

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 12th December, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON TUESDAY, 17th DECEMBER, 2013

(DEADLINE FOR CALL-IN: FRIDAY, 20TH DECEMBER, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, S. Davies, 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) and W.L. Tomlinson (Liberal Democrat/Independent Group Leader)

CB-60 MINUTES

RESOLVED – that the minutes of the meeting held on 14th November 2013 be confirmed and signed by the Chair.

CB-61 APOLOGIES FOR ABSENCE

None

CB-62 DECLARATIONS OF INTEREST

None

CB-63 FINANCIAL MONITORING 2013/14

Key Decision identified as **Financial Monitoring** in the Notice of Key Decisions published on 14 November 2013.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Finance, Audit & Information Governance, which provided Members with the latest financial monitoring information for 2013/14.

Strong financial management continued, and the overall revenue position had improved by £0.92m since the last report in October. Revenue spending was now projected to be underspent by £0.67m at year end. A balance of £2.73m was remaining in contingencies in case of any unforeseen pressures in the latter part of the year. Proactive budget management activity had resulted in the identification of £2.5m of further in-year savings. Therefore, the overall revenue position was positive and, if maintained, would put the Council in a

good a position as possible to face the further unprecedented levels of cuts in grants that would be made by Government next year.

There were still a number of significant pressures on the budget, including the cost of Children in Care placements (overspend of £1.9m); the cost of Adult Care and Support services (combined projected overspend of £3.8m); the cost of ICT maintenance contracts (overspend of £0.4m); and income shortfalls relating to Lifelong Learning and Cleaning & Facilities Management. Projected variances of over £0.100m for individual service delivery units were detailed in the report. There were benefits from active treasury management of £1.1m, savings of £0.5m arising from general waste and recycling services, and a benefit of £0.3m arising from recovery of benefit overpayments.

The capital programme totalled £100.4m, which included slippage from 2012/13 and approvals to date. Spend was currently standing at 29%. Funding for the programme included a significant amount of capital receipts anticipated to be delivered over the medium term. As previously reported, a contingency plan was being developed should some of the receipts not be forthcoming. The total value of receipts expected in 2013/14 was £5.5m.

Collection levels for Council Tax and Sales Ledger debt were behind the targets set for the year, but the collection level for NNDR was ahead of target.

Reference was made to the on-going issue regarding the below national average funding of Continuing Healthcare by the Telford & Wrekin Clinical Commissioning Group, and the impact this was having on both individuals (who were now having to contribute more for their care) and on the Council's services/social care budgets. The Opposition Group Leaders expressed their concerns, and were thanked for lending their support to this issue. In response to a question about what further action could be taken to address the matter, the Cabinet Member: Adult Social Care added that the issue had been raised with a senior NHS executive and that the local MPs had also been informed.

RESOLVED –

- (a) that it be noted that the 2013/14 revenue spend is currently projecting to be within budget at year end;**
- (b) that the position in relation to capital spend and receipts be noted, and TO RECOMMEND to COUNCIL that the new allocations, virements and slippage detailed in Appendix 3 of the report be approved;**
- (c) that the collection rates for NNDR, council tax and sales ledger be noted.**

CB-64 COMMUNITY SAFETY PARTNERSHIP PLAN 2013-2016

Key Decision identified as **Community Safety Partnership Plan and Agreement** in the Notice of Key Decisions published on 14 November 2013.

Councillor H. Rhodes, Cabinet Member: Customer Services, Libraries & Transport, presented the report of the Assistant Director: Family & Cohesion Services, which sought approval for the Telford & Wrekin Community Safety Plan for 2013 – 2016, a draft copy of which was appended to the report.

The Telford & Wrekin Community Safety Partnership (CSP) had a statutory responsibility to develop a Partnership Plan which outlined the actions to be taken by partners on collectively working together to reduce crime and disorder and anti-social behaviour across the Borough. The compilation of the Plan also had to have due regard to the Police and Crime Commissioner's priorities to ensure that it linked into the West Mercia Police and Crime Plan.

The Plan was based around the CSP's four over-arching priorities:

- To reduce overall crime in the Borough;
- To reduce anti-social behaviour – including environmental crime;
- Greater community cohesion in the Borough;
- To reduce the fear of crime – keeping residents safer in Telford & Wrekin.

Each priority was supported by an operational action plan to ensure that a framework was in place to support and deliver on each priority. Due to the nature of community safety, the delivery plans needed to be fluid and adaptable to change to meet local need. Therefore the Plan would be reviewed annually. The Community Safety Partnership Board had overall responsibility for the monitoring of the Partnership Plan, with the Community Safety Team overseeing the delivery of the priorities and action plans, working with partners and operational delivery groups across the Partnership.

RESOLVED – to RECOMMEND to COUNCIL that the Community Safety Partnership Plan 2013 - 2016 be approved.

CB-65 COUNCIL TAX SUPPORT SCHEME 2014/15

Key Decision identified as **Council Tax Support Scheme 2014/15** in the Notice of Key Decisions published on 14 November 2013.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Customers & People, which set out the proposed scheme for 2014/15 to award council tax discounts to customers on low incomes.

Following the abolition of the national Council Tax Benefit scheme on 31 March 2013, the Council had introduced its own localised Council Tax Support scheme following a wide ranging consultation. A financial review of the scheme to date showed that the cost of Council Tax discounts awarded was lower than originally estimated, with a net benefit of around £100k. However, it was too early to draw any firm conclusions or make any accurate predictions from the findings at this stage. As the Support scheme was on track and financially balanced, it was therefore recommended that the current local scheme be retained for 2014/15, except for the technical and legislative

amendments that were necessitated each year by Government. Retaining the same scheme would allow further time to gather a full year's worth of data to truly understand the impact of the scheme, both financially and socially, which would feed into how the scheme might be developed further for 2015/16.

By not amending the scheme, there was not a requirement to go out to consultation. However, the major precepting authorities had been consulted about the recommendations for 2014/15, and the cross-party group from the Co-operative & Communities and Budget & Finance Scrutiny Committees had been monitoring the introduction of the 2013/14 scheme. Their report was appended to the report, and indicated support for the recommendation to retain the existing scheme for 2014/15.

The Council Tax Hardship Fund had been invaluable in assisting the award of help to the most financially vulnerable customers. It was therefore proposed that any unspent money from the Fund be rolled forward for use in 2014/15.

RESOLVED – TO RECOMMEND TO COUNCIL

- (a) that the Council Tax Support Scheme policy for 2014/15, which remains unchanged from the scheme approved by full Council on 22 November 2012, with the exception of the technical and legislative amendments that are necessitated each year by Government, be approved;**
- (b) that the carry-forward of the remaining funds in the Council Tax Support Exceptional Hardship Policy be approved, to allow it to operate for a further year.**

RESOLVED - that the findings from the cross party, joint Co-operative & Communities and Budget & Finance Scrutiny Committees, who support the retention of the existing Council Tax Support Scheme for 2014/15, be noted.

CB-66 HEALTH & SOCIAL CARE INTEGRATION

Key Decision identified as **Integration of Health & Social Care** in the Notice of Key Decisions published on 14 November 2013.

Councillor R.A. Overton, Cabinet Member: Public Health & Public Protection, presented the report of the Interim Director: Health, Wellbeing & Care, which set out the requirements placed on the Council and Telford & Wrekin Clinical Commissioning Group (CCG) to move towards integration of health and social care services.

The spending review at the end of June 2013 set out the requirement to establish an Integration Transformation Fund (ITF) by April 2015, which would include as a minimum the local share of the £3.8bn being allocated nationally in 2015/16. This included the continuation of the national 2014/15 NHS transfer to local authorities, and additional funding of £200m to help local authorities prepare for the implementation of the ITF and make early progress

on priorities. Individual allocations for funding would be announced as part of the Government's Autumn Statement. This was not new money, but there was an expectation that the Council and CCG would agree to use the funding to take forward a shared approach to health and social care. A joint letter from NHS England and the Local Government Association setting out the next steps on implementing the ITF was appended to the report.

The fund would be allocated to local areas, where it would be put in a pooled budget under joint governance between the CCG and Council, with a requirement that they must have a jointly agreed plan which met a number of national conditions. Elements of the ITF would be performance related.

Integration proposals needed to be developed now, to allow relevant budgets to be freed-up during 2014/15 for inclusion in the ITF – and an initial planning template, signed off by the Council, CCG and Health & Wellbeing Board, had to be submitted by 15 February 2014. A 'Task and Finish' Group of Officers from the Council and the CCG had commenced discussions on developing a vision for the integration of health and social care locally, and undertaking the necessary planning for the operation of the ITF.

RESOLVED –

- (a) that the requirements put in place for an Integration Transformation Fund be noted;**
- (b) that it be noted that a Task and Finish Group has been established with nominated Officers from both the CCG and the Council to complete the planning template to the deadline set;**
- (c) that a further detailed report be brought to Cabinet on 30 January 2014, and to an extraordinary meeting of the Health & Wellbeing Board in February, with a view to signing off the draft Plan Submission.**

CB-67 REVIEW OF ADULT CARE AND SUPPORT COMMUNITY CARE AND ASSESSMENT, REVIEW AND ELIGIBILITY POLICIES

Key Decision identified as **Review of Community Care Policy and Procedures** in the Notice of Key Decisions published on 14 November 2013.

Councillor A.R.H. England, Cabinet Member: Adult Social Care, presented the report of the Interim Director: Health, Wellbeing & Care concerning proposed amendments to Adult Care and Support policies in conjunction with the implementation of the Resource Allocation System from January 2014.

Fundamental to delivering the personalisation agenda and taking forward savings in adult social care was the introduction of Personal Budgets for all service users in receipt of community care funding. This approach would become embedded in legislation once the Care Bill, currently passing through Parliament, became law. Budgets for service users with eligible unmet needs

would be calculated through a Resource Allocation System (RAS) that would be built into the assessment process. To underpin this approach, a review of existing Community Care policies had been carried out. Amendments had been made to the Community Care Policy and the Assessment, Review and Eligibility Policy, and the revised documents were appended to the report.

The procurement of a RAS was approved by Cabinet in January 2011. The system would ensure that there was a fair and equitable process in place, so that people with the same level of need received an equal level of resource which was sufficient to meet their eligible, unmet needs. Following a period of testing, it had now been embedded electronically into the assessment document, and it was planned to use the system to allocate all personal budgets from January 2014. This would be for all new cases and on a phased basis for all existing users. Review of an existing care package using the RAS might result in the indicative budget going up or down – and transitional arrangements and support planning would be employed to manage any differentials.

RESOLVED –

- (a) that the amended Community Care Policy and Assessment, Review and Eligibility Policy, as appended to the report, be approved;
- (b) that the implementation of the Resource Allocation System from January 2014 be approved.

CB-68 SHAPING PLACES – LOCAL PLAN UPDATE

Key Decision identified as **Shaping Places Local Plan Update** in the Notice of Key Decisions published on 14 November 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which provided an update on the main areas of work on the Council's new development plan, and sought approval of changes to the approach to the preparation of the Plan following recent consultation, emerging evidence and national planning policy considerations.

Consultation on the Strategy & Options document took place during June and July 2013, and the comments received were being used to help inform the development of planning policies. In total 1471 comments were received. Appended to the report was a summary of the comments received and their implications. The responses were generally favourable and positive towards the options presented in relation to the level and distribution of growth; the value of green spaces; and a more flexible criteria-based approach to policies.

To comply with the National Planning Policy Framework (NPPF), the Council had to identify and update annually a 5 year supply of housing against its housing requirements set out in the adopted development plan. The report detailed the calculation of the 5 year land supply, which gave the Council a 5

year housing target as at April 2013 of 8,612 homes, which equated to 1,722 homes per year. The Council was able to demonstrate a supply of only 4,387 deliverable homes for the 5 year period, which meant that the supply could not be considered up-to-date and, in accordance with the NPPF, there was a presumption in favour of sustainable development. Work was ongoing to establish a revised housing target for the Borough that was deliverable, but which also reflected the Council's ambitions for growth and prosperity. Also, in light of the 5 year housing supply position, it was proposed to make more locally specific site allocations.

The report also provided an update on a number of key policy areas, such as Employment, Affordable Housing, Rural Housing, Retail, Green Infrastructure (with 70% of land within the Telford urban area being retained as green space), Urban Design and Climate Change.

Cllr A.J. Eade (Conservative Group Leader) expressed concern that the lack of a definitive housing need figure for the Borough, meant that there was little that could be done to resist speculative developers building on green field sites. The development of the new Local Plan had taken too long, and needed to be in place as soon as possible in order to afford some protection from developers. In response, the Cabinet Member stated that since the commencement of the Local Plan process, the Government had 'moved the goalposts' in terms of the supply of housing land and the presumption in favour of "sustainable" development. Most Councils now found themselves in this position, with nationally a number of decisions against refusal of housing developments being overturned on appeal. Work was progressing as fast as possible on the Local Plan given the requirements for consultation etc. More information on a revised timetable was provided in the next item on the agenda. The Assistant Director: Planning Specialist added that work on strategic housing supply was being undertaken with consultants and neighbouring Authorities, and the results of the study would be published early in the New Year. In response to a question regarding the timetable for determining specific sites for development, the Assistant Director advised that Town and Parish Councils would be consulted early in the New Year on initial ideas, with a view to final decisions being taken in the middle of 2014.

RESOLVED –

- (a) that the approach to the Local Plan as set out in the report, and taking account of the update to the Local Development Scheme referred to at Minute CB-69, be approved;**
- (b) that the summary of comments document shown at Appendix 1 of the report be approved for publication on the Council's website.**

CB-69 TIMETABLE FOR SHAPING PLACES LOCAL PLAN- LOCAL DEVELOPMENT SCHEME

Key Decision identified as **Shaping Places Local Development Scheme** in the Notice of Key Decisions published on 14 November 2013.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which sought approval for an updated timetable for the Shaping Places Local Plan.

The Local Development Scheme (LDS) provided a public timetable for the production of the Shaping Places Local Plan between 2013 and 2015. The previous version of the LDS was approved by Cabinet in February 2013, but changes were now required in the light of the issues referred to in the previous report on the agenda (see minute CB-68). As a result of recent decisions by Government and Planning Inspectors at appeal cases, it had recently been calculated that Telford & Wrekin had a housing supply of approximately 2.5 years. In view of this, it was important that specific sites were allocated within the new Local Plan to provide a deliverable supply of housing throughout the Plan period up to 2031. To enable this work to be undertaken, a revised timetable was outlined, which included formal public consultation on site allocation options, policies and growth strategy between April – June 2014. A copy of the amended LDS was appended to the report. Subject to Cabinet approval, the updated LDS would be published on the Council website.

In response to questions, the Cabinet Member stated that he understood the need to proceed as quickly as possible, but if corners were cut the Council would be vulnerable to having the Plan rejected by the Planning Inspectorate at the examination stage.

RESOLVED –

- (a) that the updated version of the Local Development Scheme be approved for publication;**
- (b) that authority be delegated to the Assistant Director: Planning Specialist, in consultation with the Cabinet Member: Housing, Development & Borough Towns, to amend the Annex to the Local Development Scheme in order to reflect minor changes.**

CB-70 ASSETS OF COMMUNITY VALUE

Non-Key Decision

Councillor E.A. Clare, Cabinet Member: Leisure Services & Culture, presented the report of the Assistant Director: Law, Democracy & Public Protection, concerning the establishment of a procedure to administer the Assets of Community Value provisions contained within the Localism Act 2011.

The Localism Act 2011 introduced a community ‘right to bid’ for land and buildings that were of value to the local community, by permitting them to have a period of time to make a bid to purchase the “asset” after an owner had indicated an intention to sell it. The local authority had the responsibility for administering the scheme, and a summary of the process was outlined in the report. It was proposed that the applications from community groups were

received and processed by the Assistant Director: Law, Democracy & Public Protection in line with the guidance and procedure appended to the report. If an application was accepted, the Council had to place the property on a Register of Assets of Community Value. The implementation of the legislation would result in some additional costs for the Council, including administrative costs and potential claims for compensation from landowners if there had been a loss or expense incurred as a result of the land having been registered.

RESOLVED –

- (a) that the Assistant Director: Law, Democracy & Public Protection establish a procedure to administer the Assets of Community Value process in accordance with statutory requirements;
- (b) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to receive and determine applications for land to be registered as assets of community value.

CB-71 EXCLUSION OF PUBLIC AND PRESS

RESOLVED – that the public and press be excluded from the meeting for the following item of business on the grounds that it may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**CB-72 BUILDING SCHOOLS FOR THE FUTURE PROGRAMME –
APPROVAL TO SUBMIT SIX FINAL BUSINESS CASES AND
ENTER INTO CONTRACT FOR REMAINING SCHOOLS
WITHIN THE ACCELERATED BSF PROGRAMME**

Key Decision identified as **Building Schools for the Future Programme** in the Notice of Key Decisions published on 14 November 2013.

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Education & Corporate Parenting, which updated Members on the Building Schools for the Future (BSF) programme in Telford & Wrekin.

The Education Funding Agency (EFA) had indicated an acceleration of the programme, which meant that for the Council to retain the BSF funding for the remaining six schemes, it would need to have reached the Final Business Case (FBC) stage for all remaining schemes by the end of 2013. This was an extremely challenging deadline, and thanks were expressed to all Officers involved on the project, and to the contractors (Shepherd Construction) for all the work that had been done to ensure the deadline was met. The EFA had agreed some conditionality regarding the submission, and dialogue was continuing to take place.

The programme was deliverable within the finances that had been agreed, and full details of the funding arrangements and Design and Build contract costs were provided within the report. Part of the funding would come from the disposal of a number of existing school sites that were being replaced by new build sites as part of the BSF programme. Approval to dispose of these sites had been secured from the EFA/Secretary of State. To meet tight timescales and avoid delay, it might be necessary to require the contractors to undertake enabling works (via an Early Works Agreement) prior to the contract start dates. Any Early Works Agreements would not be undertaken until the FBC had been approved.

RESOLVED –

- (a) **that authority be delegated to the Assistant Director: Education and Corporate Parenting in consultation with the Cabinet Member for Children, Young People and Families, to formally submit Full Business Cases (FBC) for:**
Lakeside Learning Community, comprising the Lakeside Academy and Grange Park Primary School (Lakeside);
Telford Co-operative Academy (TCA);
Burton Borough School;
Adams' Grammar School;
Holy Trinity Academy (HTA) and
Charlton School;
and subsequently be authorised to award, upon the satisfactory approval of the FBC and the release of the funding, Design & Build contracts for each school to Shepherd Construction Limited, and to finalise and agree all related contract and property related documents including the Development Agreements and contracts with the relevant Academies, foundation schools and landowners for various land acquisitions, exchanges, leases, joint use agreements and any other ancillary related agreements/documentation;
- (b) **that authority be delegated to the Director: Development, Business and Customer Services, in consultation with the Cabinet Member for Children, Young People and Families, to finalise and agree early works agreements with Shepherd Construction Ltd, if necessary, on any or all of the BSF schemes referred to in the report, prior to signing the main Design & Build Contracts for each of them, and in each instance for up to a maximum value of £500,000 per scheme.**
- (c) **that authority be delegated to the Director: Development Business and Customer Services, in consultation with the Cabinet Member for Finance & Enterprise, to negotiate and enter into any agreement to maximise the receipt from the land sales as referred to in paragraph 4.3 of the report;**

- (d) that authority be delegated to the Assistant Director of Law, Democracy & Public Protection to execute all necessary contract documentation in accordance with the Constitution, including the affixing of the Common Seal of the Council as appropriate.

The meeting ended at 6.19 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 17 December 2013

Signed:

Date: