

## CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 31 May 2018 at 5.00pm in Meeting Rooms G3-G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

PUBLISHED ON WEDNESDAY, 6 JUNE 2018

(DEADLINE FOR CALL-IN: MONDAY, 11 JUNE 2018)

**Present:** Councillors S Davies (Leader and Chair), L D Carter, A R H England, R C Evans, J C Minor, R A Overton, S A W Reynolds, H Rhodes and P R Watling.

**Also Present:** Councillor W L Tomlinson (Liberal Democrat/Independent Group Leader) and N A Dugmore (Conservative Group)

### **CB-175      Apologies for Absence**

Councillors A J Eade (Conservative Group Leader)

### **CB-176      Declarations of Interest**

None.

### **CB-177      Minutes**

**RESOLVED** – that the minutes of the meetings held on 19 April 2018 be confirmed and signed by the Chair.

### **CB-178      Service & Financial Planning Report 2017/18 Outturn and 2018/19 Update**

**Key Decision** identified as **Financial Management Reports 2017/18 Outturn and 2018/19 Update** in the Notice of Key Decisions published on 2 May 2018.

Councillor L D Carter, Cabinet Member for Finance, Commercial Services and Economic Development presented the report of the Assistant Director: Finance & Human Resources, Chief Finance Officer.

Cabinet Members noted that despite some areas of significant pressure, the Council had ended the year in a positive financial position, which assisted the in the 2018/19 management of the budget and allowed a number of one-off investments in key areas to drive forward improvement and fund developments. Going forward this was expected to result in a more sustainable financial strategy and enable the Council to provide additional benefits to the Community through its programme of Pride environmental improvements including £0.6m for provision of “Safer Routes to Schools”.

The gross revenue budget for 2017/18 was £416m and the net budget was £121m. The revenue outturn position was within budget with a final net underspend of

£0.150m (which was 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 £14m of budget savings in 2017/18, on top of the £96m made in the previous 8 years giving a total of £110m - equivalent to around £1,500pa for every home in the Borough.

The funding outlook for the medium term was very uncertain with significant changes to the local government finance system due to be implemented from 2020/21, however it was currently anticipated that the Council would need to identify around £30m of further savings over the next three years on top of the £110m already delivered to the end of 2017/18.

Due to the strong financial management during 2017/18, the Council had been able to create a number of provisions from the 2017/18 outturn position to support its priorities and sustain its financial position going forward. A number of favourable variations had also been secured during the year which contributed to the overall positive position. These noted by Cabinet Members as outlined in the report.

The key areas of pressures during 2017/18 were noted. It was reported that Adult Social Care ended the year with a service underspend of £0.379m. However, as reported throughout the year, the cost of purchasing care packages from external providers and high demand led to a pressure of £4.3m. This was mitigated by additional income totalling £4.4m from grant funding, CCG funding and client contributions. As part of the 2018/19 budget strategy, the Council had committed additional investment totalling £6.5m over the next 3 years into the Adult Social Care budget. The Service also had a Cost Improvement Plan in place to deliver better outcomes and efficiencies.

Children's Safeguarding & Early Help ended the year with a service overspend of £3.3m. While the number of looked after children was lower at the end of 2017/18 than at the end of 2016/17, there were higher cost specialist residential and external foster care placements than anticipated. The Service had developed a 4 year placement model with the aim of reducing the total number of placements and would explore options for further NHS funding. Members noted the high priority placed on safeguarding children with additional funding of £2.65m invested into the Children's Safeguarding & Early Help budget over the next 2 years.

The Capital Outturn position 2017/18 was noted; capital spend ended the year at £85.5m against an approved estimate of £101.6m which was in the main due to re-phasing expenditure into 2018/19. This underspend would result in some further treasury management savings in 2018/19.

The Income monitoring position was noted; overall cash collection was good. Collection rates for Sales Ledger outstanding debt and Business Rates were ahead of the target for the year although Council Tax collection was very slightly behind target. All debt had been pursued rigorously and continued to be collected after the end of the financial year with all appropriate recovery avenues being pursued.

It was noted that 2017/18 was the third year of operation for NuPlace Ltd, the Council's wholly owned housing investment company. NuPlace was a separate legal

entity and as such prepared its own accounts but as NuPlace was wholly owned by the Council, consolidated group accounts were also prepared. The unaudited accounts showed that NuPlace had generated an operating profit before taxation of £0.343m in 2017/18 but as expected no dividend was distributed. The Council also received income from NuPlace totalling £1.238m during 2017/18 net of additional interest and other marginal costs.

It was reported that the draft formal statement of accounts had been considered at the Audit committee on 29 May 2018 and would be audited by KPMG, the Council's external auditors during June and July. The accounts would also be available for public inspection for 30 working days from 30 May 2018. Following a national procurement exercise, the Council's external auditors would change to Grant Thornton UK LLP after the audit of the accounts for 2017/18 had been completed. Summaries of the outturn on revenue and capital along with major variations were shown as appendices to the report.

It was noted that in 2018/19, the Council faced another very challenging year. A number of key issues had been highlighted in the first high level review of the budget position. Once the final accounts were completed more detailed monitoring would take place and a further more detailed report would be presented at the July meeting of the Cabinet with an updated position.

The Cabinet Member for Finance and Economic Development welcomed the continued position of strength of the Council, despite one off costs and winter pressures and noted the efforts of all Council teams delivering over 700 services to the people of Telford & Wrekin.

Cllr N Dugmore of the Conservative Group expressed his thanks to the Chief Finance Officer and his team for their efforts.

Members supported the Leader of the Liberal Democrat/Independent Group who made a plea that Full Council agree to call for a stop to the cuts to local government budgets when services for the most vulnerable in the Borough were under pressure.

**RESOLVED to RECOMMEND to COUNCIL that -**

- (a) the Revenue outturn position for 2017/18 and related virements in Appendix 3 to the report which is subject to audit by the Council's external auditors be approved;**
- (b) the transfers to reserves and associated approval to the relevant Assistant Directors to spend the reserves detailed in section 5 and Appendix 2 be approved;**
- (c) the Capital outturn position and related supplementary estimates, re-phasing and virements shown in Appendix 4 to the report and as summarised in the report, be approved;**
- (d) the performance against income targets be noted; and**

(e) the key issues identified for 2018/19 be noted.

**CB-179      Modern Slavery Act – Modern Slavery Transparency Statement for 2018/19**

**Key Decision** identified as **Modern Slavery Transparency Statement** in the Notice of Key Decisions published on 2 May 2018.

Councillor L D Carter Cabinet Member for Finance, Commercial Services and Economic Development presented the report of the Assistant Director: Governance, Procurement & Commissioning which provided an update on action to date to help prevent modern slavery in the Council's corporate activities.

It was reported that the Council recognised its responsibility to take a robust approach to slavery and human trafficking. The Modern Slavery Act 2015 required any commercial organisation with a minimum turnover of £36M to produce an annual Modern Slavery Transparency Statement and have an Anti-Slavery Policy. The Council's policy had been in place for a year.

The 2018-19 Modern Slavery Transparency Statement was appended to the report for approval. This statement set out the Council's actions to understand all potential modern slavery risks related to its business and to put in place steps that are aimed at ensuring that there was no slavery or human trafficking in its own business, and its supply chains.

The statement set out ongoing and new work to identify and help eradicate modern slavery in the Council's activities. The prevention, detection and reporting of modern slavery in any part of the council's business or supply chains was the responsibility all employees. The policy and procedures relating to modern slavery were in line with the Council's culture and values of treating everyone in an open and transparent way with fairness and respect and mirrored in internal processes.

Activity during the past year included the creation of an eLearning package, awareness had been raised on Anti-Slavery Day and officers had been supported in their work with suppliers and providers to understand how modern slavery could be a hidden crime in their area or supply chain.

In the next 12 months awareness would be promoted through training and an interactive event at the Leadership Forum. A section had been included within the Annual Governance Statement for SDMs to record that due consideration would be given to the possibilities of Modern Slavery in their service area and supply chain and action taken accordingly. The Council would continue to map the supplier profile and work with a cross section of suppliers and providers to dig deep into the potential for modern slavery in, initially, IT, construction, social care, transport and food supply chains. Collaboration would also be considered with suppliers and providers where no such commitment was in place to help them better understand their responsibilities and compliance with best practise.

The SDM for Community Safety, Cohesion & Environmental Enforcement was working closely with the lead from West Mercia Police who managed their action plan for human trafficking and Modern Slavery. The action plan fed into the National Referral Mechanism (NRM) and allowed action taken to be reported. Lessons learned from this action plan would inform the Council's own development of a similar reporting mechanism.

As a Business Supporting, Business Winning Council, Members noted that it was essential to prove to prospective buyers that the threat of modern slavery in the Council's own supply chain was taken seriously and that it would be possible to demonstrate how the Council guarded against it.

**RESOLVED that –**

- (a) the contents of this report be noted and the Modern Slavery Transparency Statement for 2018/19 as attached at Appendix A to the report be approved;**
- (b) responsibility be delegated for the annual review and publication of the Modern Slavery Transparency Statement to the Assistant Director of Governance, Procurement & Commissioning in consultation with the Cabinet Member for Council Finance, Partnerships and Commercial Services.**

**CB-180      Applying for Civil Parking Enforcement Powers**

**Key Decision** identified as **Business Case for Civil Parking Enforcement** in the Notice of Key Decisions published on 2 May 2018.

Councillor R A Overton, Deputy Leader and Cabinet Member: Communities, Housing and Enforcement, presented the report of the Assistant Director: Customer and Neighbourhood Services which provided the case for the Council's application for Civil Parking Enforcement Powers. The powers were currently held by West Mercia Police to undertake enforcement of on-street car parking under the Traffic Management Act 2004, known as Civil Parking Enforcement (CPE).

These powers would assist in addressing illegal parking problems in many of the Borough's towns and high streets as well as addressing safety issues outside of schools, helping to improve safety within the Borough whilst seeking redress with the minority who continued to park illegally. The Council currently received a number of complaints from local residents and parish councils but no action could be taken as the powers resided with the Police, where illegal parking remained a 'criminal' offence.

For CPE powers to be obtained and transferred from the police, Local Authorities had to apply to the Department for Transport (DfT) with a business case that set out the financial and strategic case for implementing CPE across the Borough. The Council would also have to implement a Parking Strategy, consult on the implementation of CPE and review all Traffic Regulation Orders (TRO's). The DfT confirmed that due to their workload linked to Brexit they were not able to consider any applications for CPE powers until June 2019 at the earliest but would receive applications.

Over the past 12 months the Council had been investigating the business case for CPE and to date had engaged with a number of stakeholders including the Finance & Enterprise and Customer, Community & Partnership Scrutiny Committee's. This process had also included engagement with Parish & Town Council's and West Mercia Police in particular.

Following the Council Leader's negotiations with the West Mercia Police and Crime Commissioner (WMPCC) agreement had been reached on the provision of transitional funding from the PCC to support the business case to enable the Council to apply to the Dft for CPE Powers before December 2018. The Police had confirmed that they were no longer able to prioritise parking enforcement compared to other demands and were keen for the Council to adopt these powers.

The initial business case had identified that a level of subsidy for implementation was needed for which the WMPCC agreed to contribute £200,000 over the first three years of implementation. CPE had to be self-financing and should not place a financial burden on the Council in undertaking these powers. If in the future, CPE generated additional income over and above the operating costs then by law this had to be reinvested back into highways and transport. For Telford & Wrekin any additional income generated by CPE would be reinvested ensuring car parking remained free in local centres, improving residential car parking in communities, and supporting sustainable transport such as cycling, walking, electric vehicle charging and public transport.

Members noted that CPE did not mean the introduction of parking charges within Council owned car parks, which were currently free and would remain so with many car parks supporting main Borough towns and high streets. This key policy would be formalised within the emerging Parking Strategy required as part of the submission to adopt CPE Powers.

Discussions would be held with Town and Parish Councils during the Summer 2018 to explore appetite for investing into a scheme that could involve a Neighbourhood Warden working in their area who not only had CPE powers but also other enforcement powers to tackle local concerns such as fly tipping, dog fouling etc. A further report on the operational plans for implementing CPE would be provided towards the end of the year following the engagement with Town and Parish Councils. A separate report would also be produced seeking approval for the penalty charges that would apply to those who continued to park illegally along with an overview of the appeals process that also needed to be developed.

**RESOLVED that;**

- (a) the decision to commence with the business case process to apply to the Dft to adopt CPE Powers by December 2018, be approved;**
- (b) authority be delegated to the Assistant Director: Customer & Neighbourhood Services in consultation with the Deputy Leader and Cabinet Member for Housing and Enforcement to approve the final business case prior to submission, to undertake the necessary**

**consultation process, and develop and approve the Parking Strategy required as part of the submission process;**

**(c) the Scrutiny Committee for Finance and Enterprise and Customer, Community & Partnerships continue to help inform the final business case for applying for CPE powers.**

**(d) authority be delegated to the Assistant Director: Customer & Neighbourhood Services in consultation with the Deputy Leader and Cabinet Member for Housing and Enforcement to take such steps and implement such policies and procedures as necessary for the implementation of CPE once approved by the Dft, likely to be after June 2019;**

**(e) a further report be presented to Cabinet on the proposed operating model for implementing CPE towards the end of this calendar year.**

#### **CB-181      Green Guarantee and 'The Big Green Vote'**

**Key Decision** identified as **Green Guarantee Sites** in the Notice of Key Decisions published on 2 May 2018.

Councillor J C Minor, Cabinet Member: Leisure, Green Spaces & Parks, presented the report of the Assistant Director: Business Development & Employment which provided an update on the Green Guarantee, a commitment by the Council to safeguard Council owned green spaces valued by local communities for the wildlife they supported and the opportunities provided for leisure and recreation and the positive impacts on health and wellbeing.

It was reported that in 2016, 104 sites had been approved by Cabinet and a further 50 sites would be presented for adoption at a later date. Approval was sought for the protection of a further 96 green spaces, bringing the total number of sites listed under the Green Guarantee to 200. This exceeded the Council's commitment set out in the Local Plan.

The Green Guarantee was part of the Council's overarching commitment to promote accessible green space. Approximately 90% of the Borough was composed of 'Green Infrastructure' with only 10% comprising buildings, roofs, roads, footpaths, town squares and car parks. Telford's Green Network covered approximately 2500ha, was described as "one of the largest scale, visually beneficial and informal recreation assets of any town in the country", and was a lasting legacy of the original landscape structure plan designed for the New Town in 1971.

The report outlined the hierarchy of statutory and non-statutory sites within the Green network which included sites of special scientific interest, local nature reserves and local wildlife site. The additional 96 sites proposed for adoption would add a further 160ha of protected green space many of which were the closest areas of accessible green space for the Borough's residents. The adoption of these sites would result in

approximately 60% of the total Green Network in the Borough being protected by either a statutory or non-statutory designation or listed under the Green Guarantee.

As part of Telford's 50th Anniversary celebrations, members of the public had been able to take part in 'The Big Green Vote' via the website casting five votes each for their favourite from the 96 new sites. Once registered on the website individuals had also been able to leave comments, share photographs and win prizes. Voting opened on March 1st 2018 and, due to increasing engagement from members of the public, local Friends groups and Parish councils, the voting period was extended to 20th May 2018. 807 individuals registered on the site casting 1825 votes and posting 118 photographs. Members noted the comments that had been included in the report and welcomed the response from residents.

Telford & Wrekin Council's £2m Telford 50 Legacy Fund supported a mix of physical schemes and projects that helped to tackle key social issues in the Borough and reduce demand on council services. The 50 sites that had received the highest number of votes had access to a share of Legacy Funding of £50,000. The 52 sites were provided in Appendix C to the report. After voting, a number of sites had been tied at 50th place, therefore, funding would be secured to enable the sites ranked 51st and 52nd to also receive £1000 each. Resulting in two extra sites receiving funding and all 96 sites protected under the Green Guarantee.

It was proposed that the winning sites would be grouped by Ward and a series of consultation events would be run at Ward level. Consultations events would identify how the legacy funding would be spent on each site, such wildflower seeds, bird and bat boxes, and site signage and access/interpretation enhancements. Opportunities also existed for the legacy funding to form the basis of a larger match funded investment at either site or Ward level.

**RESOLVED** that –

- (a) the proposal to identify and protect 96 green spaces as set out in the report be approved and the current officer delegation be removed relating to these spaces to ensure that all decisions relating to disposals or changes of use of these are determined by Cabinet and as set out in section 5 of the report;**
- (c) that the list of 96 green spaces as identified in Appendix A to the report which, once endorsed by Cabinet, will be listed under the Council's Green Guarantee be approved;**
- (d) the 52 sites which have received the highest number of votes and will receive an investment through the £2m Telford 50 Legacy Fund be received**

**Key Decision** identified as **Newport Neighbourhood Plan** in the Notice of Key Decisions published on 2 May 2018.

Councillor R A Overton, Deputy Leader and Cabinet Member: Communities, Housing and Enforcement, presented the report of the Assistant Director: Business Development & Employment. It was noted that the Localism Act (2011) introduced legislation which allowed Parish Councils to produce a Neighbourhood Development Plan for their administrative area.

The Council was working with a number of Town and Parish Councils across the Borough in their preparation of Neighbourhood Development Plans supporting local communities to engage with and achieve a greater stake in, the planning and development of their local area. To date, two had been adopted and six were in preparation. Newport Town Council submitted their neighbourhood development plan (the "Newport Neighbourhood Development Plan") (NDP) and other supporting documents to Telford & Wrekin Council as local planning authority. This was received in November 2017. In response and in accordance with its statutory duties, Telford & Wrekin undertook a number of checks to ensure that all the procedural and other requirements had been met and completed a 6-week publicity period which allowed written representations to be made.

Telford & Wrekin had appointed an Independent Examiner (the Examiner), Nigel McGurk, to conduct the Examination of the NDP. His report was received by the Council on 10 May 2018. The Report recommended proceeding to Referendum, subject to a number of modifications. Those modifications had been applied to the NDP and incorporated into a Referendum version of the NDP with was Appendix 3 to the report. Newport Town Council had agreed that, subject to the modifications being made, the NDP progress to the referendum stage. The full list of modifications proposed by the Examiner were set out in the Examiner's Report at Appendix 1.

Whilst the Examiner's proposed modifications were not binding, they were considered by officers to be appropriate. No additional modifications were considered to be required prior to the Referendum stage. Council officers and the Examiner were satisfied that the "basic conditions" had been met.

**RESOLVED** that –

- (a) the Newport Neighbourhood Development Plan meets the "basic conditions" and all other legal requirements as summarised in the report and the Independent Examiner's report, be agreed subject to the modifications recommended by the Independent Examiner;**
- (b) the required modifications be agreed to Newport Neighbourhood Development Plan and that the Newport Neighbourhood Development Plan Referendum Version (May 2018) be agreed to proceed to Referendum;**
- (c) the Referendum Area be agreed not to extend beyond the designated area to which the Newport Neighbourhood Development Plan relates;**
- (d) the Managing Director be authorised to exercise all the relevant powers and duties and undertake all necessary arrangements for the Newport**

**Neighbourhood Development Plan Referendum Version (May 2018) to now proceed to Referendum and for the Referendum to take place asking the question whether the voter wants Telford & Wrekin Council to use this**

**CB-183      Edgmond Parish Neighbourhood Plan**

**Key Decision** identified as **Edgmond Neighbourhood Plan** in the Notice of Key Decisions published on 2 May 2018.

Councillor R A Overton, Deputy Leader and Cabinet Member: Communities, Housing and Enforcement, presented the report of the Assistant Director: Business Development & Employment. It was noted, as above, that the Localism Act (2011) introduced legislation which allowed Parish Councils to produce a Neighbourhood Development Plan for their administrative area. This Report recommended that Edgmond Neighbourhood Plan became the third Neighbourhood Development Plan in the Borough to be adopted (made).

The Plan was part of a programme of Neighbourhood Development Plans being prepared by Parish and Town Councils across the Borough with the support of the Council, reflecting the commitment to engage local communities further in planning for development in their local areas.

Edgmond Parish Council submitted their neighbourhood development plan (the “Edgmond Parish Neighbourhood Plan”) (ENP) and other supporting documents to Telford & Wrekin Council as local planning authority in August 2017. In response and in accordance with its statutory duties, Telford & Wrekin undertook a number of checks to ensure that all the procedural and other requirements had been met and completed a 6-week publicity period which allowed written representations to be made. An independent examination took place between November and December 2017.

The appointed Independent Examiner (the Examiner), Mr John Parmiter, submitted his report to the Council in December 2017. The Report recommended proceeding to Referendum, subject to a number of modifications. Those modifications were applied to the ENP and Cabinet on 15 February agreed to proceed to formal Referendum. The Referendum took place on 19 April 2018.

It was outlined that the policies within the ENP would become part of the Development Plan for Telford & Wrekin and would be considered in the determination of planning applications in the ENP area alongside national and Borough wide planning policy.

**RESOLVED that –**

- (a)      the Edgmond Parish Neighbourhood Plan be made; and**

- (b) **the Assistant Director: Business, Development & Employment be authorised to exercise all of the Council’s relevant powers and duties and undertake all necessary procedural arrangements relating to the making of the Edmond Parish Neighbourhood Plan.**

**CB-184      Superfast Telford Broadband Programme**

**Key Decision** identified as **Superfast Telford Broadband Programme Delivery Update and Proposals to Extend** in the Notice of Key Decisions published on 2 May 2018.

Councillor H Rhodes, Cabinet Member: Transport, Roads & Broadband, presented the report of the Assistant Director: Business Development and Employment which provided an update on the Councils £5.6m broadband programme, Superfast Telford, which was positively transforming people’s lives in the Borough. It was a Council led partnership with British Telecom (BT) and part of a national Government programme managed by Broadband Delivery UK (BDUK).

Following a three year programme Superfast Telford had provided a new network of fibre broadband infrastructure for over 9,300 homes and businesses across the Borough. This means 98% coverage of Telford & Wrekin for superfast speeds (24Mbps +). Member noted that this is well above the national BDUK target of 95%.

Alongside delivering above and beyond the national superfast target, 99% of the Borough would also be able to access fibre of at least 15Mbps+ once delivery was complete. This exceeded the Government’s national Universal Service Obligation to provide 10Mbps+. The Councils investment in broadband and successful management of the programme positioned Telford & Wrekin ahead of neighbouring authorities and supported Government ambitions to put the UK “at the forefront of the global technology revolution”.

While Superfast Telford was one of the more recent BDUK contracts, the Council had already achieved 37% take up, through marketing campaigns led by the Council. This put the Borough in the top 3 of the phase 2 contracts nationally. This allowed the Council to earn money back from the programme. It was expected that with the strong marketing strategy, the programme would reach at least 40% take up, and the projected return would be between £475k and £850k over the life of the contract (to 2024).

Superfast Telford was giving broadband access to homes and businesses that would not have benefitted through commercial provision and it reflected the Council’s ambition for digital infrastructure and economic growth that would benefit all our communities. The Programme had been a significant success; fitting for Telford’s 50<sup>th</sup> anniversary celebrations and showcasing the creativity, innovation and ambition of Telford’s communities and businesses. The Leader of the Council referred to the positive testimonials received from businesses in Appendix 1 to the report.

The Cabinet Member for Transport, Roads and Broadband, thanked the Council officers for their hard work and thanks was noted for the work of Cllr A D McClements, former Cabinet Member with responsibility for Broadband.

It was reported that the BDUK programme was coming to a close but Council would continue with its ambition to provide broadband across the Borough. Additional investments had already been made and external opportunities were being maximised beyond the fibre network build to help close the gap. Superfast Telford was making a commitment to make a connection available, where feasible, to any remaining homes and businesses that wanted it and proposals were being brought forward for the next part of the 'Journey to 100%' in autumn this year.

**RESOLVED that –**

- (a) the programme delivery outcomes and successes be noted.**
- (b) the options for providing further broadband access to those not currently benefitting from a commercial provision or through existing publicly funded programmes, be approved.**
- (c) authority be delegated to the Assistant Director; Business, Development & Employment and Assistant Director, Finance & Human Resources in consultation with the Cabinet Member for Transport, Customer & Neighbourhood Services and Cabinet Member for Council Finance & Service Delivery to approve the final options and apportionment of funding.**

The meeting ended at 5.47pm

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

Jonathan Eatough  
Assistant Director: Governance, Procurement & Commissioning  
Date: 6 June 2018

Signed: .....  
Date: .....