

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 10th January, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 16th JANUARY, 2013

(DEADLINE FOR CALL-IN: MONDAY, 21st JANUARY, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, S. Davies, A.R.H. England, W.A.M. McClements, R.A. Overton, H. Rhodes, C.F. Smith and P.R. Watling

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

CB-83 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 20th December 2012 be confirmed and signed by the Chairman.

CB-84 APOLOGIES FOR ABSENCE

None

CB-85 DECLARATIONS OF INTEREST

Councillor E A Clare declared a personal non-pecuniary interest in Agenda item 6 – Representation on Outside Bodies – as a governor of one of the schools involved in the Telford Co-operative Multi Academy Trust.

CB-86 FINANCIAL MONITORING 2012/13

Key Decision identified as **2012/13 Financial Monitoring** in the Notice of Key Decisions published on 14 September 2012.

Councillor W.A.M. McClements, Cabinet Member: Resources & Service Delivery, presented the report of the Assistant Director: Finance, Audit & Information Governance, which provided Members with the latest financial monitoring information for 2012/13.

Revenue spending for the year was projected to be within budget at year end, which, within the context of having to make unprecedented savings of £19m, was a very positive position. Since the last report to Cabinet in October 2012, the overall position had improved by £4.1m following rigorous financial review and management over the past few months. This meant the amount of unused contingency which could potentially be carried forward to support the

2013/14 budget on a one-off basis was now £4.607m. There were still a number of significant pressures on the budget, including the cost of Children in Care placements and use of agency staff in the Safeguarding service (projected variation of £2.8m overspent); the cost of Adult Care and Support services following withdrawal of PCT funding (projected overspend of £0.194m); and the cost of Specialist Education, along with income shortfalls of £1.7m relating to a number of services. Projected variances of over £0.100m for individual service delivery units were detailed in the report. There were benefits from active treasury management, a one-off refund of £0.351m from the Government in relation to academies funding, and savings against employee budgets relating to vacant posts totalling £1.5m.

The capital programme totalled £98m, which included approved changes for slippage and new approvals. Spend was currently standing at 30%, and robust programme management and monitoring was in place to ensure schemes were delivered. Appended to the report were a number of new allocations, virements and slippage for approval. The capital programme over the next few years relied on a significant amount of capital receipts as part of its funding, and the position was being closely monitored. There was no variation from receipts delivered compared to expectation to date.

Collection levels for NNDR, Council Tax and Sales Ledger debt were all behind target, while NNDR income was ahead of target at the end of November 2012.

The report also detailed an ongoing liability that the Council, along with many other authorities, had in relation to Municipal Mutual Insurance (MMI) Ltd which ceased trading in 1992 and who had been declared insolvent in November 2012. The MMI Board had confirmed that an element of outstanding claims costs would be charged via a levy to local authorities. The amount of this levy was not yet known, but it was proposed that initially the cost be covered from the Council's self-insurance fund. In order to maintain the adequacy of this fund, it was also proposed to transfer £0.350m from freed-up reserves and balances to the Insurance Fund along with the other transfers to reserves set out in the report.

RESOLVED –

- (a) that it be noted that 2012/13 revenue spend is currently projecting to be within budget at year end, and that there has been significant improvement since the last report;**
- (b) that the pending insurance liability relating to Municipal Mutual Insurance Ltd be noted, and the approach to meeting the costs, as outlined at paragraph 7 of the report, be approved;**
- (c) that the carry-forward of any remaining balance in the budgeted contingency to 2013/14 to create a one-off contingency, as detailed in paragraph 6 of the report, and the use of reserves identified in paragraph 8 of the report, be approved;**

- (d) that the position in relation to capital spend be noted, and to **RECOMMEND to Council the approval of the slippage, virements and new allocations identified at Appendix 3 of the report;**
- (f) that it be noted that collection rates are behind target for NNDR, council tax and sales ledger.

CB-87 SERVICE AND FINANCIAL PLANNING 2013/14 – 2015/16

Key Decision identified as **Service & Financial Planning 2013/14 – 2015/16** in the Notice of Key Decisions published on 7 December 2012.

Council decision – not subject to Call-in

Councillor W.A.M. McClements, Cabinet Member: Resources & Service Delivery, presented the report of the Managing Director and the Chief Financial Officer, which set out the proposed service and financial planning strategy for the period 2013/14 to 2015/16 with specific budget proposals for 2013/14, and the proposed engagement and consultation activities with the community. He thanked the Chief Financial Officer and his team for all their hard work in preparing the draft budget, particularly given the late announcement by central Government of the grant settlement. Information on the grant for Public Health had only been received that day, and therefore further work was needed on this element of the budget.

The Cabinet Member set out the background and context to the budget round, particularly in relation to the unprecedented cuts in Government grant funding which had resulted in savings equivalent to more than £500 for every household in the Borough. Despite the extent of the savings, front line services had largely been protected. The Autumn Statement announced on 19th December 2012 made it clear that the national deficit recovery period had been extended to 2017/18.

In terms of the base budget position, the Council was facing a funding gap of £10.034m for 2013/14. The report set out the proposals to bridge the gap, including savings proposals and public health funding. It was not proposed to use balances to help offset the shortfall. The proposals had been developed in the light of extensive consultation with the community, and included:

- making it easier for businesses to come to the Borough and grow, offering support to attract new firms and help create new jobs;
- continuing to invest in projects to ensure the future prosperity of the area and its residents – eg: Southwater regeneration, Ice Rink, Building Schools for the Future programme;
- safeguarding children and young people, including an additional £0.6m in revenue funding to protect children at risk, and the most vulnerable adults;
- investing in land stability schemes to protect the Ironbridge Gorge;
- continuing to regenerate areas such as Brookside, Hadley and Oakengates;
- protecting as far as possible key services;

- £150k ongoing revenue funding for further spending on Winter maintenance of the road network;

It was vital for the Council to work with partners to secure economic growth and increase the employment opportunities for local people, many of whom were facing significant financial difficulties. Proposed initiatives included a new one-off £1m Commercial and Business Fund to help new commercial ventures and to invest in businesses in the Borough and a £150k one-off revenue investment in 'Destination Telford'.

Attached to the report were a number of appendices, including updated and additional savings proposals, a Safeguarding and Early Help Cost Improvement Plan, Reserves and Balances and details of the capital investment programme. In relation to Council Tax, a strategy of a 2.5% increase per annum over three years had been agreed by Council in March 2012. However, the proposal for 2013/14 was to increase Council Tax by 1.9% (with similar increases in the following 2 years), as an increase of 2% or more would result in the Council having to carry out a referendum at a significant cost to taxpayers. This was a long-term strategy to ensure the budget was sustainable, and while a government grant equivalent to a 1% Council Tax increase was available for the next two years, it was less than half the rate of inflation and would leave the Council with a further significant budget shortfall in the short term and when the grant ceased.

A programme of community engagement and consultation on the budget proposals would be undertaken until the 10 February 2013. Views would be sought on the overall approach whether there was broad support for the proposed strategy given the very challenging circumstances the Council was now operating in. Details of the communication and engagement plan were appended to the report. Final proposals would be considered by the Cabinet on 28 February 2013 for recommendation to full Council on 7 March 2013.

During the ensuing debate, Councillor W. Tomlinson (Lib Dem/Independent Group Leader) commented on the levels of reserves and balances, and welcomed the proposal not to make one-off use of reserves to help balance the budget in 2013/14. Councillor A. Eade (Conservative Group Leader) stated that there was a lot of detail to look at, but that he welcomed some of the proposals, particularly the continuation of investment projects begun by the previous administration and the initiatives to attract new investment and jobs to the Borough. In relation to this, he suggested that some investment be made in improving existing industrial estates. In respect of expected capital receipts from the sale of assets, there was a major risk that these would not be achieved if the proposed sale of the Station Road, Newport site did not proceed. Concern was also expressed at the proposal not to accept the Government's grant which would allow council tax to be frozen over the next two years. The Cabinet Member: Resources and Service Delivery responded that the Council had a duty to maximize the return from its assets for the benefit of all people in the Borough. In relation to safeguarding, Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, advised that there was a robust plan in place to address the overspend, and this was starting to have an effect. However, he was concerned that a Government cut

of £2m in Early Intervention Grant was likely to be counter-productive by creating longer term problems for safeguarding services.

RESOLVED – that the **Service and Financial Planning strategy set out in the report be approved for consultation with the community.**

CB-88 REPRESENTATION ON OUTSIDE BODIES

Non-Key Decision

Councillor R.A. Overton, Deputy Leader, presented the report of the Assistant Director: Law, Democracy & Public Protection concerning the appointment of a representative to the Board of the Telford Co-operative Multi-Academy Trust.

Members of the Governing Bodies of Wrockwardine Wood Arts College, Sutherland Business & Enterprise College and the Phoenix School were working with representatives from the Schools Co-operative Society and the Council to set up a multi-academy trust. At present, a shadow trust board was in place, and subject to formal approval from the Department of Education for the schools to convert to academy status, the new board would go live from 1 April 2013. The Cabinet Member: Children, Young People & Families was currently serving on the shadow board by virtue of his role on the Pegasus Trust for Wrockwardine Wood Arts College. Formal approval was now sought for the Cabinet Member to be appointed to the board of the new Multi-Academy Trust.

RESOLVED – that the **Cabinet Member: Children, Young People & Families be appointed to the Telford Co-operative Multi-Academy Trust Board until the end of the 2014/15 Civic Year.**

The meeting ended at 5.55 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 16 January 2013

Signed:

Date:

TELFORD & WREKIN COUNCIL

CABINET - 31st JANUARY 2013

USE OF JIGSAW HOUSES

REPORT OF ASSISTANT DIRECTOR CHILDREN AND FAMILIES AND TRANSPORT

LEAD CABINET MEMBER – COUNCILLOR PAUL WATLING

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The purpose of this report is to update cabinet on the use of the houses on the Jigsaw site in Hadley and seek approval to re-tender the care provision in homes on the site.

2. RECOMMENDATIONS

2.1 That Cabinet approves the proposed use of the houses on the Jigsaw site.

2.2 That Cabinet approves the tender for up to 8 residential beds for children in care on the Jigsaw site and gives delegated authority for the Director of Children's Services, in consultation with the Cabinet Member for Children, Young People & Families, to award the contract on completion of the tender.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to priorities emerging from budget consultation?	
	Yes	This will impact on the budget costs of children in the Care of the Local Authority
	Will the proposals impact on specific groups of people?	
	Yes	This will impact on children who are in the Care of the Local Authority
TARGET COMPLETION/DELIVERY DATE	The tender of residential care beds will commence in February 2013 with a contract commencement date of 1 st August 2013	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial considerations of undertaking the tender are set out below. The options to consider include purchasing care from an independent provider on the Jigsaw site. This will form part of the tender evaluation process.
		The current unit cost for a placement at Jigsaw,

		<p>which is based on a block bed to spot bed ratio of 3:1 is around £2,700 per week (based on 100% utilisation of the 4 beds available). The cost of a placement in an external placement under the current Regional Framework is around £2,900 per week (including property costs).</p> <p>The tendered price evaluation will take into account that the Council incurs the running costs of the houses at Jigsaw and the contract will be for care costs only. The current contract for four beds is on a block to spot bed ratio of 3:1. The proposal is to tender a contract with a block to spot bed ratio of 2:6. (to be determined during the tender process). This reduces the certainty to the provider of cost recovery on the spot beds which could increase unit costs to cover the risk of underutilised beds (voids). RP 14/1/13</p>
LEGAL ISSUES	Yes	Additional Information at Paragraph 9
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Recommendations relating to the use of the school on the Jigsaw site
IMPACT ON SPECIFIC WARDS	No	Children and young people residing in care homes on the Jigsaw site come from across the Borough. The Jigsaw site is located in the Hadley & Leegomery Ward.

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Jigsaw is part of the Hadley Learning Community Private Finance Initiative. The premises at Jigsaw comprise the school unit (for 30 pupils) with sports hall and grounds and car parking. Four purpose built 4 bedded children's homes form a crescent adjacent to the school.
- 4.2 **House Number 1:** is used as a resource centre by Children and Young People's Services and usage has increased during the last year by:
- the family intervention team as a safe haven and chill out space for children and young people who are experiencing difficulties (evenings and weekends)
 - social care to undertake parenting assessments when necessary
 - the Children in Care Council as a homely evening meeting venue
 - the Health Looked After Children (LAC) Nurse for health assessments
 - our life story therapist, working with troubled children in care

The various users have access at agreed times of the day during week days, evening and weekends. As a house equipped with all homely facilities including kitchen access and large gardens in a relatively secluded environment, it lends itself well to accommodating the groups currently accessing it and is the only house that we have access to for this type of use. We have initiated a diary and booking in system to ensure maximisation of the unit.

- 4.3 **House Number 2:** This is registered as a 4 bedded residential home for Telford & Wrekin children in care. The service in the home is currently provided by Castle Care Homes Ltd under a contract that ends on 31st July 2013. Three beds in the home are block purchased and one bed spot purchased (i.e. we are not committed to spend on the fourth bed unless required). Delivery of the care home provision on the site costs the Local Authority £455,671 per annum for 3 block contracted beds and £2,500 per week for one spot contracted bed which is paid to the contracted service provider. A reduction is given on full occupancy of four beds.
- 4.4 **House Number 3:** This is used as a supported accommodation unit specifically commissioned to accommodate a young person with a disability requiring adapted accommodation. The young person occupying the property is being supported on a spot contracting arrangement by an independent supported accommodation provider working to a transition plan for the young person to move to an alternative property which has greater access to transport links in April 2013. This property should therefore be available from May 2013.
- 4.5 **House Number 4:** This property was formerly used as a registered 3 bedded residential home for Telford & Wrekin children in care. The service in the home was provided by Castle Care Homes Ltd through a block contract which ceased on 31st July 2012 following contract renegotiation. The property is currently being used as a supported accommodation unit for 16/17 year olds on a spot contract basis.

