funding beyond 2015.

The draft Assurance Framework for the LTB had been submitted to the Department for Transport for comment. The Local Enterprise Partnership (LEP) had subsequently decided to become a full voting member of the LTB. This meant the LTB could no longer be a joint committee between the three authorities but would have to be set up as an informal partnership. Following discussions between all the partners, it was proposed to reduce the number of Elected Member representatives from each Local Authority from two down to one.

The Cabinet Member added that the LTB had met in shadow form earlier in the week, and it had been agreed that he would chair the group for the first 12 months. There was a tight timescale for producing a list of priority schemes and proposed funding programme.

In response to questions, the Cabinet Member confirmed that the funding allocation for the Marches LTB was £16m for the period 2015-19, and that a programme of works would be determined by a process of scheme assessment and prioritisation, including compatibility with the LEP's growth strategy.

RESOLVED –

- (a) that the changes to the Local Transport Body assurance framework and structure, with the reduction in Members from two down to one, be approved;**
- (b) that the Cabinet Member: Finance & Enterprise be appointed as the Council's representative on the Marches LTB Board, with the Cabinet Member for Customer Services, Libraries & Transport as Deputy Member – as set out in the governance proposals outlined in the report;**
- (c) that authority be delegated to the Assistant Director: Neighbourhood & Leisure Services, in consultation with the Cabinet Member for Finance & Enterprise, to finalise the Council's input to the assurance framework to be ratified at the July meeting of the Marches LTB;**
- (d) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to agree and execute all necessary documentation to give effect to the resolutions above.**

CB-9 REGULATION OF INVESTIGATORY POWER ACT 2000

Non-Key Decision

Councillor A.R.H. England declared that he was a serving Justice of the Peace. The Legal adviser confirmed that as Councillor England had not taken part in the two RIPA applications made to court which were referred to at appendix 2 of the report, and that as his involvement in matters at court was not likely to relate to applications made by the Council, he was therefore able to take part in the discussion and voting on this item.

Councillor R.A. Overton, Deputy Leader, presented the report of the Assistant Director: Law, Democracy & Public Protection, which informed Members of legislative changes to the approval process for undertaking covert surveillance, and on RIPA usage during 2012/13.

The Regulation of Investigatory Powers Act (RIPA) 2000 provided a statutory mechanism for authorising covert surveillance and the use of undercover agents. On 1 November 2012, new legislative provisions came into force which required every application to use RIPA powers to be approved by a Justice of the Peace. This was in addition to the internal approval process which had been in place for a number of years. The Council's Policy and Guidance on RIPA had been updated accordingly (along with minor administrative changes), and the revised document was appended to the report. Also appended to the report was a year-end report for RIPA usage during 2012/13, which showed that the powers had been used on only two occasions.

RESOLVED –

- (a) that the revised RIPA Policy document, as shown at Appendix 1 of the report, be approved;
- (b) that the contents of the report be noted.

**CB-10 BUILDING SCHOOLS FOR THE FUTURE PROGRAMME –
APPROVAL OF BUSINESS CASE FOR SOUTHALL SCHOOL,
DAWLEY**

Key Decision identified as **Building Schools for the Future – Southall School, Dawley** in the Notice of Key Decisions published on 30 April 2013.

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Director: Development, Business & Customer Services, which sought approval to submit the Final Business Case to the Education Funding Agency (EFA) and to the award of contracts.

The project at Southall School would include the construction of a new sports hall with changing rooms and new teaching spaces, as well as the refurbishment of areas within the existing school building. It was anticipated that the new facilities would be available by early 2014. The Final Business

Case (FBC) outlined the scheme, the affordability of the final solution and the arrangements in place for contract administration. On 29 March 2012, Cabinet approved the appointment of Shepherd Construction Ltd as the "Selected Panel Member" to construct Ercall Wood Technology College and future schools including Southall School, if requested. Shepherd Construction had been working to finalise the design of the scheme and had submitted a detailed planning application.

The FBC was being prepared, and the key points of the submission would be that the scope of the scheme was as planned at Stage 0 and that it was affordable. Further details of the financial and contractual arrangements were contained in the report. Subject to Cabinet approval, the FBC would be submitted to EFA for approval and to the DfE for funding approval once Shepherd Construction had secured planning approval for the site. In order that refurbishment work within the existing school building could be carried out during the 2013 summer holidays, it might be necessary to initiate an early works agreement with Shepherd Construction Ltd. To minimise risk to the Council, this agreement would only be entered into if all the necessary approvals for the Design and Build contract were in place, and it would be time and value limited.

RESOLVED –

- (a) that the submission of the Southall School Final Business Case to the Education Funding Agency be approved, and that, subject to approval by the EFA (thereby releasing BSF funding), the Director: Development, Business & Customer Services, in consultation with the Cabinet Member for Children, Young People & Families, be authorised to award the Single School Design & Build contract to Shepherd Construction Limited and to enter into all related contract documents;**
- (b) that, if necessary, the Director: Development, Business & Customer Services, in consultation with the Cabinet Member for Children, Young People & Families, be authorised to enter into an early works agreement with Shepherd Construction Ltd, prior to the signing of the main contract, to allow key works to be undertaken in the school summer holidays;**
- (c) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to execute all necessary documentation, including the affixing of the common seal of the Council to contractual documentation as appropriate.**

The meeting ended at 5.47 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 5 June 2013

Signed:

Date: