

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 25th June, 2015 at 5.00 p.m. at Addenbrooke House, Ironmasters Way, Telford

PUBLISHED ON WEDNESDAY, 1st JULY, 2015

(DEADLINE FOR CALL-IN: MONDAY, 6TH JULY, 2015)

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

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

CB-1 MINUTES

RESOLVED – that the minutes of the meeting held on 19th March 2015 be confirmed and signed by the Chair.

(NB: Councillors Carter, McClements and Reynolds did not vote as they were not members of Cabinet at the time of the last meeting)

CB-2 APOLOGIES FOR ABSENCE

None

CB-3 DECLARATIONS OF INTEREST

None

CB-4 SERVICE & FINANCIAL PLANNING – 2014/15 OUT-TURN & 2015/16 UPDATE

Key Decision identified as **2015/16 Financial Management** in the Notice of Key Decisions published on 26 May 2015.

Recommendations for Full Council – not subject to Call-in

Councillor L.D. Carter, Cabinet Member: Council Finance & Service Delivery, presented the report of the Assistant Director: Finance, Audit & Information Governance, which informed Members of the final outturn position for Revenue and Capital for 2014/15, and the initial trends for the current financial year.

The gross revenue budget for 2013/14 was £429m – and the net budget for reporting purposes was £129m. The revenue outturn position was well within

budget, with a final net under-spend of £1.145m (-0.89% of net budget). £0.858m of this was planned funding required for the 2015/16 budget strategy as agreed by Council on 5 March 2015. This position had been achieved within the context of delivering £17m of budget savings, on top of the £53m made in the previous five years. This reflected the active and strong financial management exercised by Cabinet Members and budget holders, which put the Council in a sound financial position at the end of the 2014/15 financial year. This rigorous management had also allowed the Council to make a number of investments, as detailed in the report, and create prudent provisions from the 2014/15 underspend to support its priorities. There had been a number of favourable variations during the year which contributed to the final out-turn position. These included a benefit of £1.1m from backdating a change in accounting treatment of the calculation of Minimum Revenue Provision in relation to “government supported” debt; further savings of £2.1m relating to vacant posts, £1.95m arising from the non-implementation of single status in 2014/15, and an underspend of £0.5m in public health costs.

The main service pressures experienced in 2014/15 related to adult social services (£0.6m net overspend, mainly on the cost of purchasing care packages from external providers) and children’s safeguarding (£1.2m net overspend largely relating to the cost of Children in Care placements).

The report detailed the out-turn position on the main General and Special Fund Balances, and a number of proposed specific transfers to reserves. Funds had also been set aside to create a corporate ICT reserve totalling £1.5m.

Capital spend ended the year at £115.1m, against an approved estimate of £141.6m, which was in the main due to re-phasing into 2015/16. This underspend would enable some treasury management savings to be made in 2015/16.

Council Tax collection (£68m) and Business Rates collection (£72m) rates were ahead of target for the year, while sales ledger income collection (£36m) was slightly behind target for the year.

Summaries of the outturn on revenue and capital, along with major variations, were appended to the report.

The Council faced another very challenging year in 2015/16, and the report highlighted a number of key issues and cost pressures, along with measures being taken to control and monitor expenditure. The Government had already announced a further £0.750m cut to in-year Public Health funding, and it was anticipated that further grant cuts would be announced by the Chancellor in his budget statement on 8 July.

Tribute was paid to former Cabinet Member for Finance & Enterprise, Bill McClements, for the tremendous amount of work he had done in the last four years in ensuring the Council was able to meet the challenges of cuts to funding while maintaining front-line services wherever possible. Members expressed concern at the further cuts to Public health grants that would have

a detrimental impact on the Council's ability to provide preventative services, and that the ongoing effects of continual reductions in Government funding had very worrying consequences for the future of services.

RESOLVED to RECOMMEND to COUNCIL that

- (i) the Revenue out-turn position and related virements for 2014/15, shown in Appendix 3 of the report (and subject to audit by the Council's external auditors), and the transfers to reserves detailed in paragraph 5.3 of the report be approved;**
- (ii) the Capital out-turn position and related supplementary estimates, virements and re-phasing, shown in Appendix 4 of the report, be approved;**
- (iii) that performance against income targets be noted;**
- (iv) that the key issues identified for 2015/16 be noted, and the new capital allocation detailed in paragraph 8.2 be approved.**

CB-5 DRAFT TELFORD & WREKIN LOCAL PLAN 2011 - 2031

Key Decision identified as **Shaping Places Local Plan – Draft Plan** in the Notice of Key Decisions published on 26 May 2015.

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Assistant Director: Planning Specialist which outlined the next stage of the process for the development of a Local Plan to guide future planning decisions within the Borough until 2031.

The Local Plan would be a comprehensive document that set out the spatial vision for the Borough to 2031 and would include a series of policies to achieve delivery of the vision. The Plan would respond to the comments made during previous consultation as well as taking into account recent technical advice and planning guidance. At the heart of the Plan would be robust policies to protect and enhance the Borough's green spaces. It would make sure that Telford and the other urban areas retained their green qualities, making Telford & Wrekin one of the greenest places in the Midlands. Policies in the plan would support the Council's intention to launch a Green Guarantee around the Borough's most important green spaces, parks, Nature reserves and recreation areas.

The Local Plan would propose to cut the number of new homes to be built in the Borough by over 39%, down from the 26,500 agreed by a previous administration to just under 16,000 - of which over 80% had either already been built or had received planning permission. This meant that the allocation of sites would be for less than 3,500 homes to be built up to 2031 in order to meet the needs of local people, support and sustain services and provide the foundation for economic growth. The Plan would also include commitments to further strengthen local communities, retain the Borough's high quality

transport infrastructure and connectivity, attracting inward investment and boosting employment, and making the best use of previously developed land.

The report detailed a number of key principles and priorities that would underpin all policies and site allocations within the Local Plan

The preparation of the Local Plan was being completed, and would be presented to Cabinet on 23 July 2015 for approval to go out for a further period of public consultation in August and September 2015. Following this consultation, it would then proceed to the next stage of Publication and independent examination by an Independent Planning Inspector appointed by the Secretary of State.

Councillor W. L. Tomlinson (Liberal Democrat/Independent Group Leader) welcomed the proposed reduction in the number of new homes to be built, and the emphasis on protecting and enhancing green spaces in the Borough.

RESOLVED –

- (a) that the principles to be included within the Local Plan, based on previous consultation, be endorsed;**
- (b) that the Telford & Wrekin Local Plan be presented to Cabinet on 23 July 2015 for the purpose of approving public consultation on the Local Plan in accordance with Regulation 18 of the Town & Country Planning (Local Planning)(England) Regulations 2012.**

CB-6 DRAFT HOUSING ALLOCATION POLICY AND TENANCY STRATEGY FOR TELFORD & WREKIN

Key Decision identified as **Housing Allocation Policy** in the Notice of Key Decisions published on 26 May 2015

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the joint report of the Assistant Director: Development, Business & Employment and Assistant Director: Family, Cohesion & Commissioning, which sought approval of the draft Housing Allocation Policy and Tenancy Strategy for public consultation. The proposed consultation document setting out the Housing Allocations Scheme and Tenancy Strategy was attached to the report.

The Council had a statutory requirement to publish a Housing Allocations Policy which needed to reflect both national policy and guidance and local priorities. In recent years, there had been a number of legislative changes (eg Localism Act 2011), the introduction of new policy and practice guidance and a number of new funding regimes. Most recently, the Government had announced that it would introduce 'Right to Move' regulations. There had also been significant changes in local arrangements for accessing affordable and private rented housing. In July 2014, the 'Choose Your Home' scheme had been closed, and replaced with two separate new arrangements to assess housing options and to access affordable homes. The draft Housing Allocations Policy had taken account of the above, and set out the key

objectives and relative priorities to be considered by housing providers in the allocation of the social housing in the Borough. These included the statutory 'Reasonable Preference' groups, together with those to be given 'Additional Preference'. Registered Providers (RPs) were required to co-operate with local authorities' strategic housing function and their duties to meet identified local housing needs.

The Council's draft Tenancy Strategy set out its position on the use of fixed term tenancies and related matters. Among other things, the draft Strategy supported the use of fixed term tenancies where appropriate, ideally for at least five years. Registered Providers had to have regard to this when letting their homes.

The Council would work in partnership with local RPs on the arrangements for nominating housing applicants to their vacant homes, and to negotiate an overarching Nominations Agreement. The Council would request nomination rights for 50% of RP vacancies (initial lettings and relets). The Council would work closely with RPs to ensure that tenancies were sustained.

Subject to approval, the draft Housing Allocations Policy and Tenancy Strategy would be published for a formal 9 week consultation period with RPs, local agencies and other stakeholders.

RESOLVED –

- (a) that the draft Housing Allocation Policy and Tenancy Strategy be approved for consultation;**
- (b) that a nine week period of consultation be approved;**
- (c) that authority be delegated to the Assistant Director: Development, Business & Employment, in consultation with the Cabinet Member for Housing, Public Health & Protection, to update the documents. Any significant changes following external consultation will be brought back to Cabinet before the documents are finalised and published.**

CB-7 REQUEST FOR DELEGATED POWERS TO DESIGNATE SECTIONS OF HIGHWAY AS QUIET LANES OR HOME ZONES

Key Decision identified as **Quiet Lanes and Home Zones** in the Notice of Key Decisions published on 26 May 2015

Councillor A.D. McClements, Cabinet Member: Communities, Regeneration & Transport, presented the report of the Assistant Director: Neighbourhood & Customer Services, which outlined the powers available to the Council to designate a road as a Quiet Lane or Home Zone.

Under the Transport Act 2000 and associated regulations, highway authorities were able to formally designate rural lanes as 'Quiet Lanes' to protect their

rural character from expected increases in traffic growth. It was recommended that designated Quiet Lanes should have no more than 1000 motor vehicles per day. 'Home Zones' aimed to improve the quality of life in residential roads by making them places for people (eg for children to play games) instead of just being thoroughfares for vehicles.

Any applications for designation of Quiet Lane or Home Zone status would be considered in the light of the guidance in the Regulations, including the requirement to consult with communities and those likely to be affected by proposals. At present, the Scheme of Delegation in the Council's Constitution did not have provision for designating Quiet Lanes or Home Zones, and it was therefore recommended that delegated authority be given to the relevant Assistant Director, in consultation with the Cabinet Member.

RESOLVED – that authority be delegated to the Assistant Director: Neighbourhood & Customer Services, in consultation with the Cabinet Member: Communities, Regeneration & Transport, for the designation of Quiet Lanes and Home Zones in accordance with powers given to the Council by the Transport Act 2000 and the Quiet Lanes and Home Zone (England) Regulations 2006.

CB-8 PROCUREMENT UPDATE

Key Decision identified as **Procurement Update Report** in the Notice of Key Decisions published on 26 May 2015.

Councillor L.D. Carter, Cabinet Member: Council Finance & Service Delivery, presented the report of the Assistant Director: Law, Democracy & People Services, which updated Members on the Council's Procurement Intentions Documents and general progress with effective procurement.

In the last six months, the Procurement team had supported Officers to deliver fit for purpose contracts, which would ultimately generate savings. Examples of recent cash savings from good procurement were outlined in the report, added to which were a large amount of non-cashable added value savings brought about by considering the Council's Social Value duty and supporting a more proactive category or market sector approach. Since 2011 it was estimated that better procurement had generated savings/benefits of around £10m.

The latest Procurement Intentions document was appended to the report, and detailed the anticipated procurement activity across the Council for the next six months or so. These included a review of the Print Solutions Tender and different types of tendering and contractual arrangements in Adult and Children's Social Care following recent service reviews.

RESOLVED –

- (a) that the procurement updates outlined in the report be noted;**

- (b) that the Procurement Intentions Document, as shown at Appendix A of the report, be noted and, where indicated, delegation to the appropriate Officers (as per the Contract Procedure Rules) to progress new procurements through the tender process to contract award be approved.

CB-9 ANNUAL GOVERNANCE STATEMENT 2014/15

Non-Key Decision

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the joint report of the Chief Financial Officer and the Monitoring Officer, attached to which was the draft Annual Governance Statement for 2014/15.

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 2013/14 statement (implemented during 2014/15) 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 2014/15, including during organisational changes, the existing governance framework had continued to support proper governance. Assurance for the Annual Governance Statement was provided by all areas of the Council including senior management, Members, the Chief Financial Officer, the Monitoring Officer and internal audit.

RESOLVED – that the Annual Governance Statement 2014/15, as shown at Appendix A of the report, be agreed, and the information in the report noted.

CB-10 PROPOSED ARTICLE 4(1) DIRECTION FOR HAYBRIDGE HALL

Non-Key Decision

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Assistant Director: Planning Specialist, which suggested a way forward in seeking to protect Haybridge Hall in Hadley.

Haybridge Hall dated back to the 1800s and was on the Council's Local List for protection as a Heritage Asset. In January 2015, the Planning Committee refused an application for the erection of 4 bungalows following the demolition of Haybridge Hall Flats as the proposal would result in the loss of an

architecturally distinguished building and the replacement bungalow development failed to positively respond to its context or to influence positively the appearance and use of the local environment. The applicant's agent had indicated that it was the intention of the owner to pursue the demolition of the building as permitted development through the submission of a prior approval application. The local listing status of the building did not afford it any further protection from demolition, which could be carried out as permitted development.

It was considered that the uncontrolled demolition of the Hall would result in the loss of a local landmark and building of local historic importance, as well as being prejudicial to the proper planning of the area. Therefore, it was considered that there were exceptional circumstances in the public interest to apply for an Article 4(1) Direction to remove permitted development rights for demolition, and require an application to the Local Planning Authority (LPA) for full planning permission. This would allow the LPA to properly assess the significance of the building and consider the proposed demolition on its full planning merits.

The Assistant Director: Planning Specialist further reported that he had earlier that day received an e-mail from the applicant's agent asking that Members' attention be drawn to the potential risks to the Council of pursuing an Article 4(1) Direction. As well as the possibility of a challenge to the decision through judicial review and associated costs, there could be a potential claim for compensation. The Assistant Director: Law, Democracy & People Services added that any risk from a compensation claim could be assessed by Officers, in consultation with the Cabinet Member, as part of the delegated powers being sought.

Members recognised the need to protect the Council from potential legal action/compensation, but it was considered that Haybridge Hall was valued by the local community and it was important to work with partners and residents to do everything possible to try and retain the building. The Assistant Director: Planning Specialist confirmed that dialogue would be opened up with the applicants to find a satisfactory solution that would secure the building and produce an acceptable scheme for the site.

RESOLVED –

- (a) that authority be delegated to the Director: Neighbourhood, Customer & Cultural Services, in consultation with the Cabinet Member: Housing, Public Health & Protection, to determine whether a Direction (with or without immediate effect) should be made under Article 4(1) of the Town & Country Planning (General Permitted Development Order) 2015 to remove permitted development rights under Schedule 2, Part 11, Class B (Demolition of Buildings) from the site at Haybridge Hall Flats, Haybridge Road, Hadley;**
- (b) that authority be delegated to the Director: Neighbourhood, Customer & Cultural Services, in consultation with the Cabinet**

Member: Housing, Public Health & Protection, to make the Direction referred to in paragraph 2.1 of the report.

- (c) **that authority be delegated to the Director: Neighbourhood, Customer & Cultural Services to exercise all the powers conferred on the Council regarding the making, processing and confirmation of the Direction referred to in paragraph 2.1 of the report.**

CB-11 PROVISION OF GRANT FUNDING TO FACILITATE THE RESTORATION AND RE-USE OF THE FORMER CHARLTON ARMS HOTEL, WELLINGTON

Non-Key Decision

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Assistant Director: Planning Specialist, setting out a proposal for the use of grant funding to assist in the provision of four affordable dwellings as part of the restoration and re-use of the Charlton Arms for apartments and the development of the surrounding site for new homes.

Planning permission had been granted for the restoration of the Listed Hotel building for apartments and 41 residential units on the surrounding site. However, in the current economic environment, the owner/developer was unable to fund the development without some form of intervention/assistance. In order to facilitate the development, as part of the regeneration of Wellington Town Centre, it was proposed to provide a contribution of £300k for the provision of four affordable homes on site. The financial assistance would be provided in the form of a grant funded from Section 106 contributions for the provision of off-site affordable housing. The terms of the grant offer and Section 106 planning agreement had been agreed with the owner/developer, who was now ready to commence work on site.

The report detailed the legal and financial issues involved in the proposed intervention, and concluded that the proposed approach complied with the relevant regulations.

Members welcomed the report and the proposal to “kick start” the Charlton Arms restoration and associated development. The delivery of four affordable homes would benefit Wellington, particularly as the current planning requirements for the site did not demand provision of any affordable housing.

RESOLVED –

- (a) **that a supplementary capital approval, capital estimate and temporary borrowing, pending the receipt of Section 106 contributions of £0.3m to fund the grant to support the provision as shown in paragraph 4.3 of the report, be approved;**

- (b) that authority be delegated to the Director of Neighbourhood, Customer & Cultural Services to enter into the proposed grant agreement referred to in the report.

CB-12 REPRESENTATION ON OUTSIDE BODIES 2015/16

Non-Key Decision

The Leader presented the report of the Assistant Director: Law, Democracy & People Services, which set out the appointments to outside bodies that the Council was required to make for 2015/16.

The list of outside bodies for which appointments were required for 2015/16 (and beyond in some instances) was appended to the report. Some organisations that no longer operated had been taken off the list, as had some charitable bodies pending a review of the Council's involvement on those bodies. A request for a Council representative on Telford & Wrekin Healthwatch had been deferred to allow for further discussion about the role and how it related to the Council's health scrutiny function.

Nominations had been sought from the political groups for those appointments that were not by position, and 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 2015/16, as set out in Appendix 3 of the report, be approved.

The meeting ended at 5.34 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & People Services
Date: 1 July 2015

Signed:

Date: