

## **CABINET**

**Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 23rd July, 2015 at 5.00 p.m. at Addenbrooke House, Ironmasters Way, Telford**

**PUBLISHED ON WEDNESDAY, 29<sup>th</sup> JULY, 2015**

**(DEADLINE FOR CALL-IN: MONDAY, 3<sup>rd</sup> AUGUST, 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:** Councillor W.L. Tomlinson (Liberal Democrat/Independent Group Leader)

### **CB-13      MINUTES**

**RESOLVED** – that the minutes of the meeting held on 25<sup>th</sup> June 2015 be confirmed and signed by the Chair.

### **CB-14      APOLOGIES FOR ABSENCE**

Cllr A.J. Eade (Conservative Group Leader)

### **CB-15      DECLARATIONS OF INTEREST**

Councillor A.R.H. England declared a personal interest in agenda item 7 – Youth Justice Plan – in relation to his role as a JP in the Youth Court.

Councillor S. Davies declared a personal interest in agenda item 7 – Youth Justice Plan – in relation to his work as a Solicitor representing people in the Youth Court.

### **CB-16      FINANCIAL MANAGEMENT 2015/16**

**Key Decision** identified as **2015/16 Financial Monitoring** in the Notice of Key Decisions published on 25 June 2015.

**Part Recommendation for Full Council in relation to decision (c) 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 provided Members with the latest financial monitoring information for 2015/16.

The net outturn position for the General Fund revenue budget was currently projected to be within budget, after applying £3.6m currently available in central contingencies pending any further commitments which may arise during the rest of the year. Further cuts to local government funding were anticipated following the Chancellor's Emergency Budget announcement, with which would require the delivery of more savings in 2015/16 and later years.

There were a number of variations from the approved budget, including the cost of Children in Care placements (overspend of £1.2m) and the cost of Adult Care and Support services (projected overspend of £3.1m mainly relating to care packages). Projected variances of over £0.100m for individual service delivery units were detailed in the report. There were benefits from Public Health projected savings of £0.3m, £0.2m relating to treasury management activities and £0.8m from the implementation of single status which would not be required in 2015/16.

The capital programme totalled £107m, which included slippage and all approvals since the budget was set. Spend was currently standing at around 95% of the budget allocation. The report detailed a number of new approvals, virements and slippage.

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

Councillor A.R.H. England (Cabinet Member for Adult Social Care) commented on the overspend in Adult Care & Support services. The cost improvement plan was being regularly monitored, but it did take time for the savings arising from new ways of working and providing services in a different way to be fully realised. Councillor W.L. Tomlinson (Lib Dem/Ind Group Leader) expressed concern at the implications for services of the continuing cuts in funding being imposed on local authorities by central Government, and that he would support any campaign among local authorities to protest against the scale of the cuts.

#### **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;**
- (b) that the virement detailed in paragraph 4.4 of the report be approved;**
- (c) that the position in relation to capital spend be noted, and TO RECOMMEND TO COUNCIL that the new allocations and slippage detailed in Appendix 3 of the report be approved;**
- (d) that the collection rates for NNDR, council tax and sales ledger be noted.**

## **CB-17      TELFORD & WREKIN LOCAL PLAN**

**Key Decision** identified as **Telford & Wrekin Local Plan 2011-2031 – Draft Plan** in the Notice of Key Decisions published on 25 June 2015.

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Assistant Director: Planning Specialist which sought approval of the Telford and Wrekin Plan for public consultation. The full Local Plan document was available on the Council website. The Local Plan would set out how and where development would take place and guide future planning decisions up to 2031.

The Plan had a three part structure:

- Shaping the Borough – including the vision for the Borough in 2031;
- Spatial Strategy – this set out the intention that Telford remained the principal focus for new development in the Borough, with three strategic development sites at Muxton, Priorslee and The Hem. Newport's role as a market town would be consolidated through additional new homes (all with planning permission) and employment land, and within the rural area the Plan identified a number of settlements where additional development could be focussed.
- Detailed Planning Policies – the key elements of these were summarised in the report

The Plan included provision for 15,555 new homes, which was a 41% reduction on the number currently planned for. Around 80% of these new homes were either already built, under construction or had planning permission. 3,499 homes would be delivered through new site allocations in the Local Plan. At least 25% of new homes were expected to be affordable. The Plan also allocated approximately 149ha of new employment land in the Borough, which could support the creation of 25,000 new jobs. The Plan affirmed the Council's commitment to protecting and enhancing the Borough's community green spaces, natural environment and heritage. This included an updated Green Network (including Newport) and the creation of a Green Guarantee, protecting community green spaces such as parks, woodlands, recreation areas and local nature reserves. The Council was identifying 100 such sites in the Borough that the Green Guarantee would protect from any development, and would ask the community to help identify at least another 50 sites to help mark Telford's 50<sup>th</sup> anniversary in 2018.

Appended to the report was an updated Local Development Scheme which set out a timetable for delivering the Local Plan, and outlined the progress made on development plan documents since 2013.

The Plan was now at formal consultation stage. If approved, it was proposed that the consultation would be conducted over an 8 week period from 3 August to 25 September 2015. The consultation process would be as wide ranging as possible and would follow the principles of the Council's Statement of Community Involvement as well as applying the advice of the Customer, Community & Partnerships Scrutiny Committee for more open consultation events and for early engagement with Town and Parish Councils. Following

the consultation period, Officers would then review comments received, make appropriate changes to the Plan and then seek approval of the next version by Full Council. It would then proceed to the next stage of Publication and independent examination by a Planning Inspector appointed by the Secretary of State.

Councillor S. Davies (Cabinet Member: Business, Neighbourhood & Customer Services) welcomed the Plan, and noted that Telford & Wrekin was ahead of many of other authorities in this process. Residents' concerns about housing growth had been listened to, but there was still a balance to be struck in order to meet the demand for new housing, particularly from young people trying to get on the housing ladder.

The Assistant Director: Planning Specialist reported that the Plan had been informally reviewed by the Government's Planning Advisory Service, who had advised that it met their 10 principles and that they approved of the general style and content of the Plan,

Members welcomed the proposals for protecting green spaces in the Borough, and the opportunity for local residents to put forward sites for protection.

#### **RESOLVED –**

- (a) that, in accordance with Regulation 18 of the Town & Country Planning (Local Planning)(England) Regulations 2012, the Telford & Wrekin Local Plan document, as presented with this report, be approved for the purposes of public consultation;**
- (b) that the updated Local Development Scheme, as shown at Appendix 1 of the report, be approved.**

#### **CB-18      REVISED BUS SUBSIDY POLICY**

**Key Decision** identified as **Bus Subsidies Policy** in the Notice of Key Decisions published on 25 June 2015

Councillor A.D. McClements, Cabinet Member: Communities, Regeneration & Transport, presented the report of the Assistant Director: Neighbourhood & Customer Services that sought approval for the adoption of a revised bus subsidy policy which would provide a structured methodology for deciding which non-commercial bus routes to subsidise in the future. A copy of the Policy was appended to the report. She thanked Officers for their work on this.

The Council had legal powers to enter into agreements with public transport operators to provide subsidies for services that were deemed not to be commercially viable. This was governed by a Bus Subsidy Policy that was adopted by Cabinet in 2010, and which was used to award the current subsidised tenders. However, this used a very basic set of criteria to prioritise services which were no longer deemed to be fit for purpose.

Within Telford & Wrekin approximately 98% of the network was operated commercially by Arriva. Arriva had undertaken a review of the existing bus network, and had identified several routes that were no longer considered to be commercial. Due to the timescales of the Arriva review, it was clear that if the existing tendered services were to remain as they were, it would leave significant gaps in the network and many areas without a service. As such, the Council made financial provision for an interim period to fill in as many of the gaps as possible pending the outcome of a retendering process for Council subsidised routes. The impact of the Arriva Network Review, along with the limitations of the existing Subsidy Policy, had made it necessary to review and update the Policy.

The new Policy included a Telford Route Evaluation Model that had been designed to provide a framework to robustly assess existing and new supported bus services. The criteria were set out in the report, and included catchment, deprivation, access to services, future development and bus frequency. The draft revised Policy had been presented to the Customer, Community & Partnerships Scrutiny Committee, and the feedback and comments of the Scrutiny Members were appended to the report.

The Council would be going out to re-tender for subsidised services in September 2015, with a view to awarding the new services in November 2015. Services would be prioritised on the basis of the Bus Subsidy Policy.

Members sought clarification on how the subsidised bus services worked, and referred to the recent review of the bus network by Arriva which had raised a number of concerns. A question was also asked about whether the Bus User Groups had been able to feed into the process. The Assistant Director: Neighbourhood & Customer Services advised that on a subsidised route, the Council paid for the driver, use of vehicle and fuel, with any passenger revenue going back into the route. The Cabinet Member stated that the deregulation of bus services was not working well, and that this had been reflected in the discussion at the last Full Council meeting about the inadequate consultation process on the changes that Arriva had made to the bus network. The Council had spoken to Bus User Groups and Town & Parish Councils, and their concerns and “hotspot” issues had been passed on to Arriva.

#### **RESOLVED –**

- (a) that in advance of a retendering exercise to be run between September-December 2015, the revised Bus Subsidy Policy, as shown at Appendix 1 of the report, be approved;**
- (b) that the cross-party support from members of the Customer, Community & Partnerships Scrutiny Committee for the revised criteria in the Policy be noted.**

## **CB-19      YOUTH JUSTICE PLAN 2015/16**

**Key Decision** identified as **West Mercia Youth Offending Service Plan 2015/16** in the Notice of Key Decisions published on 25 June 2015

### **Full Council decision not subject to Call-in**

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Family, Cohesion & Commissioning regarding the Youth Justice Plan which was prepared on an annual basis on behalf of Herefordshire Council, Shropshire Council, Telford & Wrekin Council and Worcestershire County Council. A copy of the Plan for 2015/16 was appended to the report.

The Youth Justice Plan was a statutory document that set out how youth justice services across West Mercia were to be structured, provided and funded. It identified a number of priorities, and key actions to address risks to service delivery and improvement. The Plan identified four main priorities for 2015/16 – improving performance and developing practice, understanding young people, improved joint working and integration, and governance & communication.

The report detailed current performance for Telford & Wrekin on key national indicators for First Time Entrants to the youth justice system, the use of custody, and re-offending rates. These all generally compared favourably in comparison with national and regional performance. There were lower figures/rates for first time entrants and the use of custody, but a slight increase in the frequency rate for re-offending.

### **RESOLVED –**

- (a) TO RECOMMEND to COUNCIL that the Youth Justice Plan 2015/16 be approved;**
- (b) that the responsibilities of the West Mercia Youth Offending Service be noted.**

## **CB-20      COUNCILLORS' PRIDE FUND**

### **Non-Key Decision**

Councillor S. Davies, Cabinet Member: Business, Neighbourhood & Customer Services, presented the report of the Managing Director, which updated Members on the delivery of the Ward Co-operative Fund, and sought agreement for the delivery and renaming as the Councillors' Pride Fund for 2015/16.

The Ward Co-operative Fund had been operating for the last three years on the basis of £1,000 per ward member to be used to support local community groups to deliver events and activities, or by investing in small physical improvements to their locality. This was enhanced in 2014/15 with an

additional £1,000 per ward member to be spent on environmental themed projects that supported the delivery of the aims of the 'Pride in Your Community' programme. Many projects had received match funding from Town and Parish Councils, leading to even greater value being achieved. Appended to the report were details of how Members had allocated their funding, and any agreed matched funding. It was disappointing that not all Members had spent their allocation.

£108,000 had been provided in the Council's Budget to deliver the renamed 'Councillors' Pride Fund' in 2015/16, and the principles of the scheme were set out in the report. Any funding that had not been committed by 31 January 2016 would be re-allocated to support community-based projects that supported the delivery of the Council's priorities.

### **RESOLVED –**

- (a) that the 'Ward Co-operative Fund' be re-named 'Councillors' Pride Fund' for 2015/16;**
- (b) that authority be delegated to the Community Participation Manager, in consultation with the relevant Ward Member in whose area the application is made, to assess and approve if appropriate applications for funding in accordance with the principles set out in paragraph 4.2.4 of the report;**
- (c) that any funding that has not been allocated to eligible projects under the Councillors' Pride Fund by 31 January 2016 be allocated to community based projects that support the delivery of the Council's priorities;**
- (d) that authority be delegated to the Managing Director, in consultation with the Deputy Leader/Cabinet Member: Housing, Public Health & Protection and Cabinet Member: Business, Neighbourhood & Customer Services, to allocate funding in accordance with resolution (c) above.**

### **CB-21 SINGLE FRAUD INVESTIGATION SERVICE AND REVENUES & BENEFITS SANCTION AND PENALTY POLICY**

#### **Non-Key Decision**

Councillor L.D. Carter, Cabinet Member: Council Finance & Service Delivery, presented the report of the Assistant Director: Neighbourhood & Customer Services, which outlined the transfer of responsibility for investigating Housing Benefit fraud from the Council to a new Single Fraud Investigation Service (SFIS) set up by the Department for Work & Pensions. It also sought approval for the uses of penalties, sanctions and prosecutions relating to incorrectly claimed Council Tax discounts and exemptions.

Telford & Wrekin's powers and responsibilities in relation to Housing Benefit Fraud had transferred to the SFIS on 1 June 2015. However, SFIS would still

require the Council to undertake a significant amount of administration and liaison work to assist them. Anti-fraud work by the Council's Investigation Team was now more focussed on Council Tax Support and Single Person Discount. Since 2013, Council Tax Support had been funded entirely from Local Authority budgets, so any fraudulent discounts that could be identified and stopped represented a direct saving to the Council. It was also proposed to use the skills and powers of the Investigation Team to undertake investigations into suspected cases of business rate avoidance. It was up to individual Councils to decide how they tackled fraud, and appended to the report was a proposed Revenues and Benefits Sanction and Penalty Policy. This set out the legal powers available to apply penalties, sanctions and prosecutions in relation to Council Tax and Non-domestic business rates, and set out a framework for when these powers would be used. The draft Policy had been put out to public consultation and shared with the Citizens Advice Bureau and Shropshire Chamber of Commerce, but no comments had been received.

In response to a question, the Benefits Service Delivery Manager advised that prosecution would only be used as a last resort for very extreme cases of fraud.

#### **RESOLVED –**

- (a) that the new Revenues & Benefits Sanction and Penalty Policy, as shown at Appendix A of the report, be approved;**
- (b) that it be noted that from 1 June 2015 responsibility for investigating Housing Benefit Fraud has transferred from the Council to the Department for Work and Pensions.**

#### **CB-22 DRIVING DELIVERY OF THE COUNCIL'S PRIORITIES: 2014/15 YEAR END PERFORMANCE ANALYSIS**

##### **Non-Key Decision**

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Managing Director which presented an overview of 2014/15 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 Council had continuing success in supporting economic growth, including a fall in youth unemployment of 2,100 people in the last 12 months;
- Improved educational attainment at EYFS, KS1 and KS2, although further work was needed to improve the progress of children from KS2 to KS4 and for vulnerable children;
- Progress in adult and children's safeguarding with more stability and consistency in approach;

- A fall of 36% in the numbers of people being accepted as homeless – this was often a result of improved preventative and supportive interventions.
- A 6.3% increase in the recycling rate, which was in excess of the 2014/15 target;
- Of the 49 measures where there was comparable data to the year before, 29 had got better, 17 had got worse and 3 had remained the same.

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 2015/16 and the mitigating actions in place to manage these risks.

### **RESOLVED –**

- (a) that performance for 2014/15 be noted;
- (b) that the Strategic Risk Register June 2015 be approved.

### **CB-23      ACQUISITION OF LAND AT LODGE ROAD, DONNINGTON WOOD**

#### **Non-Key Decision**

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the joint report of the Assistant Directors for Development, Business & Employment; Family, Cohesion & Commissioning; and Law, Democracy & People Services, which sought authority to acquire land at Lodge Road, Donnington Wood adjoining the existing well-established Gypsy & Traveller site to create a transit site of 11 plots.

The Gypsy & Traveller sites at Lodge Road, Donnington Wood and Ketley Brook, Lawley were very popular and the subject of constant enquiries from prospective tenants. Lodge Road had recently been rebuilt and extended from 13 to 25 plots. There had been a persistent problem with unlawful encampments, which led the Council to open a transit site on land off Holyhead Road, Snedshill under a temporary planning permission which was due to expire in December 2015. The presence of the transit facility had enabled illegal encampments to be effectively enforced and removed, with a significant fall in the number of such encampments since the transit site opened in April 2014. A more permanent location for the transit site was required, and HCA land next to the Lodge Road site had been identified as suitable for providing 11 transit pitches. It would be suitably screened and have a separate access. The costs of the acquisition and development of the site were estimated at £170,000, and would be funded from the re-phasing of the existing capital programme.

While all efforts would be made to deliver the new site as soon as possible, it was anticipated that there would be a three month gap between the new site

becoming available for use circa March 2016 and the expiry of the temporary planning permission at Snedshill in December 2015. It was therefore proposed to apply for an extension to the temporary permission at Snedshill until the new site was available for occupation.

Members endorsed the proposals, and noted that since the extension to the Lodge Road permanent site, there had been no occupation of the Snedshill site.

**RESOLVED –**

- (a) that authority be delegated to the Assistant Director: Development, Business & Employment to acquire the parcel of land at Lodge Road, Donnington Wood, as shown at Appendix 1 of the report;**
- (b) that authority be delegated to the Assistant Director: Family, Cohesion & Commissioning to extend the Lodge Road land as a Transit site for Gypsies and Travellers;**
- (c) that authority be delegated to the Assistant Director: Law, Democracy & People Services to seal or sign any documents to give effect to the above resolutions;**
- (d) that capital allocation and expenditure, as detailed in section 3 of the report, for the acquisition of the land at Lodge Road, Donnington Wood be approved.**

**CB-24      REGULATION OF INVESTIGATORY POWERS ACT 2000**

**Non-Key Decision**

Councillor R.A. Overton, Cabinet Member: Housing, Public Health & Protection, presented the report of the Assistant Director: Law, Democracy & People Services, which sought approval for a revised and updated Council Policy relating to the provisions of the Regulation of Investigatory Powers Act (RIPA).

In December 2014, the Office of Surveillance Commissioners issued amended guidance and procedures, and the Council's Policy had been revised to take account of these changes. These included guidance following the 'Kinch' judgement, amendments to the Central record, voluntary declared interviews, prior approval by a Magistrate and limitations for directed surveillance. The revised Policy was appended to the report. Two full days of RIPA training was provided for Officers in November 2014.

In terms of RIPA usage, during the period 1 April 2014 – 31 March 2015 the Council had undertaken one directed surveillance.

**RESOLVED -**

- (a) that the revised RIPA Policy document, as appended to the report, be noted and approved;
- (b) that the contents of the report be noted.

**CB-25      REPRESENTATION ON OUTSIDE BODIES 2015/16**

**Non-Key Decision**

The Leader presented the report of the Assistant Director: Law, Democracy & People Services regarding minor changes to the Outside Body appointments for 2015/16.

A request for the Council to be represented at Member level on Telford & Wrekin Healthwatch was deferred at the last meeting to allow for further information to be obtained about the nature of such an appointment. This had now been clarified as a co-opted position to the Board of Directors, and nominations had been sought from the political groups. One nomination for Councillor S. J. Reynolds had been received.

Following the appointments to Outside Bodies approved at the Cabinet meeting on 25 June 2015, it had become apparent that Councillor R.C. Evans was no longer able to continue with her role as a member of the West Mercia Police & Crime Panel. It was proposed that she be replaced by Councillor H. Rhodes.

Following the annual appointments of Members to Outside Bodies towards the start of each Municipal Year, there was a need to bring interim reports to Cabinet from time-to-time to consider minor changes in representation. It was suggested that to streamline this process, authority be delegated to the Assistant Director: Law, Democracy & People Services to make any such minor amendments, following consultation with the Leader. The annual appointments would continue to be made by Cabinet.

**RESOLVED –**

- (a) that Councillor S.J. Reynolds be appointed as the Council's representative on Telford & Wrekin Healthwatch for 2015/16;
- (b) that Councillor H. Rhodes be appointed to the West Mercia Police & Crime Panel;
- (c) that authority be delegated to the Assistant Director: Law, Democracy & People Services, in consultation with the Leader, to approve "one-off" changes to representation during the municipal year following the annual appointments to Outside Bodies made by Cabinet each June.

The meeting ended at 6.00 pm.

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

**Jonathan Eatough**  
**Assistant Director: Law, Democracy & People Services**  
**Date: 29 July 2015**

**Signed:** .....

**Date:** .....