5.0 IMPACT ASSESSMENT – NEEDS & DEMAND, residential care

- 5.1 Our commissioning strategy and sufficiency duty for children in care has identified a need for residential care provision. Jigsaw is our only children's home resource that is dedicated solely to Telford and Wrekin placements in the Borough. Analysis of our referral data shows that we require continued use of dedicated children's home provision on the site and early indications have identified a need to use two of the houses. We have been considering the option of one being a longer term care home and one a short term assessment home.
- 5.2 Officers in the Council explored the potential of setting up a short term residential assessment unit in one of the homes on the site (maximum 12 weeks stay) however following a deeper analysis of our data we concluded that we could not justify the costs of a dedicated home purely for short term provision. Based on our analysis of referrals and placements of children in care it would appear that over a 12 month period only a maximum of 11 may have required use of a short term assessment unit. Of those, five moved on within a 34 day period in any event. We have formed a conclusion therefore that although the option has merits in terms of moving children on

to more appropriate provision in a timely way we cannot evidence demand for this type of provision.

- 5.3 The current Jigsaw residential care home (house number 2) has been fully occupied since August 2012 (x 4 beds) due to our increasing numbers of children in care.
- 5.4 Our commissioning strategy has a focus on increasing foster care provision though residential provision will always be required. We currently have a contract for 4 beds on the Jigsaw site and we purchase other beds as required through our residential framework contract or residential spot contracts.

If we increase to 8 beds on the Jigsaw site using a second of the properties the additional 4 (if utilised) would be an alternative to placing through the other contracts and make use of a property for which we fund property expenses and running costs. We would expect tender costs to reflect the fact that the Council funds these costs and we should therefore receive tender submissions at lower weekly fees than paid through our other contracts. Our preferred option therefore is to utilise the Jigsaw provision by increasing the residential care beds at Jigsaw with a mixture of spot and block purchasing beds to limit our commitment to spend and financial risk (i.e. a high ratio of spot purchasing) This would be more flexible to meet the fluctuating numbers of children coming into care and the need to keep Telford children within Borough. An option we will explore through the tender would be to sell beds to other Local Authorities should we not need them.

- 5.5 Following a recent desk based review the cost of managing our own residential care home is estimated to be between £3,149 per week to £5,249 per week if we only achieve 60% occupancy due to matching issues. Regional intelligence identifies that lower tender prices can be achieved due to economies of scale for home providers and increased competition in the marketplace. We therefore recommend that we do not manage the residential care homes on the Jigsaw site.
- 5.6 In relation to the two other houses, whilst one could continue as long term use as a resource unit (number 1) the other house used for supported accommodation (number 4) could continue in its present form until no longer required (a recent sub regional tender has successfully resulted in increased supply of supported accommodation in the Borough). The remodelling of the school on the site may result in the need for boarding provision which could be accommodated in one of these two homes (houses 1 and 4), but this will not be made clear until those plans come to fruition. It has already been identified in a previous Cabinet report relating to the Jigsaw school that these changes will take place and evolve over a number of years.

6.0 PROPOSALS

- 6.1 It is proposed that we retain two properties for use as residential care homes for children and young people and tender for this provision with an independent provider (up to 8 beds with a block and majority spot purchase mix [i.e. 2:6] including same day and short term placements). The actual ratio will be dependent upon tender submissions.

- 6.2 We continue to use one property (currently house number 1) as a resource unit for children and young people services and consider opening this up to young people in transition as use for life skills training and for contact.
- 6.3 We earmark one property for use as a boarding annex to the new school for the future but in the meantime utilise the property in a similar manner to that identified in house number 1 or as a supported accommodation unit (as house number 4).

7.0 PROCUREMENT IMPLICATIONS

- 7.1 The value of the contract for the two residential care homes will come in at over £1m and is a key decision. We are therefore seeking authorisation to tender for a 3 – 5 year contract and also seeking delegated authority for our Director of Children's Services in consultation with the Cabinet Member for Children Young People and Families to award the contract on completion of the tender.
- 7.2 The tender will require high quality provision but we will be seeking cost effective services. We will therefore utilise our market intelligence of fees across the sector; use these as a benchmark and seek to improve further on the residential fees that were negotiated (and resulted in reduced average costs) through the regional tender exercise in April last year.
- 7.3 Tupe will apply to staff employed by the incumbent contractor if the contract is awarded to a new supplier.
- 7.4 Through the procurement exercise we will work in partnership with the incumbent provider, children and their advocates to ensure a seamless transfer of contract to any new provider and reduce the impact of potential changes in management on the children.

8.0 FINANCIAL COMMENT

- 8.1 The financial considerations of undertaking the tender are set out below. The options to consider include purchasing care from a provider at the Jigsaw site and purchasing external placements in a providers' own property portfolio through our framework contracts and spot contracts. This will form part of the tender evaluation process.

The current unit cost for a placement at Jigsaw, which is based on a block bed to spot bed ratio of 3:1 is around £2,700 per week (based on 100% utilisation of the 4 beds available). The cost of a placement in an external placement under the current Regional Framework is around £2,900 per week.

The tendered price evaluation will take into account the Council incurs the running costs of the houses at Jigsaw and the contract will be for care costs only. The current contract for four beds is on a block to spot bed ratio of 3:1. The proposal is to tender a contract with a block to spot bed ratio of 2:6. (to be determined during the tender process). This reduces the certainty to the provider of cost recovery on the spot beds which could increase unit costs to cover the risk of underutilised beds (voids).

The proposal would need to utilise two homes on the site. One home, house number 3 currently used as supported accommodation should be available from May 2013.

9.0 LEGAL COMMENT

- 9.1 The Project Agreement dated 15th March 2005 between the Council and Pyramid Schools (Hadley) Limited ("Pyramid"), required that Pyramid would invest and participate in the design, build, servicing and maintenance of school facilities pursuant to the Private Finance Initiative at the site known as the Hadley Learning Community and Jigsaw Project.
- 9.2 All current contractual documents for the Jigsaw Project between the Local Authority and CastleCare Group Limited, acting by its subsidiaries Castle Homes Care Limited and CastleCare Education Limited, were completed on 26.6.09.
- 9.3 These documents comprise the Principle Agreement, which has a term of 3 years from 1.8.09 to 31.7.12. This included an option to extend for 2 years under Clause 3.2., provided the parties meet to discuss the option no later than 12 months prior to the expiry date. The contract has been extended for 12 months to 31st July 2013 in respect of the school and one of the care homes (4 beds, 3 block contracts and one spot contracted).
- 9.4 There were also 2 leases entered into for the same 3 year term, one for the school and one for houses 2 and 4. The lease for the school and house number 2 were extended to 31st July 2013.
- 9.5 Clause 20 of the Principle Agreement deals with termination, which enables written notice to be given by either party to the other in the event of corruption; change of control affecting the ability to provide the services; administration; or material default that cannot be remedied.
- 9.6 Otherwise, the Agreement will terminate forthwith if the Property Agreement [i.e. the leases] ceases in its entirety, or if the Provider ceases to be registered with Ofsted.
- 9.7 Therefore, the Agreement is coterminous with the leases and will end when the leases end.
- 9.8 There is no provision for notice to be given under the Agreement to this end, therefore when the leases end on 31st July 2013, the Agreement will cease, as clearly set out in Clause 20.
- 9.9 The leases are excluded from the security of tenure provisions of the Landlord and Tenant Act 1954, which means they will automatically come to an end at the end of the term, again, without notice being required.
- 9.10 Although the main contractual documents do not require notice to be given, it would be important for the Council to advise the Providers of its intentions as soon as possible, especially due to the impact of the Transfer of Undertakings (Protection of

Employment) Regulations 2006 (as amended) (TUPE) which will be applicable to the current staff group at the home and the required statutory consultation process.

- 9.11 Schedule 2 of the Agreement covered the separate service level agreements to be entered into with Interserve Education, Pyramid, the Council or the Primary Care Trust. These will individually need to be considered as to any notice requirements that they contain if they are to be co terminous with the main Agreement.

10. PREVIOUS MINUTES

N/A

11. BACKGROUND PAPERS

N/A

Report prepared by Vivianne McKay Interim Service Delivery Manager Commissioning (Children, Young People and Families) - Telephone: 01952 388892

TELFORD & WREKIN COUNCIL

CABINET –31 JANUARY 2013

**PLANNING OF SCHOOL PLACES:
SCHOOLS WHICH HAVE OR ARE PLANNING TO CHANGE THEIR STATUS**

**REPORT OF THE ASSISTANT DIRECTOR FOR EDUCATION, CULTURE AND
SKILLS**

LEAD CABINET MEMBER – COUNCILLOR PAUL WATLING

PART A) – SUMMARY REPORT

1. SUMMARY OF INFORMATION

1.1 At the current time a number of schools within the Authority have either changed their status or are planning to do so within the next few months. The purpose of this report is to give detail of all the changes and explain what impact they may have for the Council in the future.

2. RECOMMENDATION

That Cabinet receives and takes note of all the information relating to schools' change of status contained within this report.

3.SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<i>Children & Young People – to consult and involve all stakeholders with a vested interest in children's education and safety</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>Children and Families living within the Wards served by the schools</i>
TARGET COMPLETION/DELIVERY DATE	<i>Some schools have already changed their status. Others are due to convert between April and September 2013</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<i>See financial impact section of the report below</i>
LEGAL ISSUES	Yes	<i>Changes to school organisation are governed by the requirements of the Education and Inspections Act 2006</i>

		<p><i>and Guidance from DfE. These changes of status are initiated by the schools concerned and not the Local Authority.</i></p> <p><i>. Where schools are considering transferring to Trust status, the transfer of staff and land is governed by the following legislation:</i></p> <p><i>School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 which came into force on 21 January 2008</i></p> <p><i>The School Organisation and Governance (Amendment) (England) Regulations 2009 which came into force on 1 September 2009).</i></p> <p><i>The School Organisation (Requirements as to Foundations)(England) Regulations 2007.</i></p> <p><i>There are also potential for disputes between newly created bodies and a Local Authority with regards to the transfer of land and particularly with regards the transfer of contracts held by the school changing status e.g. where a newly created Trust refuses to become a party to an existing school contract the Local Authority may have to stand the cost of its early termination</i></p>
OTHER IMPACTS, RISKS & OPPORTUNITIES		
IMPACT ON SPECIFIC WARDS	Yes	<p><i>The individual school changes of status will impact on the individual wards within which schools are located. However there is potentially Borough wide impact due to parental preference in choosing which schools children attend.</i></p>

4.PART B) – ADDITIONAL INFORMATION

4.1 There are currently two groups of schools which have opted for trust status.

These are firstly - **The Wrekin Co-operative Learning Trust** which has been formed by Short Wood Primary School, Limekiln Lane, Wellington and Wrekin View Primary School, North Road Wellington. This trust was set up with effect from 1st September 2012.

4.2 The other group is known as **The Beacon Co-operative Learning Trust**. This has been formed by The Charlton School, Severn Drive, Wellington and four of its local primary schools - Apley Wood Primary School, Pool Farm Avenue, Apley, Crudgington Primary School, Crudgington, Dothill Primary School, Severn Drive, Wellington, and High Ercall Primary School, Church Road, High Ercall. This trust was set up with effect from 14th December 2012.

4.3 When a community school changes its status to become a trust the land on which the school stands and which is used by the local authority for the purpose of the school has to be transferred to, and will vest in the trust body. Staff, teaching and non-teaching, employed by the council on behalf of the school are also transferred so that the trust becomes their employer. All the primary schools which have become trusts have changed status from being community schools. None of them are intending to alter the terms and conditions of their staff. Land transfer has to be completed within 6 months of the trusts foundation and is ongoing for all these schools. The schools also become their own admission authorities but again none of them are currently planning to alter their admission arrangements from those they have used as community schools.

4.4 The Charlton School was already a Foundation School, its own admission authority with its own land and staff and so changes there have been minimal.

4.5 In addition there are four secondary schools currently applying to become academies by 1st April 2013.

4.6 Three of these schools are planning to form a Multi-Academy Trust (MAT) to be known as the **Telford Co-operative Multi Academy Trust**. Members of the Governing bodies of Wrockwardine Wood Arts College, Sutherland Business and Enterprise College and the Phoenix School are working with representatives from the Schools Co-operative Society and the Council to set up a multi academy trust. The Lord Silkin School has also applied to become an academy but with slightly different partners but still including the Schools Co-operative Society and the Council.

4.7 Three of the four schools are already trust schools and as such each is its own admission authority with its own land and staff. The Phoenix School is currently a community school and so will have to have both staff and land transferred to it.

4.8 When a school becomes an academy it is usually granted a 125 year lease on its site and all the staff, land and assets transfer to the governing body. This is done using various legal agreements including an overarching commercial transfer agreement.

4.9 In the case of each of these academies the situation is complicated by the fact that the land and premises currently used by the school is different from the one they will occupy once the BSF project is complete. This situation will mean that in some cases temporary leases will have to be granted and building agreements entered into to take account of schools moving to new sites. A site given up by a trust/foundation

school or academy reverts to the authority. This will not affect the current assumptions made in terms of the expected receipts within the BSF programme.

4.10 The Council has developed a vision of Co-operative Learning Communities whereby school and community facilities, whether co-located or not, will be accessible to the whole community. Any land or asset transfer agreement will need to incorporate sufficient and appropriate protections to ensure that community access is at least maintained and where possible enhanced. Each individual transfer will need to be considered in respect of both current and future opportunities for community use. For example: the use of school playing fields and sports facilities to facilitate increased community physical activity opportunities.

5.IMPACT ASSESSMENT – ADDITIONAL INFORMATION

5.1 The net effect of all the changes in status mentioned above is that the council will make over an amount of land to each school either as an outright transfer or on a 125 year lease. Outline plans of each site are attached at appendix 1.

5.2 A number of teaching and non-teaching staff will cease to be employed by the council and instead be employed more directly by the schools and academies. None of the schools converting is currently planning to alter the terms and conditions of their staff.

5.3 From April 2013, if all the proposed academy conversions go ahead on schedule, of the 14 state funded secondary schools within the Borough there will be:

1 City Technology College
2 Foundation/Trust Schools
8 Academies
1 Aided
2 Community Schools
and of the 53 state funded primary schools
8 Foundation/Trust schools
1 Academy
7 Aided
37 Community/Controlled schools

6 FINANCIAL IMPACT

6.1 When community schools become Trusts, they remain maintained schools, to which the Council's Scheme for Financing Schools and funding formula apply in a similar way to community schools. However, one significant change is that Trust schools become eligible for National Non Domestic Rates (NNDR) relief of 80%. As NNDR is funded via the schools funding formula based on actual costs, this has no net financial impact on the individual schools' budgets but results in a saving to the overall Dedicated Schools Grant of around £100,000 which can be reinvested in the overall school budget. This only applies to the new primary school Trusts however, because as a Foundation School Charlton was already in receipt of this relief. There will be an impact to the council of approximately £50,000 in lost rates revenue.

6.2 Changes in the current arrangements for recoupment of Council funding for the impact of Academies are part of the changes relating to the formula grant and

proposals for Business Rates Retention. These changes result in a separate Education function grant being payable to Councils and Academies, created from a top slice of the formula grant. The total value of this grant for T&W has been announced as £3.717m. This covers all pupils in all state funded schools and the grant will then be payable to each organisation based on their pupil numbers, the element that will be payable to the Council will not be confirmed until early in the New Year. £116.46 will be deducted from the Council's Education Services Grant for each pupil attending an academy school and based on 2,283 pupils in the four schools proposing to convert (pupils recorded at the October 2012 census), the reduction in the Education Services Grant would be £266,000. This will be in addition to the adjustment for existing academies. The 2013/14 Budget strategy reflects the expected reduction in the new grant for existing academies and the 4 new ones proposed. Due to protection arrangements put in place for academies by the DfE the net gain to the converting schools would be a larger figure. TD 3.01.13

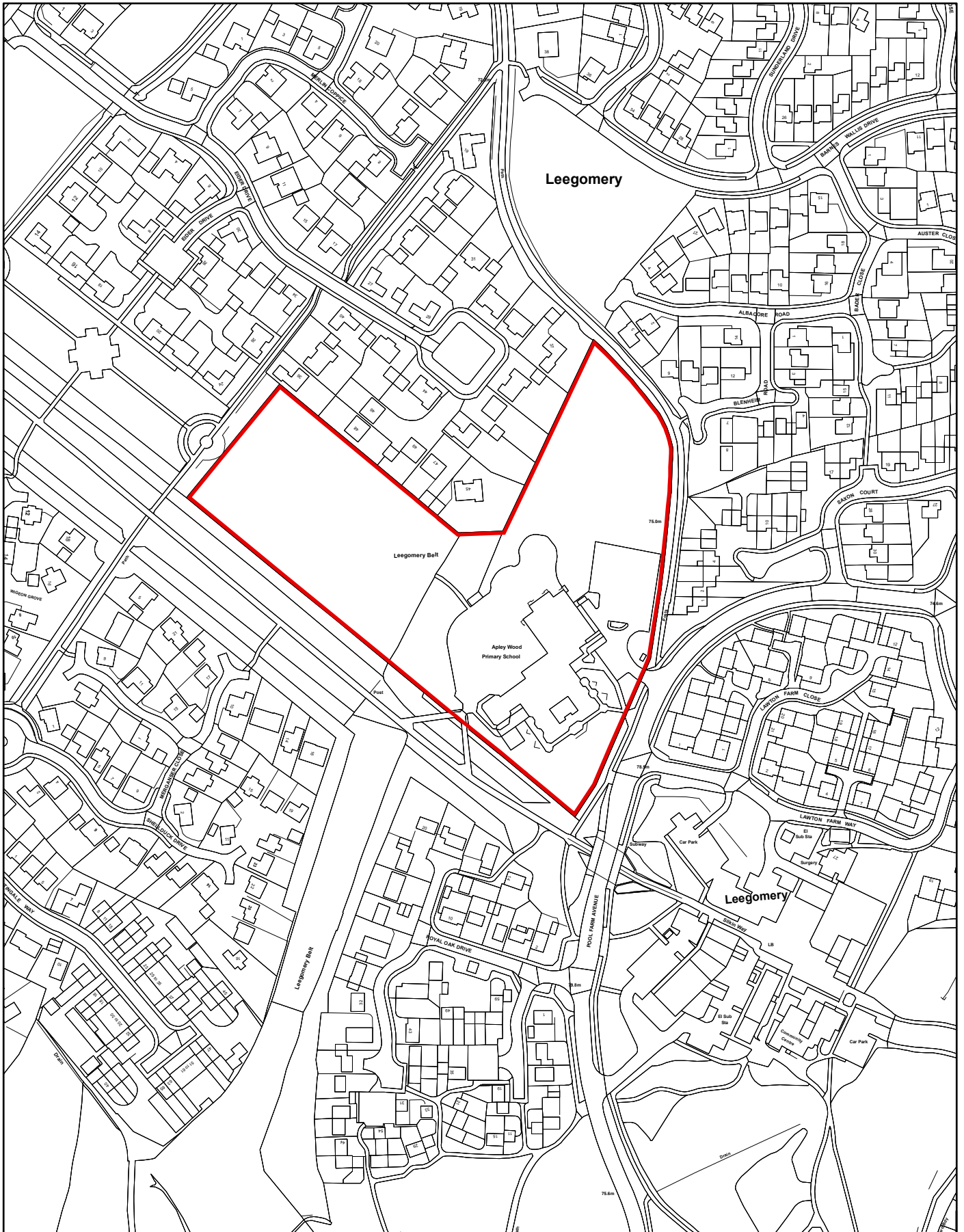
7.PREVIOUS MINUTES

None

8.BACKGROUND PAPERS

None

Report prepared by Kathy Swallow: Service Delivery Manager – School Organisation Services. Telephone: 01952 380905



Title
Apley Wood Primary School
 Pool Farm Avenue
 Wellington

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



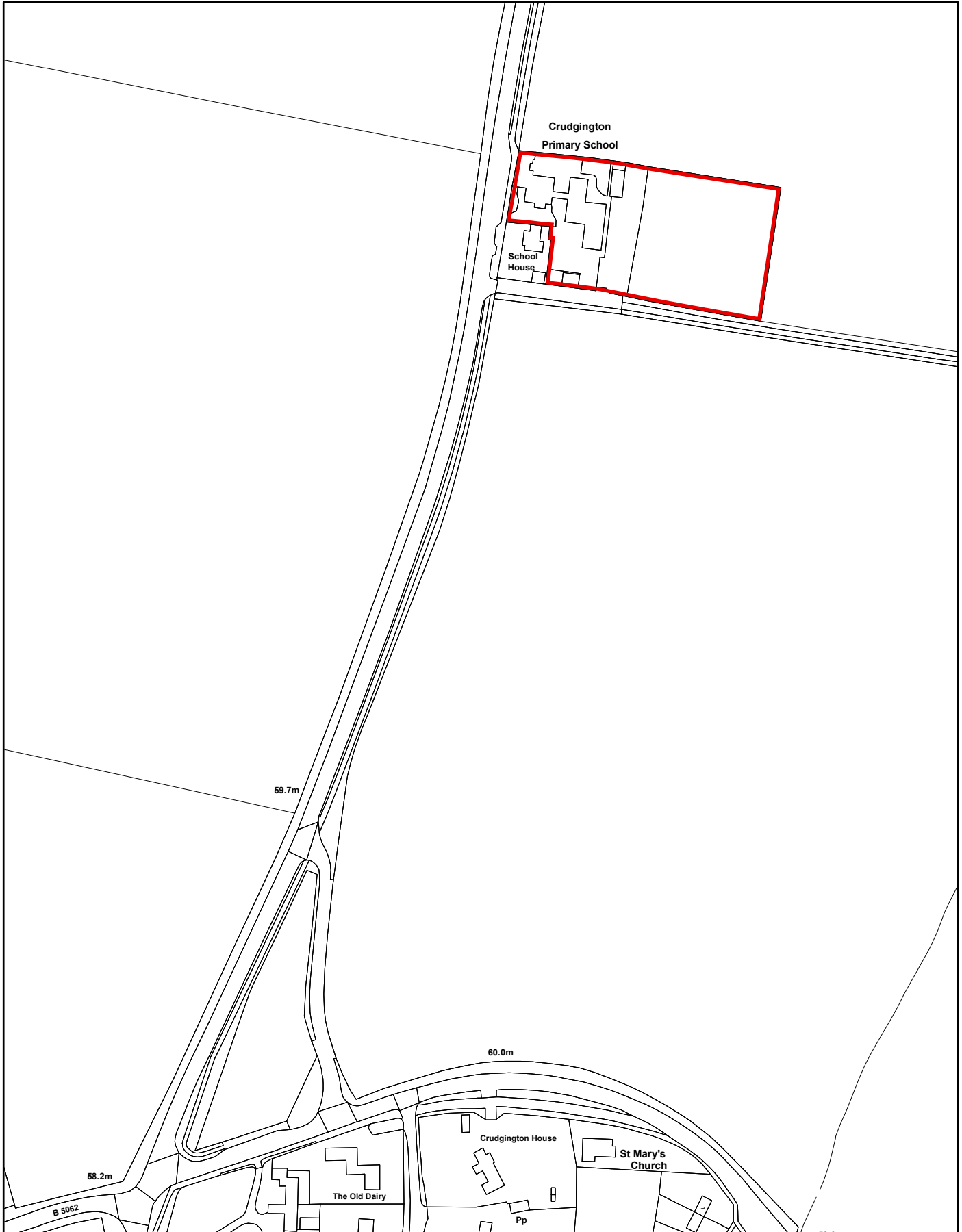
Telford & Wrekin
 COUNCIL

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Title
Crudginton Primary School
 Crudginton

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



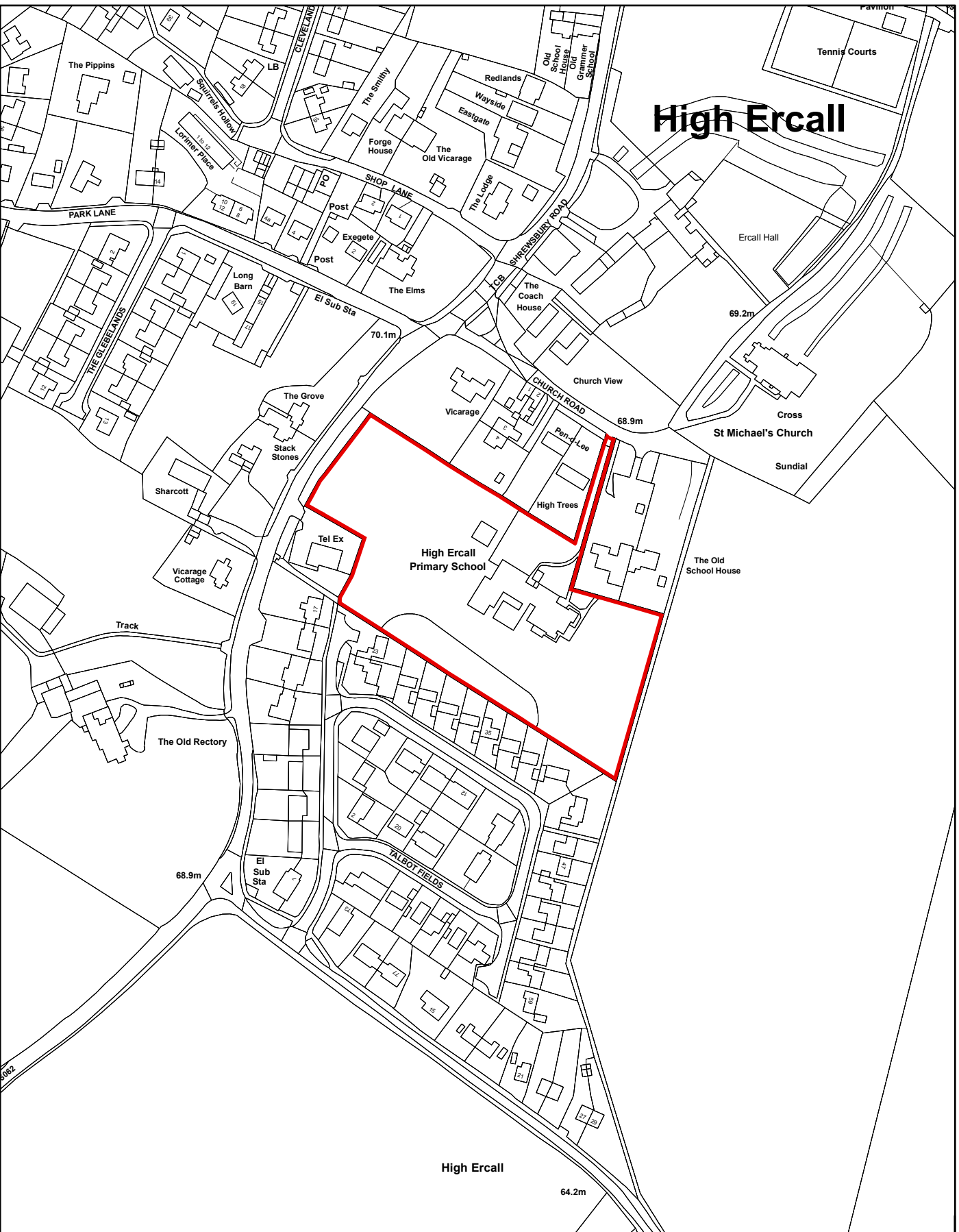
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Title
High Ercall Primary School
 Church Road
 High Ercall

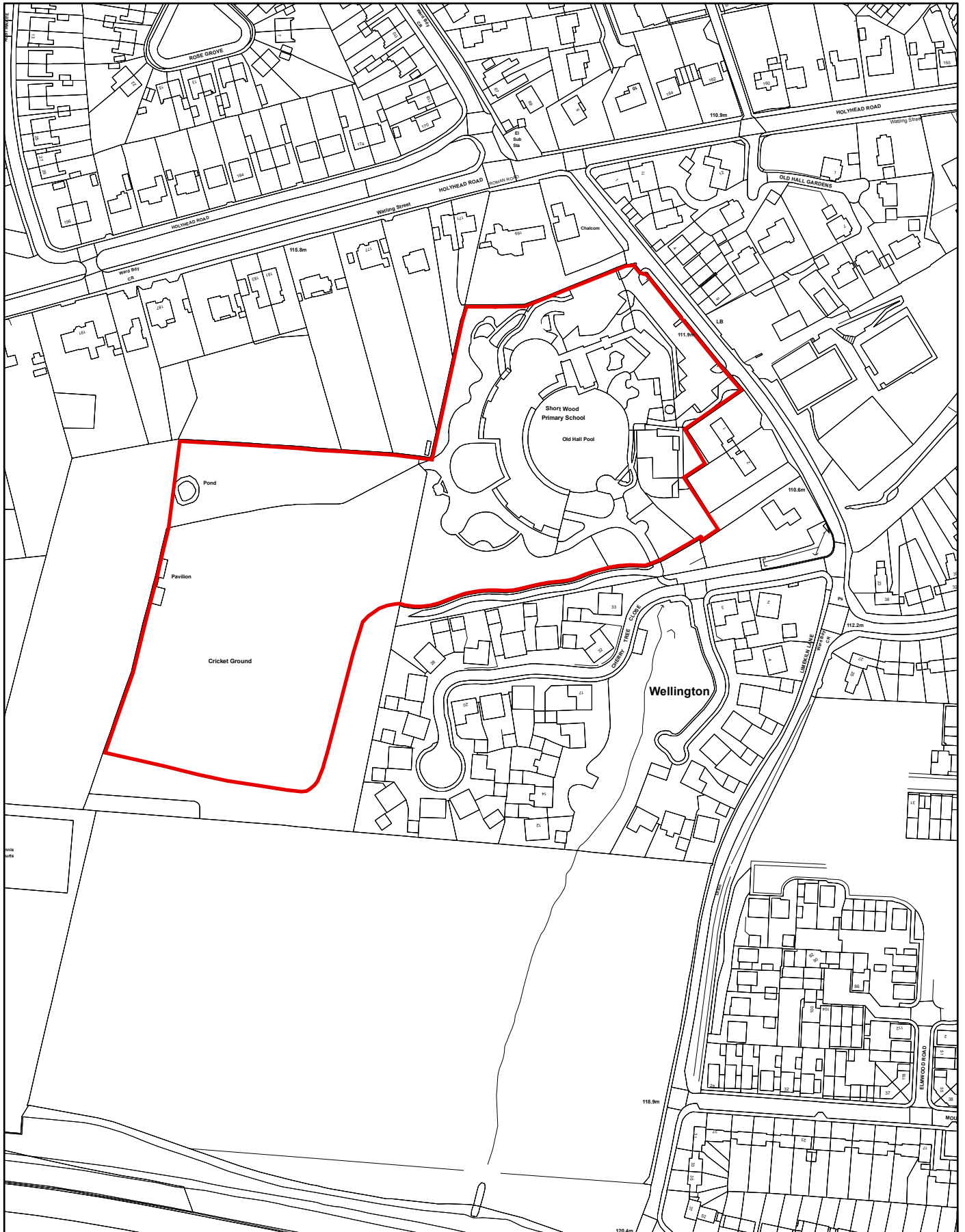
Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX

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Shortwood Primary School
 Limekiln Lane
 Wellington

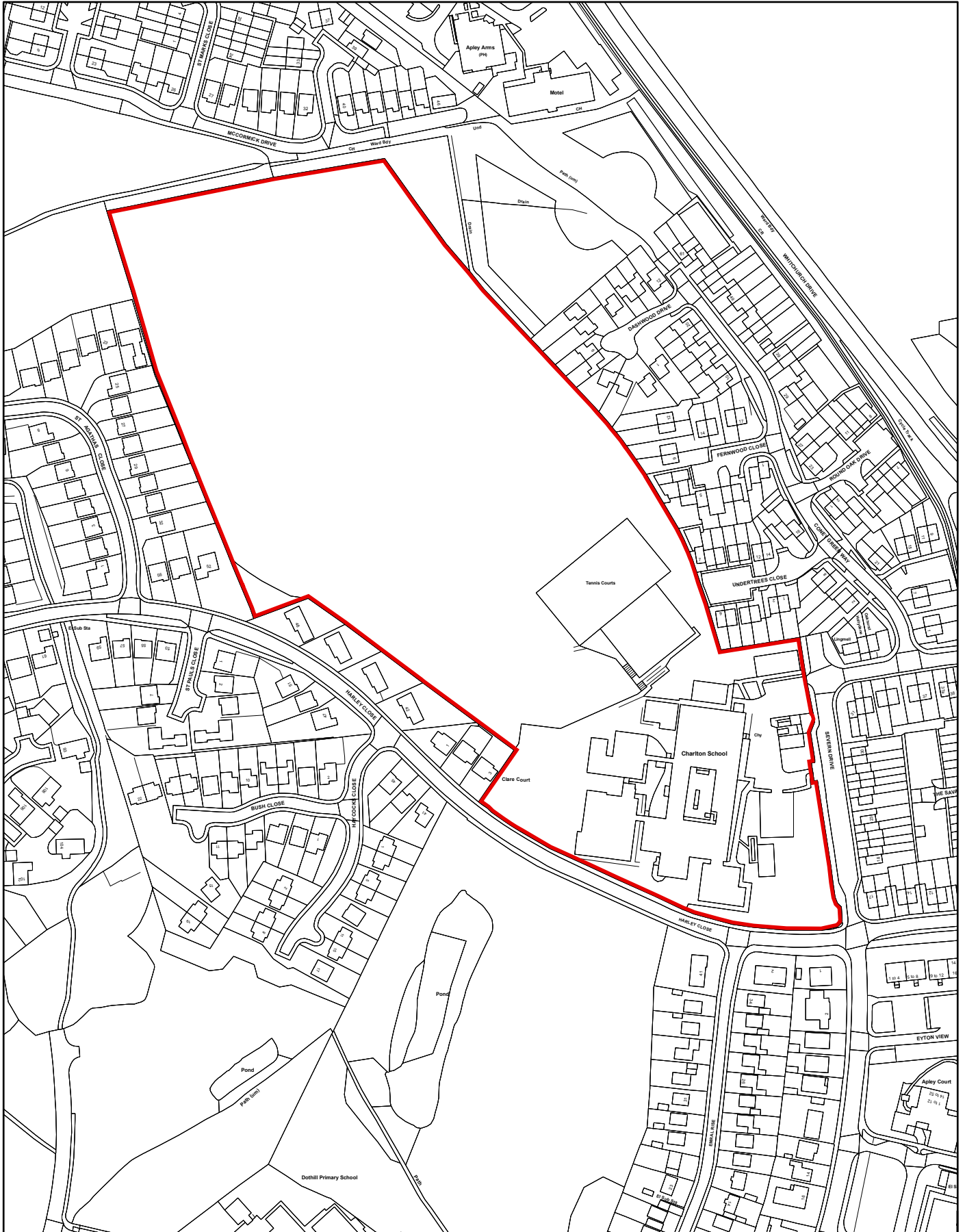
Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX

Scale:
 1:2,500

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Title
 The Charlton School
 Severn Drive
 Wellington

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



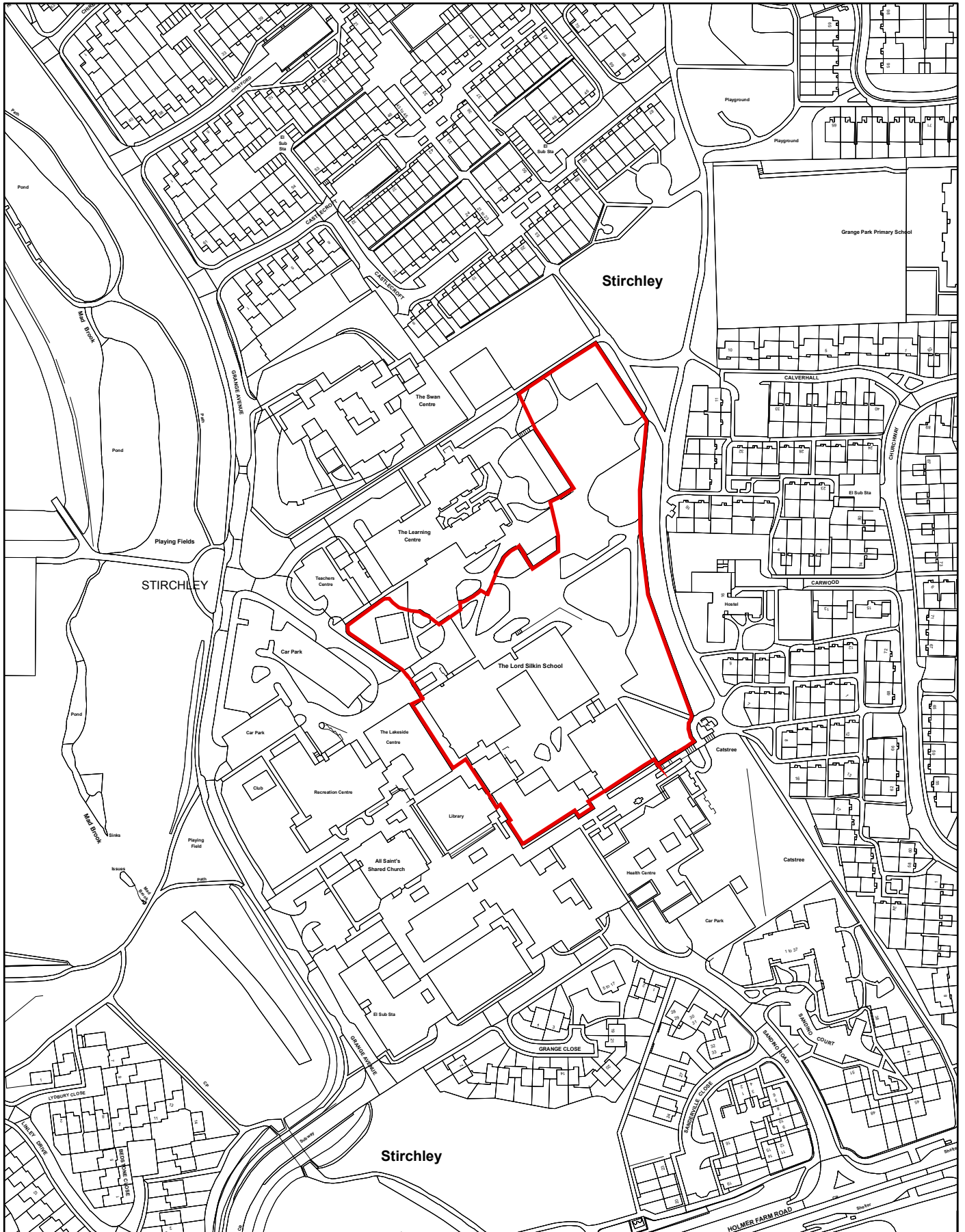
Telford & Wrekin
 COUNCIL



Scale:
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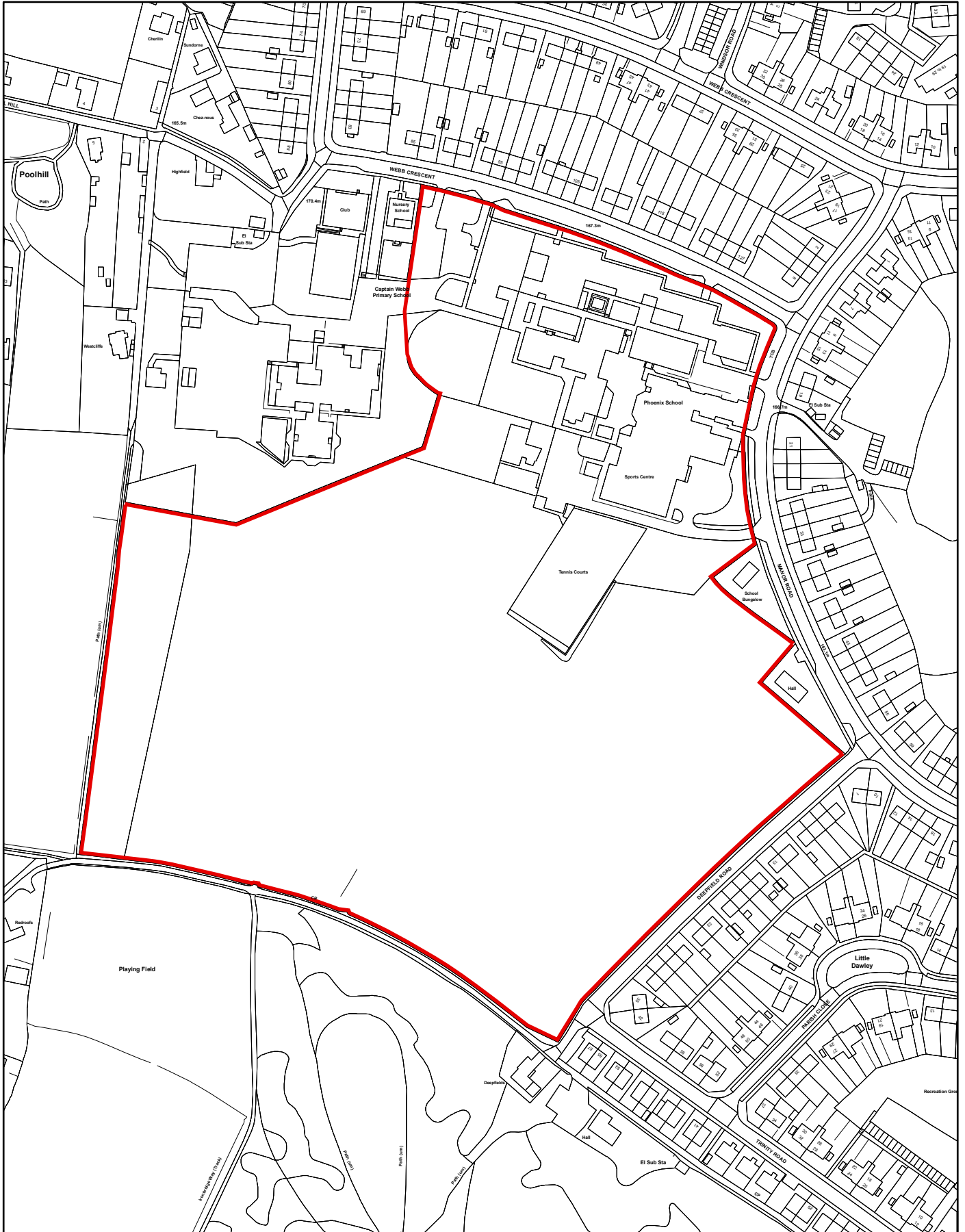
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<p>Title The Lord Silkin School Grange Avenue Stirchley</p>	<p>Estates & Investments Wellington Civic & Leisure Centre Larkin Way Wellington Telford TF1 1LX</p>		 <p>Telford & Wrekin COUNCIL</p>
<p>Scale: 1:2,500</p>	<p>Drawn by: Arc/DRS</p>	<p>Date: 09/01/2013</p>	<p><small>Based on Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Borough of Telford & Wrekin Licence No. LA 10001 9692 - 2013</small></p>



Title
 The Phoenix School
 Webb Crescent
 Dawley

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



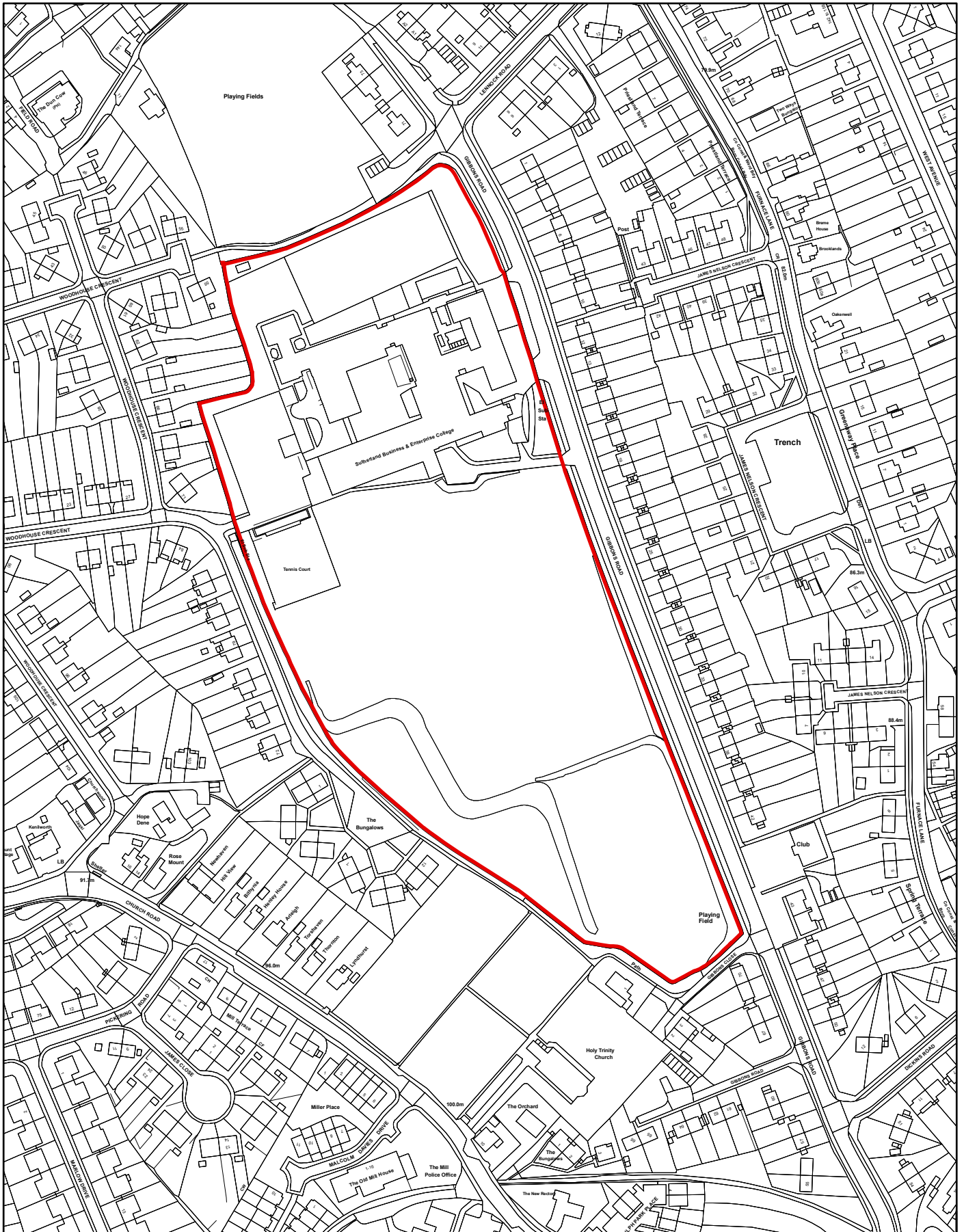
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Title
 The Sutherland School
 Gibbons Road
 Trench

Estates & Investments

Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



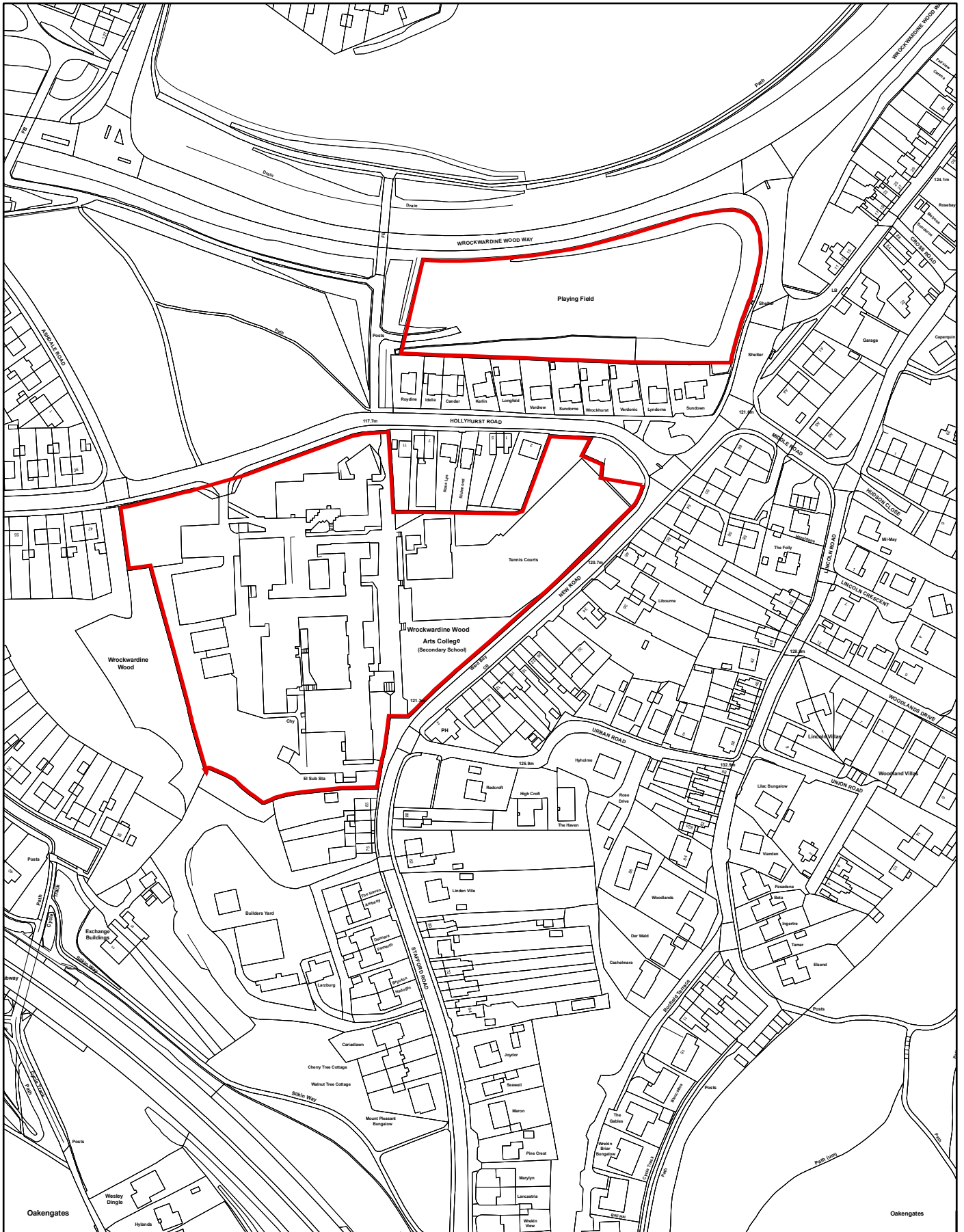
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Title
 The Wrockwardine Wood School
 New Road
 Wrockwardine Wood

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



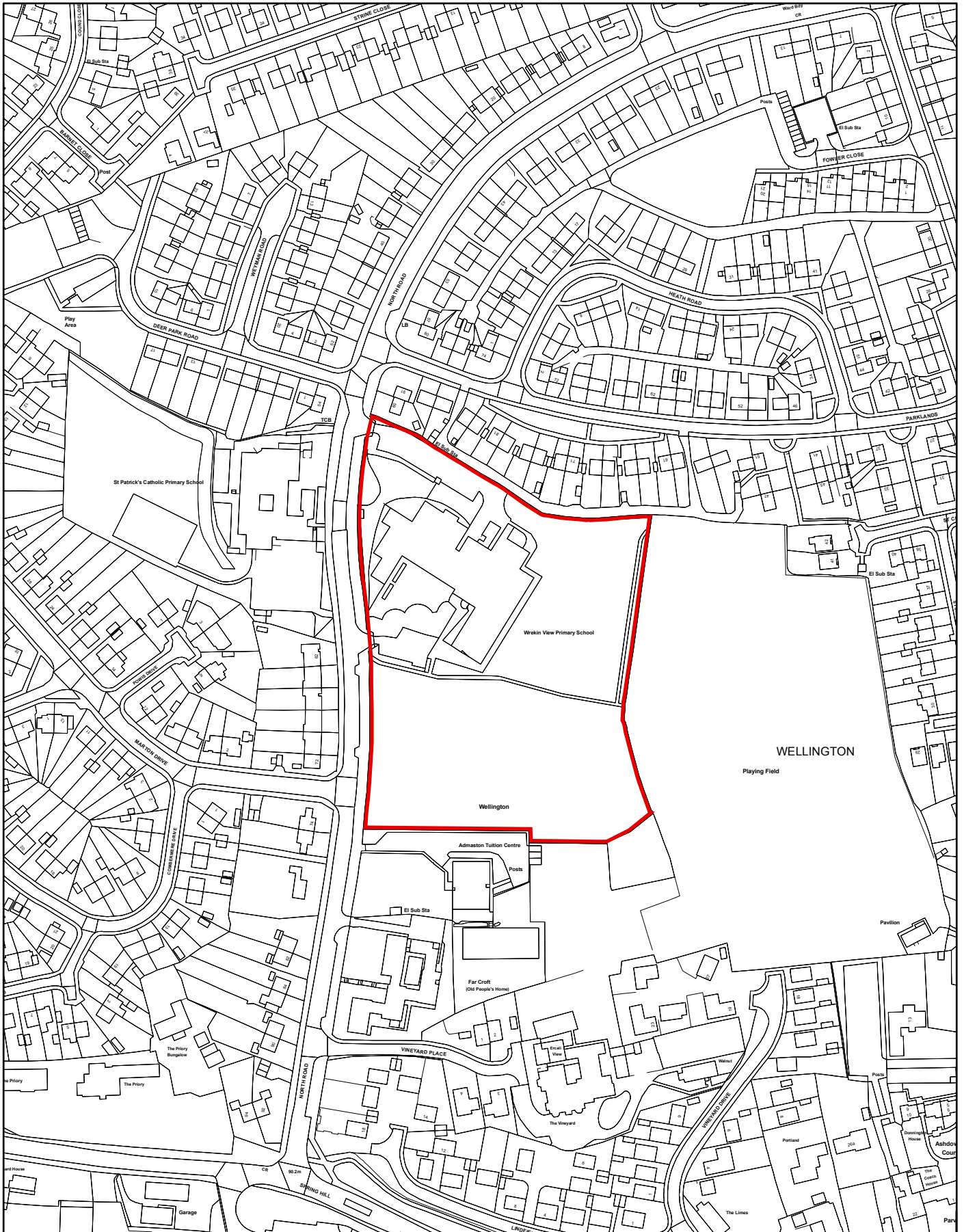
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Title
Wrekin View Primary School
North Road
Wellington

Estates & Investments
 Wellington Civic & Leisure Centre
 Larkin Way
 Wellington
 Telford TF1 1LX



a co-operative council



Telford & Wrekin
COUNCIL

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TELFORD & WREKIN COUNCIL**CABINET - 31 JANUARY 2013****RELOCATION OF CIVIC OFFICES SUNDAY CAR BOOT MARKET****REPORT OF ASSISTANT DIRECTOR: DEVELOPMENT, BUSINESS & HOUSING****LEAD CABINET MEMBER – COUNCILLOR RICHARD OVERTON****PART A) – SUMMARY REPORT****1. SUMMARY OF MAIN PROPOSALS**

- 1.1 To relocate the Sunday Car Boot Market from the Civic Offices Car Park to Wellington Car Park as detailed in this report.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve on a trial basis with regular monitoring and review, the relocation of the Sunday Car Boot Market from the Civic Offices Car Park to a site in Wellington as detailed within this report and shown in Appendix A;
- 2.2 That Cabinet delegate authority to the Assistant Director: Development, Business & Housing to negotiate and agree terms for the relocation of the Sunday Car Boot Market;
- 2.3 That Cabinet delegate authority to the Assistant Director: Law, Democracy & Public Protection to execute all documents necessary to give effect to the above recommendation.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Business Supporting, Business Winning Council
	Will the proposals impact on specific groups of people?	
	Yes	Residents who attend the Sunday Car Boot Market and the local community of Wellington.
TARGET COMPLETION/ DELIVERY DATE	3 February 2013	
FINANCIAL/ VALUE FOR MONEY IMPACT	Yes	It is not anticipated that there will be financial impact of moving this facility, however it will be reviewed regularly and any adverse effects will be reported. JAC 22/11/12
LEGAL ISSUES	Yes	Notice to terminate the agreement with regards to the existing market has been given so there is nothing to prevent the closure of the Civic Offices market. Full consideration should be given to planning and property matters in relation to the site chosen and legal advice will be provided on these elements. Any contract for the management of the market must be procured in accordance with the Council's Contract Procedure Rules and any EU requirements, if applicable.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The opportunities and risks have been identified and will continue to be reviewed
IMPACT ON	Yes	The proposed relocation of the Sunday Car Boot Market, from the

SPECIFIC WARDS	Civic Offices Site (Malinslee Ward), would be located in Wellington Town Centre under College Ward.
-----------------------	---

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The forthcoming closure and sale of the Civic Offices Site will necessitate the relocation of the Sunday Car Boot Market with effect from the beginning of February 2013. The Sunday Car Boot Market has operated from the Civic Offices Site (Appendix B) for more than 10 years and has generated a weekly income which is used to support other markets across the Borough. Since April 2010 the market function has been managed by the Council with the support of RMP Security Company who are responsible for facilitating the weekly market function on site.
- 4.2 The Sunday Car Boot Market is one of five markets across the Borough which is managed by the Council including Markets at Dawley, Hadley, Madeley and Oakengates. In addition there are two other Markets in Wellington and Newport which are run by private companies plus there are occasional Markets held during the festive season or as themed events. A number of Markets have Charter Status which protects their trade on the days of the Charter but none have Charter Status for Sundays. In the case of Wellington, the Charter Status applies to Thursdays.
- 4.3 During the summer months, Civic Offices Sunday Car Boot Market peaks at around 120 traders. Consideration has been given to the identification of potential sites across the Borough for the relocation of the Sunday Car Boot Market with Wellington being the recommended location.
- 4.5 The Wellington option (Appendix A) would utilise the Victoria Road North and Nailors Row car parks for the purpose of accommodating the Sunday Car Boot Market, offering space for circa 100 traders. The Victoria Road South car park could then be used by customers attending the Sunday Car Boot Market, offering 120 parking spaces. In addition, there would also be the potential to utilise additional car parking at Wrekin Road and Tan Bank Car Parks, both of which are within easy walking distance.
- 4.6 Discussions have been held with Wellington Town Council and Wellington Market Representatives over the precise detail of the new arrangement. The decision to locate in Wellington will be monitored and regularly reviews over a six month period with a report produced at the end of the review period.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 Priority would of course be given to any annual events that utilise the car parks.
- 5.2 Risks will be mitigated as far as possible through negotiations with the relevant Parish or Town Council and private contractor to ensure that the relocated Sunday Car Boot Market does not adversely affect other activities that may be held in the chosen centre which necessitate the use of the public car parks.

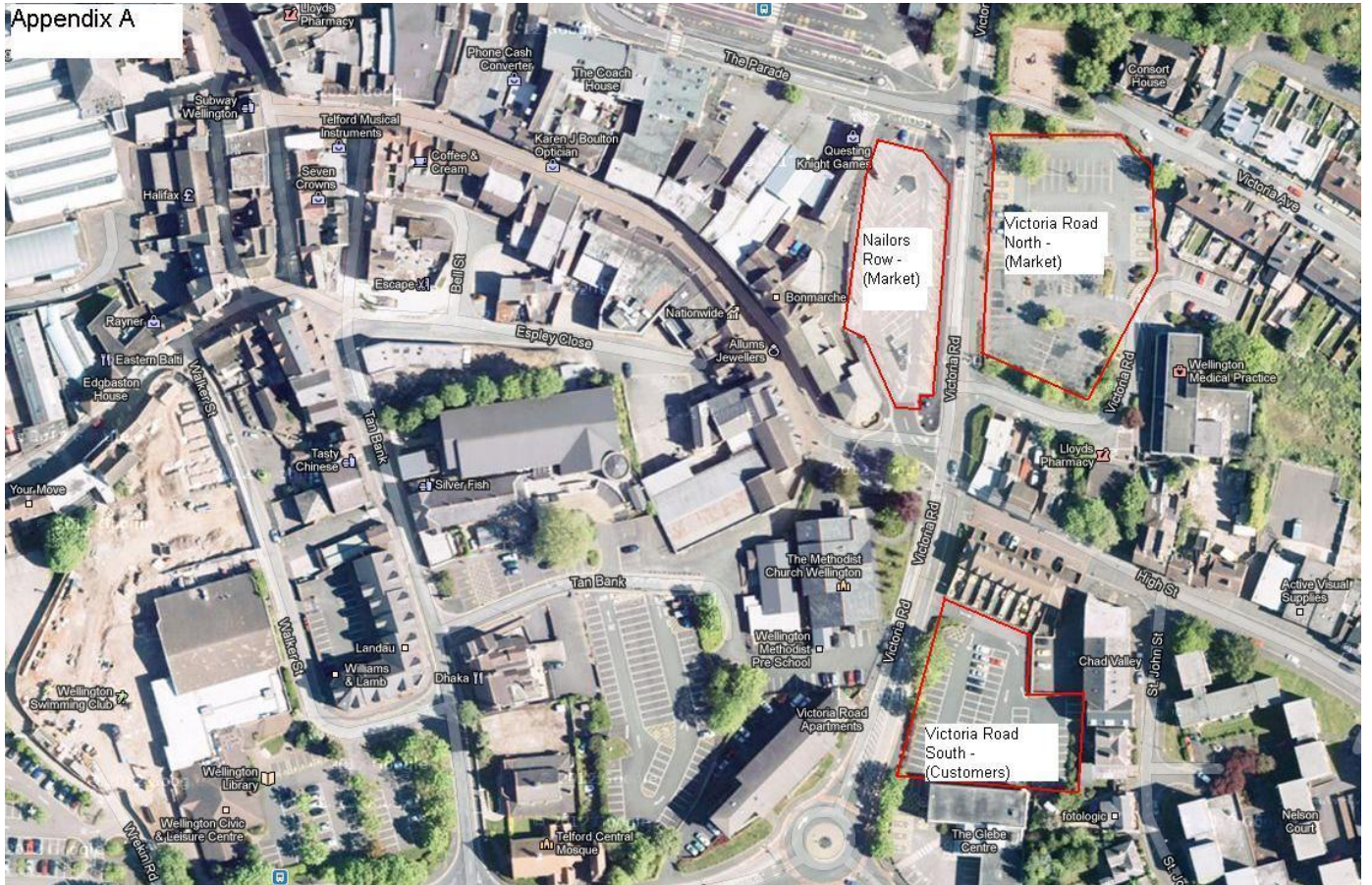
6. PREVIOUS MINUTES

- 6.1 None

7. BACKGROUND PAPERS

- 7.1 None

APPENDIX A – WELLINGTON SITE



APPENDIX B – CIVIC OFFICES SITE



TELFORD & WREKIN COUNCIL

CABINET - 31 JANUARY 2013

ENERGY COMPANY OBLIGATION AND GREEN DEAL – OPTIONS AND RECOMMENDATIONS

REPORT OF THE ASSISTANT DIRECTOR: DEVELOPMENT, BUSINESS & HOUSING

LEAD CABINET MEMBER - COUNCILLOR CHARLES SMITH

PART A – SUMMARY REPORT

1.0 SUMMARY OF MAIN PROPOSALS

- 1.1 The Energy Company Obligation (ECO) and Green Deal (GD) have been introduced by the Government as a means of improving the energy efficiency of homes, saving residents money, reducing fuel poverty and cutting carbon emissions. They also present opportunities to deliver the Council's vision and priorities for inward investment, business growth and improving the wellbeing of residents. ECO and GD related legislation was enacted in October 2012 and becomes operational in January 2013.
- 1.2 The GD is a financial mechanism open to all households. Retro-fit energy efficiency measures are funded by a GD Provider in the form of a loan or charge to the property, which is paid back through electricity bill payments. It works on the basis of the "Golden Rule" whereby the regular re-payments made via the energy bill must be less than or equal to the bill savings made. This means that there should be no net increase in costs to the customer and they avoid upfront payments. As the loan is paid off and electricity prices rise, there is scope for increased savings.
- 1.3 This report sets out the options available to the Council, and recommends the Council adopt a 'Partner' approach working with Carillion plc taking advantage of the Birmingham Energy Savers Framework contract in order to maximise both ECO and GD opportunities in the Borough at the same time significantly reducing procurement costs.

2.0 RECOMMENDATIONS

- 2.1 **That Cabinet approve the establishment of a partnering arrangement utilising the Birmingham Energy Savers Framework contract, to coordinate local delivery of ECO and Green Deal opportunities;**
- 2.2 **To delegate authority to the Assistant Director, Development, Business & Housing, in consultation with the Cabinet Member for Housing Regeneration & Economic Development to agree contractual arrangements with the Birmingham Energy Savers GD Delivery Partner, Carillion Energy Savers, to maximise the Authority's opportunities associated with ECO Funding and the use of Green Deal funding;**
- 2.3 **To delegate authority to the Assistant Director: Law, Democracy & Public Protection to sign or seal all documentation required to give effect to any agreement reached pursuant to 2.2.**

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Business Winning, Business Supporting Council
	Will the proposals impact on specific groups of people?	
	Yes	The ECO and GD will contribute to the health and well-being of residents in the Borough, and specifically those in fuel poverty, priority groups and all residents seeking to reduce their carbon footprint/energy bills.
TARGET COMPLETION	ECO and GD legislation was enacted in October 2012 and will become operational in January 2013	
FINANCIAL/VALUE FOR MONEY IMPACT (Provided by Julia Copus/Dainy Runton)	Yes	<p>This report recommends that the Council enters into a Partnership arrangement with Carillion Energy Savers for the provision of ECO and GD services. Under this arrangement funding for loans to householders will be brokered by Carillion at no cost to the Authority. The upfront costs of procuring the framework contract have been funded by Birmingham City Council. Any additional legal costs incurred by TWC during the contract negotiation stage will be reimbursed by Carillion Energy Services. Ongoing contract management and delivery related duties will be undertaken by Carillion with limited input required from the Authority. TWC will be required to support and promote the scheme and any expenditure incurred will have to be met from existing budgets.</p> <p>Paragraphs 4.11 and 4.13 of this report make reference to a Marches Sustainable Housing Partnership which will report on ECO and GD options for the LEP in the New Year. By agreeing to the arrangements with Carillion the Authority may limit the ability to participate in the LEP arrangements, although the lost opportunity costs of this, if any, cannot be equated at this stage.</p>
LEGAL ISSUES (Provided by Jonathan Eatough)	Yes	<p>Provisions introducing the green deal and the energy company obligation form part of the Energy Act 2011. This Council was one of the contracting authorities that were included in an OJEU notice placed by Birmingham City Council seeking a delivery partner to deliver, for us, energy efficiency works to buildings within the Borough. The exact nature of the arrangements between the Council and the delivery partner has yet to be resolved but there will be a separate contractual arrangement directly between the Delivery Partner and the Council. The obligations on the Council are relatively light but do give effectively exclusive use of the Council's name in respect of marketing/ encouragement of take up within the Borough. This is a reputational risk but will help the Council to secure obligations from the delivery partner in respect of training/ use of local firms to undertake much of the work which will be measured by way of key performance indicators. The Council's ability to move away from the procured Project Agreement are limited but should provide sufficient flexibility given the nature of the contractual arrangements and the relatively few burdens imposed on the Council. The approval process is a 2 stage process – firstly for an outline response which, if approved would be developed for final approval. This process should take in the region of 3 – 4 months and, even at the end of the process the Council is not obliged to enter into the contract.</p>
OTHER IMPACTS, RISKS &	Yes	The opportunities and risks associated with each option are outlined in Appendix 1. It is important that the Authority establishes its approach to the GD in advance of it becoming operational in

OPPORTUNITIES		order to maximise the opportunities for residents of the Borough
IMPACT ON SPECIFIC WARDS	Yes	The GD is available to all households/wards in the borough, ECO funding will particularly benefit wards with high levels of households on low incomes

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 Fuel poverty is a significant issue for Telford & Wrekin. Latest figures from 2010 show there were 11,279 households within this category, equating to 16.7% of total households in the borough.

4.2 What is the Energy Company Obligation (ECO)?

The ECO replaces existing energy efficiency schemes, namely the Carbon Emissions Reductions Target (CERT) and Community Energy Savings Programme (CESP) and the “Warm Front” scheme. ECO funding can provide up to 100% grant assistance for retro-fit energy efficient measures (e.g. efficient boilers, insulation, solid wall cladding) in low income and vulnerable households. The relative proportion of ECO funding available to individual households is evaluated during the Green Deal Assessment process (as detailed below).

4.3 There is £1.4 billion of ECO funding available each year in the UK up to 2015. The fund is split into three categories:

- The **Carbon Saving Obligation (£760m)** provides additional support for hard to treat homes that cannot fully fund energy efficiency improvements through Green Deal finance alone. This funding is appropriate for all dwellings, including 835 grade I and II Listed Buildings and a further 3,025 properties within conservation areas in the borough.
- The **Affordable Warmth Obligation (£350m)** provides support to low income and vulnerable households least able to heat their homes to an adequate standard. Eligibility will be restricted to households who are in receipt of certain benefits and tax credits.
- **Carbon Saving Community Obligation; (£190m)** is aimed at low income and rural areas. There are 16 local areas of multiple deprivation in the Borough that could qualify for up to 100% of this fund, equating to around 11,560 households. There are a further 7,450 properties in the Borough which fall within the ‘rural’ area of this category.

4.4 How will the ECO work?

ECO funding will be brokered via a Green Deal Provider following an assessment of which households qualify. Providers need to work closely with Local Authorities to identify low income households based on benefit records. In addition, the Local Authority can significantly improve take up via active promotion of the scheme and provider.

4.5 To date, the Authority has received a number of enquires from companies interested in brokering the ECO fund and working with the Council on identifying eligible properties. It is therefore important to agree a co-ordinated, procurement-compliant approach prior to the funding being available.

4.6 What is the Green Deal (GD)?

The GD is a financial mechanism open to all households. Retro-fit energy efficiency measures are funded by the GD provider, in the form of a loan, and then re-paid through electricity bill payments. It works on the basis of the “Golden Rule” whereby the regular payments made via the energy bill must be less than or equal to the bill savings made. This means there should be no net increase in costs to the customer and they avoid upfront payments. As the loan is paid off and electricity prices rise, there is scope for reduced bills. The GD is also anticipated to be opened up to non-domestic and commercial properties in the future which could bring potential benefits for organisations, including the Council.

- 4.7 Appendix 2 illustrates how the Green Deal process works. It is important to note that a loan or charge to the property will not be provided unless the projected energy savings outweigh the cost of any improvements.
- 4.8 Householders can place a charge on the property (via electricity bills) for up to 25 years to fund the measures. This differs from conventional borrowing because the householder only repays the charges whilst they are the energy bill payer. This means that the charges are transferred (or conveyed) between owners or tenants at times of occupancy changes.
- 4.9 Nationally the Green Deal is intended to improve the energy efficiency for 26 million homes and up to 2.8 million commercial properties by the year 2030.
- 4.10 The 'Golden Rule' principle limits the amount of Green Deal finance that can be attached to the energy bill and focuses upon packages of measures that will create instant savings. Where a Green Deal plan does not meet the 'Golden Rule', Green Deal providers can receive part-payment via other means, including upfront payment by the customer or from the ECO fund.

4.11 **What are the options for Telford & Wrekin Council?**

The Government has identified a number of roles that a Local Authority can choose to take to maximise local benefits from ECO and GD. These are set out in Appendix 1. In summary the options are:

1. **Do Nothing:** business as usual with very limited promotion
2. **Promoter:** promoting the GD and associated funding to residents without signposting to any one Provider
3. **Partner:** working with a GD Delivery Partner who would broker ECO funding on behalf of the residents of the borough. The Council would work actively to identify households which are eligible for funding and to encourage take up.
4. **Provider:** entering into finance arrangements with householders to deliver the GD

The Marches Sustainable Housing Partnership, which is a sub group of the LEP, is reviewing the options open to LEP Authorities. The report from the Marches LEP indicates that options they are considering are:

- a) Carillion / Birmingham Energy Savers offer
- b) Work with Walsall's Housing Group Delivery Partner Option (a significant time to completion)
- c) Community Interest Company (investment needed to set up and agreements with two other LA's)
- d) Producer Model (the Provider model referred to above)

4.12 **Conclusions**

The "do nothing" and "Promoter" roles require minimal input from the Council but may mean opportunities to maximise benefits to local residents and businesses are missed.

The "Partner" approach is more pro-active and would ensure ECO funding opportunities are maximised. The final option is for the Authority to become a certified GD "Provider" in its own right. Given the time and costs associated with this approach, it is typically only being considered by Authorities that have their own housing stock.

- 4.13 The four options are being explored by the Marches Sustainable Housing Partnership, although the Community Interest Company model and the Walsall Housing Group options would not be available by the time the ECO and GD become operational. Should a future viable proposal be presented to the Authority a further report will be brought to Cabinet.

- 4.14 It is considered that the Green Deal “Partner” approach provides the greatest opportunity to the Borough to maximise uptake of funding and deliver economic and wellbeing related outcomes.
- 4.15 Along with 33 other local authorities and 7 social landlords (including Wrekin Housing Trust), the Authority is a signatory of the Birmingham Energy Savers (BES) Framework of which Carillion Energy Services is the appointed Green Deal Provider. Telford & Wrekin Council already has a good working relationship with Carillion, having administered the Authority’s “Warm Front” scheme for two years, and assisting some 195 households to the value of circa £200,000. This scheme will be replaced by ECO. It is recommended that the Council use the Framework to establish a partnership with Carillion.
- 4.16 **Local Operation of the BES Framework**
Under the BES Framework Carillion would undertake:
- marketing, engaging customers and selling energy efficiency measures
 - surveying, assessing, refurbishing and maintaining properties
 - managing supply chain growth and innovation
 - delivering local employment and training opportunities,
 - securing finance and managing loans,
 - establishing public/ private partnerships and governance arrangements
- 4.17 As a partner, the Council will support Carillion in delivering the ECO and GD locally by:
- coordinating all energy efficiency activity within the borough
 - utilising the network of partners and employees to engender trust in the scheme.
 - providing a client function in accordance with agreed contractual arrangements
- 4.18 Each partner would devise a visible brand, such as “Telford Energy Savers” for example. This would be locally promoted by the Council and its partners. The scheme therefore benefits from the support and promotion by the Council as a trusted local service provider. Quality assurance, complaint resolutions and any liabilities associated with the actual Green Deals delivered by Carillion would be between Carillion and individual households.
- 4.19 The BES framework specifies that Carillion utilise existing networks of small businesses and the local supply chain, rather than bringing in their own direct labour. In order to maximise benefits to the local economy, local KPIs would be established, including:
- the number of GD assessments completed
 - value of ECO monies secured
 - number of local jobs and Apprenticeships created
 - number of people from priority groups assisted to access placements, training and job opportunities
 - number of small and medium sized enterprises receiving two or more days of assistance (as defined by European data)
 - value of works delivered by companies that pay Telford business rates
 - number of training weeks per £m invested and spent on the project in the area
 - customer satisfaction
 - regular accurate, timely reporting in accordance with the terms of the Project Agreement
- 4.20 Each KPI would have an agreed performance target. For example, for each £500k secured through a GD, a local apprentice would be supported.
- 4.21 URSUS Consulting has been appointed to work with the signatories to the BES framework to ensure that they maximise local benefits. This work is resourced from EU funding and provides an opportunity to utilise ECO either directly or as part of a GD to assist regeneration schemes in the Borough.

5. **PREVIOUS MINUTES**

None

6. **BACKGROUND PAPERS**

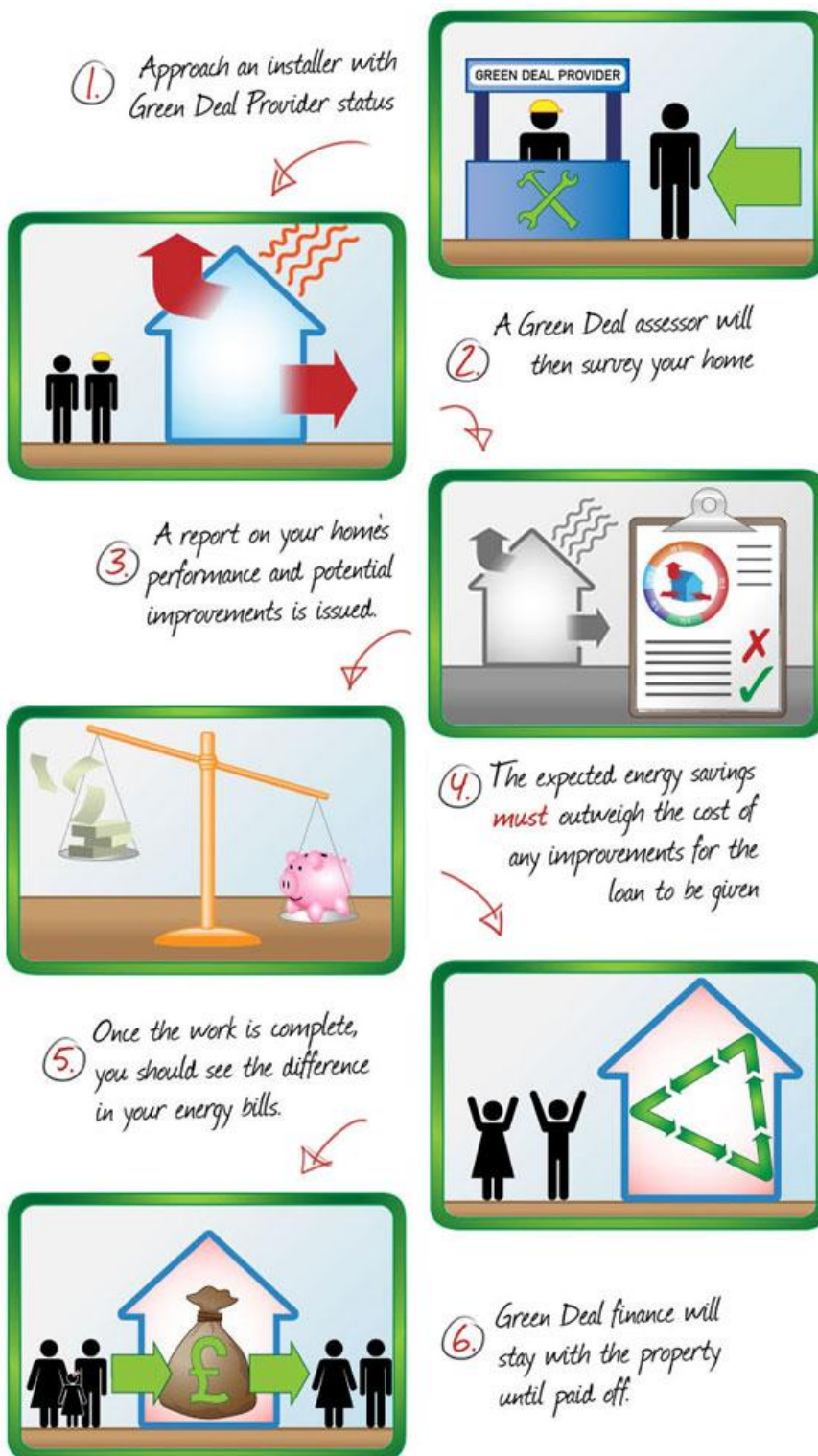
None

Report prepared by Iain Wheeler, Housing Delivery Officer, 01952 384222

Appendix 1: The Energy Company Obligation and the Green Deal: Options Appraisal for Telford & Wrekin Council

Option	Benefits/Opportunities	Risks/Disadvantages
Do Nothing	<ul style="list-style-type: none"> • Business as usual with no impact on officer time 	<ul style="list-style-type: none"> • Missed opportunities to access ECO funding for the borough and take up of Green Deal
Green Deal 'Promoter': T&W promoting the GD and associated funding through provision of information	<ul style="list-style-type: none"> • Residents already receive information from the Council in relation to existing schemes such as Warm Front and so impact on officer time would be negligible 	<ul style="list-style-type: none"> • Approach restricted to providing general information only without signposting to any one provider. The approach will therefore lack co-ordination, with a higher likelihood of reduced uptake and missed ECO funding opportunities
Green Deal 'Partner': T&W work with the Birmingham Energy Savers (BES) GD Delivery Partner, Carillion Energy Services, who would broker ECO funding on behalf of the Council. T&W would be given a visible brand as part of the schemes promotion.	<ul style="list-style-type: none"> • Co-ordinated approach, where residents can be clearly signposted to Carillion Energy Services and ECO funding opportunities maximised • T&W branding will help uptake • Delivery of economic growth and wellbeing priorities for the borough: opportunities for existing trades people to diversify, safeguarding of new jobs, potential development of new businesses and apprenticeships, reduced fuel poverty through affordable warmth and positive contribution to regeneration schemes • Costs are limited to T&W Officer time which would be met from within existing resources. Procurement related costs would be met by BES 	<ul style="list-style-type: none"> • Potential reputational risk to the Council associated with branding, although mitigated through effective contract management, including the establishment of key performance indicators. There would also be no financial liabilities to the Authority in relation to the actual Green Deal brokered by Carillion
Green Deal 'Provider': T&W becomes a certified Green Deal Provider in its own right, entering into finance arrangements with households	<ul style="list-style-type: none"> • Uptake is likely to be higher as a result of trust in the Council's reputation • ECO funding opportunities would be maximised • The Council would have greater control of delivery outputs for the borough, ensuring achievement of economic growth and wellbeing priorities (detailed above) 	<ul style="list-style-type: none"> • Potential reputational risk and financial liabilities associated with Green Deals made by the Authority • Operational risks e.g. warranties • Finance to support the provision of GD's • Competition with national companies in a commercial environment • Costs associated with being a GD provider – e.g. accreditation, administration, credit licensing, provision of trained staff (call operators, sales agents, GD assessors), marketing and supply chain and sub-contractor management

Appendix 2: The Green Deal process explained



If you move house, the new owners will take on the payments.

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 31st January, 2013 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 6th FEBRUARY, 2013

(DEADLINE FOR CALL-IN: MONDAY, 11th FEBRUARY, 2013)

PRESENT: Councillor K.S. Sahota (Leader and Chair), E.A. Clare, S. Davies, A.R.H. England, W.A.M. McClements, R.A. Overton, H. Rhodes and C.F. Smith

ALSO PRESENT: Councillor A.J. Eade (Conservative Group Leader), Councillor G.M. Green (Liberal Democrat/Independent Deputy Group Leader)

CB-89 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 10th January 2013 be confirmed and signed by the Chairman.

CB-90 APOLOGIES FOR ABSENCE

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

CB-91 DECLARATIONS OF INTEREST

Councillor K.S. Sahota declared an interest in agenda item 6 – Relocation of Civic Offices Sunday Car Boot Market – in relation to his son being a stall holder at Wellington Market. While not a disclosable pecuniary interest, he would withdraw from the meeting during consideration of this item.

Councillor C.F. Smith declared a non-pecuniary interest in agenda item 5 – Planning of School Places – in relation to the employment of a family member.

Councillor E.A. Clare declared a non-pecuniary interest in agenda item 5 – Planning of School Places – as a governor of Sutherland Business & Enterprise College.

CB-92 USE OF JIGSAW HOUSES

Key Decision identified as **JIGSAW Houses – Future Provision** in the Notice of Key Decisions published on 14 September 2012.

In the absence of the Cabinet Member: Children, Young People & Families, the Assistant Director: Family & Cohesion Services and Interim Service

Delivery Manager: Commissioning presented a report, which updated Members on the use of the houses on the Jigsaw School site in Hadley and proposals to re-tender care provision in homes on the site.

Adjacent to the Jigsaw School were four purpose-built 4 bedded children's homes – House number 1 was currently used as a resource centre by Children & Young Peoples services, House number 2 was currently a 4 bedded residential home for children in care, operated by Castle Care under a contract ending in July 2013. House number 3 was used as a supported accommodation unit specifically to house a young person with a disability, although this arrangement was likely to end in April 2013. House number 4 was currently being used as a supported accommodation unit for 16/17 year olds on a spot contract basis.

An analysis of referrals and placements of children in care had been undertaken in order to assess the needs and demand for residential care. From the data, it was proposed that the best option was to retain two properties for use as residential care homes for children & young people. This would provide up to 8 beds with a proposed high ratio of spot purchase to block purchase beds, which would provide more flexibility to meet the fluctuating numbers of children coming into care. Following an analysis of the costs of managing this provision and information obtained from across the region, it had been concluded that the management of the residential care homes on the Jigsaw site should be through an independent provider rather than the Council. It was further proposed to continue to use one property as a resource unit, with a view to opening it up to young people in transition as use for life skills training and for contact, and to earmark the remaining property for use as a boarding annex to the new school – although in the short term it could be used as a resource unit or as a supported accommodation unit.

The report outlined the proposed tendering process for the contract for the management of the two residential care homes. The contract would be for a 3-5 year period, and further legal and financial information relating to the proposed contract was detailed in the report.

Members welcomed the proposals to maximise the use of the Jigsaw houses to their full potential. In terms of the residential care provision, it was important to keep costs under control, and the high ratio of spot purchase beds would assist in limiting spending commitments. It was also noted that there was an option to sell beds to other local authorities, should there not be a local need for them.

RESOLVED –

- (a) that the proposed use of the houses on the Jigsaw site, as detailed in the report, be approved;**
- (b) that approval be given to tender for up to 8 residential beds for children in care on the Jigsaw site, and that authority be delegated to the Director of Children's Services, in consultation**

with the Cabinet Member for Children, Young People & Families, to award the contract on completion of the tender.

CB-93 PLANNING OF SCHOOL PLACES: SCHOOLS WHICH HAVE OR ARE PLANNING TO CHANGE THEIR STATUS

Key Decision identified as **Planning of School Places: Schools Changing Their Status** in the Notice of Key Decisions published on 3 January 2013.

In the absence of the Cabinet Member: Children, Young People & Families, the Assistant Director: Education & Skills presented a report, which updated Members on the changes in status of a number of schools in the Borough, and what impact it might have for the Council in the future.

There were two groups of schools that had opted for trust status:

- i) The Wrekin Co-operative Learning Trust – consisting of Shortwood and Wrekin View Primary Schools.
- ii) The Beacon Co-operative Learning Trust – consisting of The Charlton School and Apley Wood, Crudgington, Dothill and High Ercall Primary Schools.

By changing their status from community schools, the land on which the school stands had to be transferred by the local authority to the trust body within 6 months of the trust's foundation. Staff (teaching and non-teaching) employed by the Council were also transferred so that the trust became their employer. The Charlton School was already a Foundation School, with its own land and staff, and so changes there had been minimal. In addition, there were four secondary schools currently applying to become academies by 1 April 2013. Wrockwardine Wood Arts College, Sutherland Business & Enterprise College and Phoenix School were planning to form the Telford Co-operative Multi-Academy Trust. The Lord Silkin School had also applied to become an academy, but with slightly different partners. Three of these secondary schools were already Trust schools, but the Phoenix School (as a current community school) would have both land and staff transferred to it. The situation was complicated for each of these proposed academies, because their current land and premises was different from the one they would occupy once the BSF project was completed. In some cases temporary leases would have to be granted and building agreements entered into to take account of schools moving to new sites.

Any land or asset transfer agreement would need to incorporate sufficient and appropriate protections to ensure that community access was at least maintained and where possible enhanced. In financial terms, there was a saving to the overall Dedicated Schools Grant of around £100,000 as a result of trust schools being eligible for relief of 80% on National Non-Domestic Rates. This saving could be re-invested in the overall school budget. However there would be a loss to the Council of approximately £50,000 in rates revenue. There would also be adjustments to the Council's Education Services Grant as a result of the four schools converting to academy status, with an expected reduction in grant of £266,000.

Members stressed the importance of ensuring community access to school playing fields and sports facilities was maintained and enhanced. In response to a question about schools working co-operatively, the Assistant Director advised that there were already examples under the new Co-operative Trust arrangements of joint training of staff and sharing of resources.

RESOLVED – that the information relating to schools' change of status contained within the report be noted.

CB-94 **RELOCATION OF CIVIC OFFICES SUNDAY CAR BOOT MARKET**

Key Decision identified as **Relocation of Civic Offices Sunday Car Boot Market** in the Notice of Key Decisions published on 3 January 2013.

Councillor K.S. Sahota withdrew from the meeting room, and Councillor R.A. Overton (Deputy Leader) took the Chair for this item only.

Councillor R.A. Overton, Deputy Leader, presented the report of the Assistant Director: Development, Business & Housing concerning proposals to relocate the Sunday car boot market following the sale of the Civic Offices site.

The Sunday Car Boot Market had operated from the Civic Offices site for more than 10 years, and had generated a weekly income which was used to support other markets across the Borough. With the forthcoming closure of Civic Offices for redevelopment, it was necessary to relocate the Sunday Market with effect from the beginning of February 2013. Consideration had been given to a number of potential sites across the Borough that could accommodate the Sunday Car Boot Market. The preferred option was to utilise the Victoria Road North and Nailors Row car parks in Wellington. This would offer space for around 100 traders, with the Victoria Road South car park being used by customers attending the market.

Discussions had been held with Wellington Town Council and Wellington Market representatives over the precise detail of the new arrangements. If agreed, the new location would be monitored and regularly reviewed over a six month period.

RESOLVED –

- (a) that the relocation of the Sunday Car Boot Market from the Civic Offices car park to a site in Wellington, as detailed in the report and shown at Appendix A, be approved on a trial basis with regular monitoring and review;
- (b) that authority be delegated to the Assistant Director: Development, Business & Housing to negotiate and agree terms for the relocation of the Sunday Car Boot Market;

- (c) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to execute all documents necessary to give effect to the above.

**CB-95 ENERGY COMPANY OBLIGATION AND GREEN DEAL –
OPTIONS AND RECOMMENDATIONS**

Key Decision identified as **Energy Company Obligation (ECO) Funding and the Green Deal** in the Notice of Key Decisions published on 8 November 2012.

Councillor C.F. Smith, Cabinet Member: Housing, Regeneration & Economic Development, presented the report of the Assistant Director: Development, Business & Housing concerning Government measures to improve energy efficiency, reduce fuel poverty and cut carbon emissions, and what options were open to the Council.

The Energy Company Obligation replaced existing energy efficiency schemes, and could provide up to 100% grant assistance for retro-fit energy efficiency measures (eg efficient boilers, insulation) in low income and vulnerable households. ECO funding would be brokered via a Green Deal Provider following an assessment of which households qualified.

The Green Deal (GD) was a financial mechanism open to all households, by which retro-fit energy efficiency measures were funded by a GD Provider in the form of a loan or charge to the property, which was then paid back through electricity bill payments. There should be no net increase in costs to the customer through the application of a “golden rule”, whereby the regular repayments via the energy bill must be less than or equal to the bill savings made.

The Government had identified a number of roles that local authorities could choose to take to maximise local benefits from ECO and GD, and these were appended to the report. Following analysis of these options, and work being undertaken by the Marches Sustainable Housing Partnership, it was considered that the Green Deal Partner approach provided the best opportunity to maximise uptake of funding and deliver economic and wellbeing related outcomes. Along with 33 other local authorities and 7 social landlords (including Wrekin Housing Trust), the Council was a signatory to the Birmingham Energy Savers (BES) Framework, of which Carillion Energy Services was the appointed Green Deal Provider. It was therefore proposed that the Council use the Framework to establish a partnership with Carillion. The report set out how the local operation of the BES Framework would be undertaken, including the role of Carillion in delivering the ECO and GD locally and the role of the Council in co-ordinating all energy efficiency activity in the Borough and providing a client function. The Framework specified that Carillion utilised existing networks of small businesses and the local supply chain, rather than bringing in their direct labour. A number of performance indicators would also be established in order to maximise benefits to the local economy in terms of employment and training.

RESOLVED –

- (a) that the establishment of a partnering arrangement, utilising the Birmingham Energy Savers Framework, to co-ordinate local delivery of ECO and Green Deal opportunities, be approved;
- (b) that authority be delegated to the Assistant Director: Development, Business & Housing, in consultation with the Cabinet Member: Housing, Regeneration & Economic Development, to agree contractual arrangements with the Birmingham Energy Savers Green Deal delivery partner, Carillion Energy Services Ltd, to maximise the Authority's opportunities associated with ECO funding and the use of Green Deal funding;
- (c) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to sign or seal all documentation required to give effect to any agreement reached pursuant to (b) above.

CB-96 EXCLUSION OF PUBLIC AND PRESS

RESOLVED – that the public and press be excluded from the meeting for the following item of business on the grounds it may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.

CB-97 SALE OF TRENCH LOCK 3, TRENCH LOCK INDUSTRIAL ESTATE

Key Decision identified as **Sale of Trench Lock 3 Industrial Estate** in the Notice of Key Decisions published on 3 January 2013.

Councillor W.M. McClements, Cabinet Member: Resources & Service Delivery, presented the report of the Assistant Director: Development, Business & Housing which sought approval for the disposal of the freehold of Trench Lock 3, Trench Lock Industrial Estate, which formed part of the Property Investment Portfolio (PIP).

Trench Lock Industrial Estate comprised of 35 workshops available for lease to small and medium sized enterprises. As part of a regular review of the PIP, in which income and expenditure associated with all assets over a 5 year accounting period was assessed, along with information from condition and asbestos surveys, Trench Lock 3 had been identified as under-performing. There were a number of factors related to this, and these were detailed in the report. It was therefore recommended that the property be sold as part of the PIP regeneration strategy, and the proceeds of the sale be used to reinvest in modern property capable of sustaining the revenue position of the investment portfolio, whilst reducing other costs.

In response to questions about the existing tenants at Trench Lock 3, and what other premises existed in the Borough for small enterprises and start-up businesses, the Assistant Director: Development, Business & Housing advised that the existing tenancies were protected, and that the Enterprise Hub at Hadley Park East was a good example of provision of start-up units and opportunities for small businesses.

RESOLVED –

- (a) that authority be delegated to the Assistant Director: Development, Business & Housing, in consultation with the Cabinet Member: Housing, Regeneration & Economic Development, to dispose of Trench Lock 3, Trench Lock Industrial Estate in accordance with the report;**
- (b) that the capital receipt generated by this disposal be reinvested in modern premises in order to improve the revenue position of the Council's Property Investment Portfolio;**
- (c) that authority be delegated to the Assistant Director: Law, Democracy & Public Protection to execute any documents necessary to give effect to (b) above.**

The meeting ended at 5.30 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & Public Protection
Date: 6 February 2013

Signed:

Date: