

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 21 July at 5.00pm at Addenbrooke House, Ironmasters Way, Telford

PUBLISHED ON WEDNESDAY, 27 JULY 2016

(DEADLINE FOR CALL-IN: MONDAY, 1 AUGUST 2016)

Present: Councillors S Davies (Leader and Chair), L D Carter, E A Clare, A R H England, A D McClements, R A Overton, G C W Reynolds, H Rhodes, and P R Watling.

Also Present: Councillors A J Eade (Conservative Group Leader), and W L Tomlinson (Liberal Democrat/Independent Group Leader).

CB-012 Apologies for Absence

None.

CB-013 Declarations of Interest

None.

CB-014 Minutes

RESOLVED – that the minutes of the meeting held on 16 June 2016 be confirmed and signed by the Chair.

CB-015 Scrutiny Review of Multi-Agency Working Against Child Sexual Exploitation

Key Decision identified as Telford & Wrekin Safeguarding Children Board (TWSCB) and Telford & Wrekin Cabinet's Response to the CSE Scrutiny Review in the Notice of Key Decisions published on 22 June 2016.

Councillor K R Guy, Chair of the Children & Young People Scrutiny Committee, presented the Committee's report into Multi-Agency Working Against Child Sexual Exploitation.

The Committee had focussed the review on how organisations in Telford and Wrekin were working together to prevent CSE, protect and support the victims and their families and prosecute perpetrators.

Thanks were expressed to the people who had provided evidence to the Committee, particularly victims and their families, young people who had shared their views, and senior officers and representatives from 7 Council service areas and over 25 external organisations, including the Police, Crown Prosecution Service, National Probation Service and local health organisations.

The main findings of the review were:

- Organisations in Telford and Wrekin were working well together to respond to cases of CSE as they are identified;
- More age-appropriate awareness raising activity was required;
- Ongoing support was required for victims and families but organisations providing that support were underfunded; and
- CSE was everyone's business.

The report set out a number of recommendations aimed at addressing the issues raised.

The Conservative and Liberal Democrat/ Independent Group Leaders expressed their thanks to the Children & Young People Scrutiny Committee for their work on a serious and emotive issue, particularly noting comments regarding raising awareness and funding for services.

Councillor P R Watling, Cabinet Member for Children, Young People & Communities, responded to the report on behalf of the Cabinet. He thanked the Committee for the thoroughness of this challenging review. The TWSCB and Partners welcomed the Scrutiny Committee's recommendations and the detailed response to each recommendation was appended to the report attached to the agenda. All the local recommendations had been accepted and Partners were already working to deliver the recommendations with some positive progress relating to disruption activity as set out in the report. The Review had made three recommendations for National Bodies and a joint response with the CYP Scrutiny Committee, TWSCB and Cabinet was suggested. The TWSCB would be responsible for monitoring the recommendations and ensuring progress was made in a timely manner. An interim progress report and full progress report would be delivered to the CYP Scrutiny Committee.

Members also welcomed the current review of the Child & Adolescent Mental Health which was being considered by the Joint Health Overview and Scrutiny Committee.

RESOLVED that –

- (a) the programme to respond to the Children & Young People Scrutiny Committee's report be approved;**
- (b) the recommendations to national organisations be approved; and**
- (c) the ongoing dialogue by the TWSCB with partners to meet the cost of delivering multi-agency recommendations be noted.**

Key Decision identified as Financial Management in the Notice of Key Decisions published on 22 June 2016.

Part recommendation for Full Council in relation to (b) and (d) not subject to Call-in.

Councillor L D Carter, Cabinet Member: Council Finance Partnerships & Commercial Services, presented the report of the Assistant Director: Finance & HR, which provided Members with the latest financial monitoring information for 2016/17.

The net projected outturn position for the General Fund revenue budget was currently estimated to be within budget, after applying £3.4m currently available in central contingencies pending any further commitments which may arise during the rest of the year and after using the specific contingency of £2.5m earmarked in the 2016/17 budget strategy for Early Help and Support pressures and the one-off service balances totalling £0.5m for Children's Safeguarding.

There were a number of variations from the approved budget, including the cost of Children in Care placements (overspend of £1.1m) and the cost of Early Help and Support (projected overspend of £4.0m mainly relating to care packages). There were benefits from Treasury Management activities of £1.5m and a one-off benefit following the final winding up of Transforming Telford Ltd of £0.6m.

The capital programme totalled £97.3m, which included all approvals since the budget was set. Spend was projected at 88% of the budget allocation. The report detailed a number of new approvals, virements and slippage.

The collection level for Council Tax and Business Rates was ahead of target, whilst Sales Ledger debts were slightly behind the targets set for the year.

Members welcomed the certainty that the government's new four year local government funding settlement would offer. The Leader commented on Daniel Kawczynski MP's recent statement that he would vote against the Local Government Settlement if it did not offer a fair funding deal for Shropshire and hoped a similar response from Telford & The Wrekin MPs would be forthcoming.

RESOLVED –

(a) that it be noted that 2015/16 revenue spending is currently projected to be within budget and that work will continue with SMT to sustain the position; and the proposed use of the contingency detailed in 5.1 be approved;

(b) that the position in relation to capital spend be noted and TO RECOMMEND TO COUNCIL that the new allocations, virements and slippage detailed in Appendix 3 be approved;

(c) that the collection rates for NNDR, council tax and sales ledger be noted; and

(d) TO RECOMMEND TO COUNCIL that the draft Efficiency Strategy in Appendix 4 be approved and that delegated authority be granted to make final changes to reflect guidance and best practise as it continues to develop to the Managing Director after consultation with the Leader and Cabinet Member for Council Finance & Service Delivery

CB-017 2015/16 End of Year Performance Report

Key Decision identified as 2015/16 End of Year Performance Report and Review of Strategic Risk Register in the Notice of Key Decisions published on 22 June 2016.

Recommendations for Full Council – not subject to Call-in.

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Managing Director which presented an overview of 2015/16 performance against the Council's priorities, and the updated Strategic Risk Register.

Appended to the report were the figures for each of the performance indicators linked to the Council's priorities. Among the headline messages from the analysis:

- The borough continued to attract new investment, with high profile examples of investment in 2015 including the MOD logistics hub and the recent investment from Magna. The Land Deal with the Homes and Communities Agency (HCA) would unlock assets in the borough to drive growth and facilitate further investment.
- For "vulnerable learners" greater, more consistent improvement was required in terms of attainment and progression. For both of these measures, the gap between Pakistani learners, pupils in receipt of free school meals and children in care and their peers remained too high.
- Demand on the Children's Safeguarding Service continued to increase
- Although improving, there were a number of long-term health challenges for the Borough including: teenage conception rates, the proportion of mothers smoking at delivery and early mortality rates.

The Strategic Risk Register was a means for the organisation to identify and manage the substantive issues which could impact negatively on delivery of the Council's priorities. Appended to the report was an updated Register which showed the key risks identified for 2016/17 and the mitigating actions in place to manage these risks.

The Cabinet Member: Housing, Leisure & Health had requested an interim report for 2016/17.

In response to a question regarding youth unemployment, the Cabinet Member: Education, Employment & Regeneration, noted that official statistics suggested that youth unemployment was on the rise. However, this measured rate was a result of the data being based on a relatively small sample survey rather than a real change in the underlying youth unemployment rate. Locally produced data was based on

the exact number of claimants and she hailed the work of the Job Boxes in reaching the hidden unemployed, ie those who were not claiming benefits. She pointed to a number of upcoming events, including the Be Inspired Event, a number of job fayres, and the Life Ready, Work Ready initiative which saw local businesses linking with schools to provide the workforce of the future with the skills required to secure employment. She was happy to provide opposition leaders with the opportunity to visit a Job Box and see the work in action.

RESOLVED that –

(a) progress against the Council's Co-Operative priorities be noted; and

(b) the Council's strategic risk register be adopted

CB-018 Superfast Telford – Marches Business Broadband Grant Scheme

Key Decision identified as Superfast Telford – Business Broadband ERDF Grant Scheme in the Notice of Key Decisions published on 22 June 2016.

Councillor A D McClements, Cabinet Member: Transport, Customer & Neighbourhood Services presented the report of the Assistant Director: Business, Development & Employment which provided an update on the status of the Superfast Broadband project, sought approval of match funding mechanisms and approval for the authority to enter into a formal Partnership Agreement with project partners and the Department of Communities and Local Government (DCLG).

Superfast Telford was the Council's £5.6m broadband programme which would see 9,300 homes and businesses across the borough benefit from a new network of fibre broadband infrastructure. Combined with commercial activity, this will result in 98% of Telford & Wrekin being covered by the end of 2017. The Council was committed to continue to seek solutions for the 2% of the borough that won't benefit from the current programme to get as close to 100% as possible.

The Council had also continued to seek other funding streams to support broadband roll-out. As part of the Marches Local Enterprise Partnership, Telford & Wrekin had the opportunity to benefit from £2.2m of EU funding and the Council had therefore been working with Shropshire and Herefordshire on the development of a bid for funding for a Broadband Grant Scheme for Small and Medium Sized Enterprises across the Marches. It was noted that the bid was in the application stages and timescales for delivery may slip as a result of the EU Referendum.

The Cabinet Member noted a typographical error in the report at paragraph 4.3 - the third column, row relating to EU Funding, should read "£672,575".

RESOLVED that -

(a) proposals for the project match funding mechanism be approved;

(b) approval to enter into a Partnership Agreement with project partners, with Hereford Council acting as Accountable Body be granted; and

(c) authority be delegated to the Assistant Director; Business, Development & Employment, in discussion with the Lead Cabinet Member, to take all actions necessary to complete the Partnership Agreement

CB-019 Declaration of three new Local Nature Reserves: Apley Woods LNR, Ketley Paddock Mound LNR and The Beeches LNR

Key Decision identified as Declaration of three new Local Nature Reserves in the Notice of Key Decisions published on 22 June 2016.

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Assistant Director: Business, Development & Employment which presented proposals to declare three statutory Local Nature Reserves known as 'Apley Woods Local Nature Reserve,' 'Ketley Paddock Mound Local Nature Reserve' and 'The Beeches Local Nature Reserve.' Maps showing the proposed LNRs were appended to the report.

The proposals followed on from the Council's commitment through the Green Guarantee to retain locally important green spaces which had value to local communities. The proposed declaration of the three new Local Nature Reserves added to the eight already designated in the Borough maintained that commitment extending the area of protection by 40 hectares. It also delivered against a key priority in the emerging Local Plan.

The proposal had been developed in liaison with the local community, the local Parish Councils and will involve local volunteers carrying out small scale conservation tasks as part of the management of the sites. The designation of additional LNRs also reflected the Council's recognition of the value these spaces play in local communities and promoting health and wellbeing.

The three proposed sites were all within Council ownership (with the exception of the meadow area of Apley Woods which was pending legal transfer from the Homes and Communities Agencies as set out in the report) and were considered to fulfil the requirements to become a formally declared LNR.

The next stage in the process was to progress the sites further through a formal process with Natural England prior to final legal declaration.

The Cabinet Member: Education, Employment & Regeneration had recently attended a launch event at the Ketley Paddock Mound and warmly welcomed the excellent work being done by the local community. Similarly, the Cabinet Member: Children, Young People & Communities, was impressed with the work of local residents at The Beeches site.

RESOLVED that –

(a) the declaration of the Apley Woods LNR, the Ketley Paddock Mound LNR and the Beeches LNR be approved; and

(b) authority be delegated to the Assistant Director: Business, Development & Employment (and any officer authorised in writing by that Assistant Director) to complete the declaration process following consultation with the Lead Cabinet Member for Housing, Leisure & Health.

CB-020 Article 4 Direction to Remove Permitted Development Rights for Conversion of Light Industrial Units to Residential

Key Decision identified as Article 4 Permitted Development Rights – Employment Areas in the Notice of Key Decisions published on 22 June 2016.

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Assistant Director: Business, Development & Employment which followed a previous report to Cabinet when approval was granted to consult on and introduce an Article 4 Direction to remove certain permitted development rights that allowed the change of use to residential uses within named industrial estates. Since approval of that report, the legislation had been amended to also allow the change of use of light industrial units (Use Class B1 (c)) to residential uses. Therefore the Council had reviewed these impacts prior to public consultation and were now seeking Cabinet approval to add this use class to this direction.

Cabinet were informed that the inclusion of this additional use class to permitted development rights would add further pressure to the prime employment areas, and the proposed Article 4 Direction as considered by Cabinet was threatened by this amendment as a significant number of units within the named industrial estates could come forward as residential uses. This was not considered sustainable and would threaten the strategic long term growth and availability of prime employment land within the Borough. Consequently it was considered that the additional use class should be added to the Article 4 Direction to ensure the integrity of these employment areas, and ensure the residential amenity of any occupant was tested and protected through the requirement for submission of a planning application.

The Council's Constitution did not provide the necessary delegated powers under the Town and Country Planning (General Permitted Development Order) 2015 for Officers to make and cancel Article 4 Directions and Cabinet were requested to approve delegated powers to officer level to enable the Planning Department to manage this type of planning control.

RESOLVED that –

(a) authority be delegated to the Assistant Director Business, Development and Employment to make a Direction without immediate effect under Article 4 (1) of the Town and Country Planning (General Permitted Development Order) 2015 relating to the employment areas of Central Park / Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale as identified on the attached plan to remove permitted development rights under:

- (i) Schedule 2 Part 3 Class (O) changes of use from offices to dwelling houses and**

- (ii) Schedule 2 Part 3 Class (P) changes of use from storage or distribution centre to dwelling houses and
- (iii) Schedule 2 Part 3 Class (PA) changes of use from light industrial uses to dwelling houses and;
- (iv) Any other such Class of permitted development specified in Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended as is deemed appropriate to preserve the integrity of the said employment areas (“the Employment area Article 4 Direction”)

(b) the Assistant Director Business Development and Employment (or any other officer authorised in writing by the Assistant Director Business Development and Employment) be authorised in consultation with the Lead Cabinet Member to exercise all powers under Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development Order) 2015 as amended to make or cancel Article 4 Directions with and without immediate effect for the removal of permitted development rights as deemed expedient

CB-021 West Midlands Rail Collaboration Agreement

Non Key Decision

Councillor A D McClements, Cabinet Member: Transport, Customer & Neighbourhood Services presented the report of the Assistant Director: Customer & Neighbourhood Services which sought authorisation for Telford & Wrekin Council to cast its vote in favour of the special resolution that was necessary under Article 8.3 of West Midlands Rail Limited (WMR Ltd) Articles of Association to authorise the signing of a Collaboration Agreement, whether that resolution was passed in writing or at a general meeting of the Company. The Collaboration Agreement set out the relationship between WMR Ltd and the Department for Transport (DfT) in relation to the management of the West Midlands Rail franchise and further rail devolution in West Midlands.

RESOLVED that –

- (a) the progress being made by WMR Ltd towards meeting the objectives of the company be noted;
- (b) it be approved that Telford & Wrekin Council casts its vote in favour of the special resolution that is necessary under Article 8.3 of West Midlands Rail Limited (WMR Ltd) Articles of Association to authorise the signing of the Collaboration Agreement (included with this report as appendix A), whether that resolution is passed in writing or at a general meeting of the Company; and
- (c) the appointment of Councillor Angela McClements as a Director of WMR Ltd and notes that Councillor Shaun Davies will attend as her substitute and Councillor Kuldip Sahota will resign as Director be approved.

CB-022 Urgency Resolution – Section 100B(4) Local Government Act 1972

The Leader made the following statement:

“I am of the opinion that the following items of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.”

CB-023 Referral from Council

Councillor A R H England, Cabinet Member: Adult Social Care & Older People noted that the last Council meeting on 14 July 2016 had received a question from a member of the public which sought Council's support to lobby government to reconsider transitional pension arrangements for women born after 6 April 1951. The Cabinet Member noted that 8% of the population in Ercall Magna and The Gorge were affected and women born in 1953 and 1954 were particularly affected by the government's changes to the state pension age and had little time to make alternative arrangements. The Cabinet Member had technically only been able to give his personal support and that of the Leader and he, therefore, sought a formal resolution by Cabinet to give the Council's pledge to support the campaign.

Both opposition leaders present welcomed support of the Women Against State Pension Inequality (WASPI) campaign.

RESOLVED that the Council pledge support to the WASPI campaign and write to the Prime Minister on behalf of local women affected by the changes.

CB-024 £20m Growth Fund – Investing in Telford's Growth

Councillor L D Carter Davies, Cabinet Member: Council Finance Partnerships & Commercial Services, presented the report of the Assistant Director: Business, Development & Employment which followed a previous report to Council in November 2015 when borrowing to establish a £20m Growth Fund to attract inward investment and deliver economic growth and revenue income was approved. Under the terms of that Report, investment was focussed on the development of the Council's Property Investment Portfolio (PIP). This report proposed an amendment to the delegation to allow for the £20m Growth Fund to be used to fund strategic infrastructure, including electricity and utility supplies, where through a business case it was shown to support and enable inward investment, business growth and revenue generation.

RESOLVED that -

- (a) authority be delegated to the Assistant Director: Development, Business & Employment in consultation with the Assistant Director: Finance, Audit & Information, and the Cabinet Member: Council Finance & Service Delivery to consider the business case and determine the acquisition and disposal of PIP assets and/or investment in strategic infrastructure;**
- (b) authority be delegated to the Assistant Director: Development, Business & Employment to undertake the acquisition and disposal of PIP assets and/or**

investment in strategic infrastructure following approval to the business case as set out in 2.1 and to enter into arrangements, agreements, deeds and transfers as required to secure any such acquisition, disposal and/or investment;

(c) the use of the approved Growth Fund to be used in this financial year to facilitate the ongoing rationalisation and expansion of the PIP and/or investment in strategic infrastructure as outlined in this report be acknowledged; and

(d) authority be delegated to the Assistant Director: Law, Democracy & People Services to seal or sign any documents required to give effect to the recommendations contained in this report.

The meeting ended at 5.44pm

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Governance, Procurement & Commissioning
Date: 27 July 2016

Signed:

Date: