

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 16 June 2016 at 12 Noon in the Great Oak Hall at Park Lane Centre, Park Lane, Woodside, Telford TF7 5QZ

PUBLISHED ON WEDNESDAY, 22 JUNE 2016

(DEADLINE FOR CALL-IN: MONDAY, 27 JUNE 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 and H Rhodes

Also Present: Councillor A J Eade (Conservative Group Leader)

Announcements

The Leader, Councillor S Davies, welcomed Members to the meeting and paid tribute to the previous Leader, Councillor K S Sahota. He set out the three areas which he had prioritised for the first twelve months of his tenure: defending A&E services at Telford; to lobby for a Fair Funding deal for Telford & Wrekin; and to maximise external funding opportunities.

The Leader thanked Members for agreeing to bring forward the start time of the meeting on this occasion and hoped that this and all future meetings of the Cabinet would encapsulate the Council's values of fairness and respect.

CB-001 Apologies for Absence

Councillor P R Watling and W L Tomlinson (Liberal Democrat/Independent Group Leader)

CB-002 Declarations of Interest

None.

CB-003 Minutes

RESOLVED – that the minutes of the meeting held on 21 April 2016 be confirmed and signed by the Chair.

CB-004 Service & Financial Planning Report – 2015/16 Outturn and 2016/17 Update

Key Decision identified as 2016/17 Financial Management in the Notice of Key Decisions published on 18 May 2016.

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

Councillor L D Carter, Cabinet Member: Council Finance, Partnerships & Commercial Services Delivery, presented the report of the Assistant Director: Finance & Human Resources, which informed Members of the final outturn position

for Revenue and Capital for 2015/16, and the initial trends for the current financial year.

In anticipation of the financial challenges to be faced over the next few years, the Council had actively managed its budget throughout 2015/16 and had ended the year in a very positive financial position. This would not only assist in 2016/17 but would also help in the medium term and was part of the planned approach to managing the Council's finances in the most challenging financial climate that the Council has ever faced.

The gross revenue budget for 2015/16 was £430m and the net budget was £124m. The revenue outturn position was within budget with a final net underspend of £0.121m (equivalent to only -0.1% of net budget) after the proposed transfers to reserves and balances had been made. This position had been achieved after delivering £10m of budget savings in 2015/16, on top of the £70m made in the previous 6 years.

However, the funding outlook for the medium term was still very uncertain, despite the Government's commitment to a Four Year Grant Settlement and due to the number of proposed changes which would sit outside the Revenue Support Grant process. These changes included the current review of the Business Rates Retention Scheme; Business Rates Revaluation in 2017; proposals to change the New Homes Bonus Scheme to be implemented in 2017/18; and Education Funding Reform. It was therefore not possible to provide any real certainty on the further cuts which the Council faced but it was anticipated that a further £15m to £20m would need to be identified by the end of 2019/20 on top of those savings already approved by the Council for 2016/17 and 2017/18. This brought the total savings to around £125m to £130m by the end of this Parliament.

This reflected the active and strong financial management exercised by Cabinet Members and budget holders, which had resulted in the Council being able to create prudent provisions from the 2015/16 underspend to support its priorities, as set out in the report. There had been a number of favourable variations during the year which contributed to the final out-turn position. These included rescheduling debt payments, close management of the employee budget; and addition income of £0.6m across services.

The main service pressures experienced in 2015/16 related to adult social services (£0.9m net overspend, mainly on the cost of purchasing care packages from external providers) and children's safeguarding (£1.9m net overspend due to a combination of Children in Care placements and the cost of using agency staff).

Capital spend ended the year at £74.5m against an approved estimate of £90.5m which was in the main due to re-phasing expenditure into 2016/17. This underspend would result in some further treasury management savings to be made in 2016/17.

Council Tax collection (£71m) , Business Rates collection (£75m) and sales ledger income collection (£41m) rates were ahead of target for the year.

Summaries of the outturn on revenue and capital, along with major variations, were appended to the report. The report also updated on the 2016/17 Insurance tender process, which had resulted in contracts for property cover being placed with Zurich Municipal and liability cover placed with Maven Public Sector for a contracted period

of 3 years, with the option to extend for a further 2 years if required. Agreement would be reviewed annually to take into account updated information, such as increases in wages and salaries, which may alter the premium in future years. Estimated premiums for 2016/17 were £1.004m which was £0.127m lower than the cost in 2015/16 although some adjustments were likely to be made to the premium after the contract had been awarded due to changing cover requirements.

In conclusion, the Council faced another very challenging year in 2016/17, and the report highlighted a number of key issues and cost pressures, along with measures being taken to control and monitor expenditure. A further update would be brought to Cabinet in July once the final accounts were completed.

RESOLVED to RECOMMEND to COUNCIL that -

- (a) the Revenue outturn position for 2015/16 and related virements shown in Appendix 3 of the report (and subject to audit by the Council's external auditors), and the transfers to reserves and associated approval to spend the reserves as detailed in paragraph 5.3 of the report be approved;**
- (b) the Capital outturn position and related supplementary estimates and re-phasing shown in Appendix 4 of the report be approved;**
- (c) the performance against income targets be noted; and**
- (d) the key issues identified for 2016/17 and the Insurance update provided in paragraph 9.2 of the report be noted.**

CB-005 Markets Update

Non-Key Decision

Councillor L D Carter, Cabinet Member: Council Finance, Partnerships & Commercial Services Delivery, presented the report of the Assistant Director: Commercial Services which updated Members on the progress of discussions to explore alternative arrangements for the operation of four weekly markets at Oakengates, Dawley, Madeley and Hadley following the Council's proposal in its draft Budget Strategy for the Council to stop running these services by April 2017.

During the budget consultation, interest had been expressed in running the markets by a number of town and parish councils and also from the existing market traders. However, town and parish councils were the preferred option to continue running the markets because:

- Town & parish councils were legally able to establish a market under the same legislation as the Borough Council (Food Act 1984), which meant that the markets could continue to operate in a similar way to how they do now, ie existing and new traders could attend the market without having to apply for individual street trading consents;
- Most shoppers at the markets lived very locally and it was considered that the in-depth local knowledge of town and parish councils meant that they were well placed to understand the needs of their local communities and work with traders and residents to develop the market.

Detailed discussions with all the local town & parish councils regarding the practicalities of operating the market in their areas had taken place. Regular updates had been provided to existing market traders by the Markets Support Officer and traders had also received formal letters about the developments.

The report recommended that the Council work with Oakengates and Great Dawley Councils, and subject to a final decision being made, with Madeley Town Council, to put new arrangements in place as part of the Partnership Support Programme for Oakengates, Dawley and Madeley markets respectively. In the case of Hadley, the existing traders could continue to trade in their present location under individual street trading consents (STC) and regular traders at Hadley market had been informed of the application process and offered additional support in securing their STC applications.

There would be no transfer of property assets associated with any of the markets, therefore where the market is operated on land owned by the Council the relevant town council, and - in the case of Hadley - the traders, could be granted a licence to occupy the land for the purposes of operating a market.

Members commended the partnership approach of the town and parish councils in taking on the running of the markets.

RESOLVED that –

- (a) the proposals to work with relevant town and parish councils to put in place alternative arrangements under the Partnership Support Programme for the responsibility for operating local markets, as set out in Section 4 of the report be approved;**
- (b) operation of the local markets at Oakengates, Dawley and Madeley (subject to final decision by Madeley Town Council) be ceased on dates to be agreed with the relevant town council;**
- (c) authority to finalise arrangements with the relevant town councils that wish to establish markets in their areas be delegated to the Assistant Director: Commercial Services in consultation with the Cabinet Member for Council Finance, Partnerships and Commercial Services; and**
- (d) authority to execute all legal documentation necessary to give effect to the recommendations contained within the report be delegated to the Assistant Director: Governance, Procurement & Commissioning.**

CB-006 Asset Disposals

Key Decision identified as Disposal of Assets in the Notice of Key Decisions published on 18 May 2016.

Councillor L D Carter, Cabinet Member: Council Finance, Partnerships & Commercial Services Delivery, presented the report of the Assistant Director: Business, Development & Employment which set out proposals to dispose of five assets across the borough which the Council no longer required for

operational purposes, namely Willow Court, King Street Dawley, Strickland House, 30 West Road and Land at Snedshill (as outlined in red on the plan at in Appendix 1 of the report).

RESOLVED that –

- (a) **authority to negotiate and dispose of appropriate interests in the assets as detailed in section 4.2 of the report be delegated to the Assistant Director: Business, Development & Employment in consultation with the Cabinet Member for Finance, Partnerships & Commercial Services; and**
- (b) **authority to seal or sign any documents required to give effect to the above be delegated to the Assistant Director: Governance, Procurement & Commissioning.**

CB-007 The Annual Governance Statement 2015/16 and Updated Local Code of Good Governance

Non-Key Decision

The Leader, Councillor S Davies, presented the joint report of the Chief Financial Officer and the Monitoring Officer, attached to which was the draft Annual Governance Statement for 2015/16.

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 2015/15 statement (implemented during 2015/16) 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 2015/16, 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.

The Council's current Code of Good Governance, approved in 2008, had been continually reviewed against updated guidance and the Council's values. In April 2016, CIPFA/SOLACE had published an updated framework including revised principles and guidance. Although the revised principles continued to reflect the Council's culture and values, a revised Code which reflected them and the Council's "Being the Change" document was presented at Appendix C of the report for approval.

RESOLVED –

- (a) **the Annual Governance Statement 2015/16, appended to the report at Appendix A and the information in the report be noted; and**

- (b) to **RECOMMEND to COUNCIL that the revised Local Code of Good Governance appended to the report at Appendix C be included in the Constitution.**

CB-008 Planning – Duty to Co-operate

Non-Key Decision

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Assistant Director: Business, Development & Employment which informed the Cabinet of the Council's legal duty to cooperate with neighbouring local authorities in the preparation of Local Plans or other Development Plan Documents.

The duty resulted from the abolition of the concept of regional planning by the former coalition government and its replacement by the Localism Act 2011 which made strategic planning the responsibility of local councils. Local authorities were expected to address strategic cross boundary matters in development plans and demonstrate how they had engaged in strategic planning through the 'Duty to Cooperate'. This was a key test of the 'soundness' of Plans considered at Examination in Public.

The Duty related to sustainable development or use of land that would have a significant impact on at least two local planning areas, otherwise described as *strategic matters* and required Councils and public bodies to "...engage constructively, actively and on an ongoing basis..." to develop strategic policies. The scope for such engagement was broad but, typically, discussions covered housing allocations, waste and minerals management, traffic impacts and reviewing how environmentally sensitive sites in one local authority (such as Sites of Specific Scientific Interests) would be protected as a result of growth being promoted in another one. Telford & Wrekin would also be required to consider the management of the Ironbridge Gorge World Heritage Site with neighbouring Shropshire. The Duty to Cooperate was not a 'duty to agree', however, all local planning authorities were expected to demonstrate evidence of having successfully cooperated to plan for issues with cross-boundary impacts when their local plans were submitted for examination. The Council had engaged with nearby local authorities in the preparation of its own Local Plan and would continue to be engaged with them as they prepared their own Local Plans/documents. It was acknowledged by the Secretary of State that authorities would have different timescales for the implementation of their respective plans and that arrangements should be entered into as the plans progressed.

Although existing delegations provided for officers to exercise the powers and duties of the Council in relation to the preparation, approval, review and monitoring of Local Plans, the Minerals Local Plan and the Waste Local Plan, there was no specific delegation relating to the Duty to Cooperate and, for expediency, it was proposed that delegated authority be granted to the Assistant Director: Business, Development & Employment.

RESOLVED that –

- (a) **authority to exercise the Council's powers relating to its duty to cooperate in relation to the planning of sustainable development as set**

out in Section 33A Planning and Compulsory Purchase Act 2004 and any other associated legislation and guidance be delegated to the Assistant Director: Business, Development & Employment (and any other officer authorised by this Assistant Director); and

- (b) authority to enter into formal arrangements with any person or body referred to or prescribed in accordance with Section 33A Planning and Compulsory Purchase Act 2004 and any other associated legislation and guidance be delegated to the Assistant Director: Business, Development & Employment (and any other officer authorised by this Assistant Director) in consultation with the Deputy Leader and Cabinet Member for Housing, Leisure & Health and authority to sign and confirm the Council's agreement to those formal arrangements be delegated to the Lead Cabinet Member for Housing, Public Health & Protection

CB-009 Waters Upton Neighbourhood Plan: Proceed to Making

Non-Key Decision

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Assistant Director: Business, Development & Employment which informed the Cabinet that Waters Upton Parish Council had submitted their Neighbourhood Development Plan with supporting documents to the Council in December 2014. The documentation had been checked in accordance with the authority's statutory duties to be able to commence a 6-week publicising period followed by an Independent Examination in December 2015. The appointed Independent Examiner had submitted his report to the Council in June which included a recommendation to proceed to Referendum, subject to a number of modifications. Those modifications were applied to the Neighbourhood Plan and Cabinet agreed to proceed to formal Referendum in February 2016.

The Referendum had taken place on 5 May 2016, receiving a majority Yes vote and, as the Plan was not in contravention of any EU obligations or Convention rights, it was recommended that Cabinet 'make' the Waters Upton Neighbourhood Plan. This would result in the policies within the Neighbourhood Plan becoming part of the Development Plan for Telford & Wrekin and would be considered in the determination of planning applications in the Neighbourhood Plan area alongside national and borough wide planning policy.

Members commended the work of Waters Upton Parish Council which had been one of the first local areas to consider adopting a Neighbourhood Plan.

RESOLVED that –

- (a) the Waters Upton Neighbourhood Plan be made; and
- (b) authority to exercise all of the Council's relevant powers and duties and undertake all necessary procedural arrangements relating to the making of the Waters Upton Neighbourhood Plan be delegated to the Assistant Director: Business, Development & Employment.

CB-010 Housing Assistance Policy

Key Decision identified as Disabled Facility Grant & Housing Grant Policy in the Notice of Key Decisions published on 18 May 2016.

Councillor R A Overton, Cabinet Member: Housing, Leisure & Health, presented the report of the Assistant Director: Commercial Services which sought approval of the draft Housing Assistance Policy.

The Council had a statutory obligation under the Housing, Grants, Construction and Regeneration Act 1996 to provide mandatory Disabled Facilities Grants to provide specialist adaptations to meet the care and mobility needs of people with disabilities to enable them to live independently with privacy and dignity. Additionally, the care and support reforms and introduction of the Better Care Fund (BCF) in April 2015 placed the Disabled Facilities Grant as a key lever in the delivery of integrated health and social care services, contributing to reducing delays in hospital discharges, hospital avoidance and putting in place support and interventions to help older adults and disabled people to remain in their homes.

In order to meet the Council's statutory obligations in a fair and transparent manner, an updated draft Housing Assistance Policy has been developed which set out how the Council would provide Disabled Facilities Grants and other housing assistance within the private housing sector and help meet some of the Public Health, Social Care and NHS Outcomes including reduction of admissions to hospital and care and faster discharge from hospital.

The report explained the provisions of the current Disabled Facilities Grant and proposed new arrangements which included the removal of restrictive ring-fenced funding to allow the Council to deliver a more flexible Assistance Policy. The policy retained the mandatory Disabled Facilities Grant, however key additions proposed in the new policy were: Wellbeing Assistance, Discretionary Disabled Facilities Top Up Grant, and Disabled Facilities Investigation Grant.

Telford & Wrekin had £1.5 million allocated for the Disabled Facilities Grant under the Better Care Fund for 2016/17; the new policy met the objectives set out in the Better Care Plan and assistance would be provided from this funding.

In response to questions, the Housing Service Delivery Manager advised that landlords were required to consider making reasonable adjustments but private landlords were under no obligation to do so. The benefits of making adjustments would be highlighted as part of the Landlord Accreditation Scheme. When the Council made adjustments to private properties it was possible to place a 'charge' on the property which could be recouped up to ten years later.

RESOLVED that -

- (a) the Housing Assistance Policy be approved;**
- (b) authority to carry out any minor policy amendments which do not materially affect the policy be delegated to the Housing Service Delivery Manager; and**
- (c) authority to make all other changes to the policy be delegated to the Assistant Director: Commercial Services in consultation with the Lead Cabinet Member for Housing, Leisure and Health.**

CB-011 Representation on Outside Bodies 2016/17

Non-Key Decision

The Leader presented the report of the Assistant Director: Governance, Procurement & Commissioning, which set out the appointments to outside bodies that the Council was required to make for 2016/17.

The list of outside bodies for which appointments were required for 2016/17 was appended to the report. Nominations had been sought from the political groups for those appointments that were not by position, and all the nominations received were tabled as Appendix 2. Following discussions with the political groups, a list of representatives for approval by Cabinet had been proposed, and this was tabled as Appendix 3.

RESOLVED – that the nominations to represent the Council on Outside Bodies for 2016/17, as set out in Appendix 3 of the report, be approved.

The meeting ended at 12.21pm

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Governance, Procurement & Commissioning
Date: 22 June 2016

Signed:

Date: