

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 18th September, 2014 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 24th SEPTEMBER, 2014

(DEADLINE FOR CALL-IN: MONDAY, 29th SEPTEMBER, 2014)

PRESENT: Councillor K.S. Sahota (Leader and Chair), 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-32 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 24 July 2014 be confirmed and signed by the Chair.

CB-33 APOLOGIES FOR ABSENCE

Councillor E Clare

CB-34 DECLARATIONS OF INTEREST

None

CB-35 SOLAR FARM UPDATE

Key Decision identified as **Solar Farm Update** in the Notice of Key Decisions published on 15 August 2014.

Councillor S. Davies, Cabinet Member: Neighbourhood Services, Employment & Skills, and Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise presented the report of the Managing Director, which provided an update on progress with the solar farm development and the next steps for the project. Thanks were expressed to Fliss Mercer (Co-operative & Commercial Projects Manager) and her team for all their work on this project.

Further to the decision taken by Cabinet in September 2013 to develop a solar farm at Wheat Leasows, various pre-planning studies were carried out and a public exhibition was held in January 2014. 82% of those who completed feedback forms supported the Council's intention to use renewable energy to provide an income stream to protect front-line services. Full planning

permission was granted in May 2014, and a formal grid offer from Western Power Distribution to connect to the grid had now been accepted. Following a two-stage restricted procurement process, the Preferred Bidder was IZEN Energy Systems. Appended to the report was an updated financial model which included the construction, operation and maintenance costs submitted by the winning tenderer, the final grid connection offer costs and updated income assumptions. The Cabinet Member: Finance & Enterprise advised that costs were lower and income projections higher than originally assumed, and that, over the life of the project, the solar farm was projected to deliver a net operating surplus of £4.4m.

Work was due to commence on site in mid-September 2014, with installation work due to be completed by December 2014. A clerk of works had been identified to ensure that works on site were carried out to the required standard. A key priority was to agree the best income options for the project. In terms of income for the generation of electricity, there were two options – the Feed-in Tariff (FiT) or Renewable Obligation Certificates (ROC) - and details of each option were set out in the report. Following discussion with external advisors, it was recommended that the FiT was the preferred option, as, while income was similar to the ROC option, it was simpler and more predictable.

In relation to the income from the sale of electricity, there were again two main options – export to the grid and claim the FiT export tariff or sell wholesale through a Power Purchase Agreement (PPA). Further information was contained in the report, and following external advice it was suggested that a netting PPA with the Council's current electricity supplier should be investigated. If this could not be progressed, the reserve option would be to go out to the market to secure the most advantageous fixed-price PPA for 1-3 years.

In response to questions about the useful economic life of the solar panels, the Co-operative & Commercial Projects Manager advised that the panels themselves should not need replacing during the 25 year timescale for the project (indeed, they would probably last around 40 years), but the solar invertors (used to convert the current) would need to be replaced at some point. The costs of this had been built into the contract.

RESOLVED –

- (a) that the progress to date of the Solar Farm project be noted;**
- (b) that the next steps outlined in Section 4.3 of the report, including the recommendations regarding generation of income shown at paragraph 4.3.14, be approved;**
- (c) that authority be delegated to the Managing Director, in consultation with the Cabinet Members for Finance & Enterprise and Neighbourhood Services, Employment & Skills, to oversee the negotiation of the most economically advantageous income options for the project;**

- (d) that authority be delegated to the Assistant Director: Law, Democracy & People Services to execute all legal documentation necessary to give effect to the resolutions above.

CB-36 REGENERATION OF HOLLINSWOOD CENTRE

Key Decision identified as **Hollinswood Local Centre Regeneration** in the Notice of Key Decisions published on 15 August 2014.

Part Recommendation to Full Council in relation to decision (f) below not subject to Call-in

Councillor S. Davies, Cabinet Member: Neighbourhood Services, Employment & Skills, presented the report of the Assistant Director: Development, Business & Employment, which sought approval for detailed proposals for the regeneration of Hollinswood Local Centre.

In response to concerns from residents concerning the physical environment of the local area, Cabinet in January 2014 approved a £1m investment in the regeneration of Hollinswood Local Centre as part of the 'Pride in Your Community' programme. Since then, officers had been working co-operatively with residents, public sector partners and businesses to develop proposals which would deliver major improvements to the area and improve linkages to Telford Town Centre.

The main components of the proposed scheme included:

- Demolition of the existing pub, The Woodcutter
- Demolition and replacement of the existing shops and residential units
- Construction of a new Activity Hub for adults with learning difficulties
- Enhancements to and extension of the community centre.
- Residential development (optional and subject to further feasibility)
- Rationalisation of open space and parking, landscaping improvements and improved linkages to the Town Centre

Further information on each component was contained in the report and in the appended plan. While the Council owned all the required land, it did not own all the assets involved, and negotiations with the landlord and tenants of existing properties would need to be concluded. A further public information event had been held earlier in the week, at which feedback from residents on the proposals had been very positive.

If approval was given, further public consultation work would continue on the design proposals prior to the submission of a planning application. The report also set out the indicative capital cost and sources of funding for the proposals. Any contribution from Hollinswood & Randlay Parish Council was dependent on agreeing the details of the refurbishment/improvement scheme for the community centre building (which was leased to the Parish Council), but it was very much hoped that the Parish Council would be a partner in this project. The scheme would be delivered in conjunction with the development

of the Activity Hub for adults with learning difficulties, the costs for which were dealt with in a separate Cabinet report. In terms of funding, it was recommended that capital receipts of circa £200k that could be realised from the Hadley Local Centre project be re-prioritised to the Hollinswood scheme. Should the capital receipts not be realised, it would be necessary to request Council to approve prudential borrowing of an equal amount.

RESOLVED –

- (a) that the regeneration proposals for Hollinswood Centre, as set out in the report, be approved;
- (b) that authority be delegated to the Assistant Director: Development, Business & Employment, in consultation with the Cabinet Member for Neighbourhood Services, Employment & Skills, to submit an application for planning permission in respect of the Scheme;
- (c) that authority be delegated to the Assistant Director: Development, Business & Employment, in consultation with the Cabinet Member for Neighbourhood Services, Employment & Skills, to negotiate and finalise the terms for demolition, acquisition and disposal of land, buildings and third party interests, and to take all steps necessary to facilitate the delivery of the Scheme;
- (d) that authority be delegated to the Assistant Director: Law, Democracy & People Services to take all steps necessary to facilitate land assembly and otherwise to deliver the Scheme, including the execution of all documents and any agreements required to give effect to the resolutions above;
- (e) that the capital expenditure as detailed within the report be approved, and that the required adjustments be made to the capital budget and allocations;
- (f) To RECOMMEND to COUNCIL that Prudential Borrowing of £200,000 be approved if the capital receipts funding as detailed in the report is not secured.

CB-37 DAY OPPORTUNITIES FOR ADULTS WITH LEARNING DISABILITIES

Key Decision identified as **Adult Provider Services** in the Notice of Key Decisions published on 15 August 2014.

Councillor A.R.H. England, Cabinet Member: Adult Social Care, presented the report of the Assistant Director: Customer Services, which sought approval to build a new Activity Hub at Hollinswood specialising in providing day activities which would promote health, wellbeing and community engagement for adults with a learning disability (ALD).

In 2012 and 2013 consultation and engagement was carried out with service users, parents, carers and stakeholders with regard to the future development of adult provider services under the banner 'New Options'. Appended to the report was a document that summarised the feedback received during the consultation exercises. This had been used to establish some key principles on how these changes and any future proposed changes in service should be introduced, and these were also appended to the report. Having taken into account the views from the consultation on current day services and suggestions for improvements, it was now proposed to:

- Provide a new, purpose-built Activity Hub in Hollinswood close to the Town Centre and bus routes. The facility formed part of the proposals for the regeneration of Hollinswood Local Centre (see separate Cabinet report), and would be developed in partnership with the local Parish Council and involve sharing the space with the local community.
- Close the Halesfield Day Centre
- Refurbish, remodel and extend the Severns Day Centre in Wellington to become the preferred destination for adults with profound and multiple learning disabilities who required specialist care and support to engage in a wide range of activities. The Lakeside Day Centre at Stirchley, which currently provided that service, would then close.
- Make improvements to the outside walkway on the 1st floor of Downing House Residential Home for ALD service users in Wellington to bring the floor back into full operation, making it accessible to a wider client group.
- Rename Unit TEN in Horsehay to the Skills and Enterprise Hub offering a service to all vulnerable adult groups.
- Merge the Inclusive Education service with Inclusive Leisure, and relocate the services provided to the new Activity Hub/community buildings.

As a result of the deployment of personal budgets, service users would have a much greater choice of providers from which to purchase care and support. It was therefore essential that the Council offered a good, affordable, conveniently located service, and these proposals would help achieve that.

The capital costs of the proposals were fully funded from existing allocations within the capital programme and receipts from the disposal of buildings/land referred to in the report.

Members welcomed the proposals and the opportunity to offer improved facilities for service users.

RESOLVED –

- (a) **that the construction of an Activity Hub for adults with a learning disability, as part of the Regeneration Scheme for Hollinswood Local Centre, be approved;**

- (b) that the remodelling, refurbishment and extension of the Severns Day Centre to a specification to meet the needs of adults with profound and multiple learning disabilities be approved;
- (c) that the improvements to the first floor walkway at Downing House Residential Home, to make the first floor more accessible and available to a wider group of service users who require residential or respite care, be approved;
- (d) that authority be delegated to the Assistant Director: Development, Business & Employment to negotiate and dispose of the freehold interest in the operational properties/land as detailed in Section 4 of the report, and apply these capital receipts towards the funding of the scheme as detailed in the report.

**CB-38 AWARD OF THE DESIGN & BUILD CONTRACT FOR THE
LAWLEY VILLAGE PRIMARY SCHOOL, LAWLEY**

Key Decision identified as **Award of Construction Contract for the New Lawley Village Primary School** in the Notice of Key Decisions published on 15 August 2014.

Part Recommendation to Full Council in relation to decision (c) below not subject to Call-in

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Education & Corporate Parenting regarding the acquisition of land for the new Lawley Village Primary Academy and the award of the contract for the design and build of the School.

Cabinet gave their approval in June 2013 to establish a new primary school in Lawley in order to accommodate the demand for school places arising from the continuing development and growth of new housing in the area. In terms of procurement, the new school was included as one of the schemes in the Future Schools Agreement with Shepherd Construction, as an extension of the Building Schools for the Future framework. The contract would be a fixed price of £4.1m, to be funded through £3.6m of Section 106 payments with the remainder from existing Council capital funding. Further details of the funding arrangements were set out in the report, including a further £0.4m for fees and set-up costs.

The proposed freehold site for the school was in the process of being transferred to the Council under the terms of a Section 106 Agreement for the sum of £1. Under Government rules, the new school had to be an Academy and, following an interview process with the applicants, the preferred sponsor for the new school was The Schools' Co-operative Society. Endorsement of this decision was awaited from the Secretary of State.

The timetable for the Academy build was detailed in the report, with the new school due to open in January 2016 at the latest. Once appointed, the new Academy Sponsor would be involved throughout the construction phase and

have continuing input into the design and fit-out solutions that had yet to be finalised.

RESOLVED –

- (a) that authority be delegated to the Assistant Director: Education & Corporate Parenting, in consultation with the Cabinet Member: Children, Young People & Families, to award the Single School Design & Build contract to Shepherd Construction Ltd for the Lawley Village Primary School, and to finalise and agree all related contract and property related documents (including the Development Agreement and contracts) with the relevant Academy and landowners for various land acquisitions, exchanges, leases, licences, joint use agreements and any other ancillary related agreements/documentation;
- (b) that authority be delegated to the Assistant Director: Law, Democracy & People Services to agree and execute all necessary documentation, including the affixing of the common seal of the Council to contractual documentation as appropriate;
- (c) to RECOMMEND to COUNCIL that a capital approval and estimate for £4.5m in respect of the Lawley Village Primary School be approved.

CB-39 SCHOOL PLACE PLANNING: REVISION OF CHILDREN & FAMILY SERVICES POLICY ON SEEKING DEVELOPER CONTRIBUTIONS RELATING TO EDUCATIONAL ESTABLISHMENTS

Key Decision identified as **Planning Obligations: Revision of Council Policy on Section 106 Contributions Relating to Educational Facilities** in the Notice of Key Decisions published on 15 August 2014.

Councillor P.R. Watling, Cabinet Member: Children, Young People & Families, presented the report of the Assistant Director: Education & Corporate Parenting, which set out proposed revisions to the Council's policy on contributions from developers through the planning process for educational establishments. The revised Policy was appended to the report.

The recent Scrutiny review of the planning of school places in the Borough concluded that there was no immediate shortfall. However, because of the rise in the birth rate and an increase in housing developments, which would begin to have an effect on secondary school numbers in 2018, it was felt prudent to look at how any necessary school places could be funded. Under Section 106 of the Town & Country Planning Act 1990, the Council could seek to secure a financial contribution from the developer of any new housing schemes towards educational facilities in the local area. In most cases the level of contribution was based on a need for pupil places using a straightforward formula using DfE cost multipliers which calculated a figure based on the expected number of new children to be generated by the

planned housing. An example of the updated methodology for secondary school pupils was contained in the revised Policy.

If new dwellings were planned more than three miles from the nearest secondary school, then the Council would be obliged to provide transport to and from school for any pupils living there. The revised policy document suggested that this should be taken into account when discussing developer contributions in order to help the Council meet its obligations.

There was also likely to be increasing pressure on specialist provision for children with special educational needs. It was therefore proposed that a percentage of all section 106 contributions towards education provision from across the Borough be allocated to provide funds to extend and improve this specialist provision.

During the ensuing discussion, it was stressed that historically Telford & Wrekin had had surplus places in secondary schools, and so had not been in a position to ask for section 106 contributions to provide more.

RESOLVED – that the revised Policy on seeking contributions from developers relating to educational facilities through the planning process, as shown at Appendix 1 of the report, be approved.

CB-40 EXTENSION TO THE GYPSY & TRAVELLER SITE AT LODGE ROAD, DONNINGTON WOOD

Key Decision identified as **Extension to the Gypsy & Traveller Site at Lodge Road, Donnington Wood** in the Notice of Key Decisions published on 27 August 2014.

Recommendations to Full Council in relation to decisions (a) and (b) below not subject to Call-in

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Development, Business & Employment which updated Cabinet on the work to extend the existing permanent gypsy and travellers site at Lodge Road, Donnington Wood.

In July 2013 Cabinet approved the acquisition of 3 acres of land off Lodge Road to accommodate a further 12 units. This would enable the Council to fulfil its statutory duty to provide enough gypsy and traveller sites in the Borough – particularly once the planning permission for the temporary transit site at Snedshill expired. The Council then successfully bid for £1.75m of grant funding from the Homes & Communities Agency towards the Scheme. In February 2014, planning permission was secured for the extension to Lodge Road, and work had been undertaken to develop the design and works required to allow a tender process to proceed. Detailed estimates had identified that the cost of the scheme was likely to exceed the available budget due to poor quality ground conditions and the higher than anticipated specification for the accommodation that had been built into the HCA funding agreement.

Despite considerable work being undertaken to reduce costs through modifications to the design, dividing work packages into groundwork and modular build, value engineering and competitive tendering, the Scheme remained around £775k over budget. The report set out proposals to meet the budget shortfall through additional short-term borrowing to be funded by utilising the capital receipt from the sale of the Snedshill site in 2019. The option of not proceeding with the extension to the Lodge Road site had a number of implications, including the loss of significant HCA funding (which needed to be spent by the end of March 2015), the Council being unable to meet its statutory obligations, and a likely increase in illegal encampments.

Members felt that the risks of not proceeding with the Scheme outweighed finding the additional funding, and it was

RESOLVED to RECOMMEND to COUNCIL -

- (a) that short term Prudential Borrowing of £775,000, as detailed in the report, be approved;
- (b) that the capital receipt realised from the sale of land at Snedshill for employment purposes is used to repay the short term borrowing as detailed in the report.

RESOLVED -

- (c) that the award of contracts to the preferred contractors be approved, subject to commitments and spend being retained within existing approvals pending consideration of the recommendations at (a) and (b) above by Full Council.

CB-41 TACKLING YOUTH UNEMPLOYMENT – PROGRESS TO DATE

Non-Key Decision

Councillor S. Davies, Cabinet Member: Neighbourhood Services, Employment & Skills, presented the report of the Assistant Director: Development, Business & Employment which updated Cabinet on a series of pledges that had been approved in January 2014 for tackling youth unemployment in the Borough, with a view to ensuring that every 16-24 year old who was seeking employment or training was supported.

Considerable work had been undertaken to develop the Council's role as an employer, service provider and broker of interventions. This was starting to yield results, with youth unemployment in Telford & Wrekin decreasing at a greater rate than the regional and national figures. The report set out in detail the initiatives and actions that had taken place, including:

- The Council leading by example by providing 105 work experience placements and 130 apprenticeship posts
- Job Box mentors had so far supported 24 people into employment

- 69 vacancies were filled as a direct result of the Partnership in Jobs event held in March 2014, and it was planned to hold another such event in March 2015
- 9 additional Job Junctions had been set up in the Borough, with 105 people having been supported into employment this year.

The report also provided cases studies of young people who had been supported in finding work and training opportunities, as well as details of the Job Box Ambassador scheme, Apprentice Hub model, and the Job Box website.

Members welcomed the progress being made in helping young people find work, and reference was made to the increasing value of the apprenticeships being offered by the Council in terms of vocational qualifications.

RESOLVED – that the progress made to date against the pledges to tackle high levels of youth unemployment be noted.

The meeting ended at 5.46 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & People Services
Date: 24 September 2014

Signed:

Date:

TELFORD & WREKIN COUNCIL

**CABINET – 16 OCTOBER 2014
COUNCIL – 27 NOVEMBER 2014**

2014/15 FINANCIAL MONITORING REPORT

**REPORT OF THE ASSISTANT DIRECTOR: FINANCE, AUDIT &
INFORMATION GOVERNANCE (CHIEF FINANCIAL OFFICER)**

LEAD CABINET MEMBER: CLLR BILL McCLEMENTS

PART A) – SUMMARY REPORT

1.0 SUMMARY OF KEY ISSUES

1.1 2014/15 Revenue

The net outturn position for the Council's 2014/15 General Fund revenue budget is currently projected to be within budget. This is a significant improvement on the position reported to Cabinet on 24th July when a net overall overspend of £0.483m was reported. This improvement is a reflection of the strength of the financial management being exercised by Cabinet Members and senior managers. In year savings targets were issued to Directors in July and proposals are beginning to feed through which has had a positive impact and, where these are ongoing, will also assist with the continued budget pressures faced by the Council as a result of the Government's austerity programme. The overall position includes use of both the Safeguarding and Adult Social Services draw-down budgets, totalling £3.7m, together with £0.29m of the Council's general budget contingency. This leaves £2.71m contingency still available for the remainder of the year and is an overall improvement of £3.479m since July.

Since the last financial monitoring report was considered by the Cabinet, KPMG, The Council's independent external auditors have completed their review of the Council's statement of accounts for 2013/14. The Council has once again received an unqualified audit opinion on its accounts and no changes had to be made as a result of the audit that impact on the Council's revenue budget position.

There are a number of variations from the approved budget, including some beneficial variances. The main areas to highlight are:

- A benefit of £1.5m arising from active treasury management which includes the benefit in year of reviewing the Council's MRP policy relating to "government supported" debt in the same way as was agreed for all prudential debt as part of the budget strategy for 2014/15;

- The budget for 2014/15 allowed for implementation of the single status settlement during the year. This is unlikely to happen during this financial year and as such a net benefit of £1.8m will arise during this year;
- Additional dividend income from West Mercia Energy Purchasing Consortium of £0.1m;
- Adult Social Services are projecting an overspend of £6.3m relating to the cost of care packages. One-off balances of £3.2m (£2.2m approved corporately at year end and £0.9m Service Balances and £0.1 NHS England funding) are available to partly offset this. Progress in delivering savings is paramount to meet the shortfall in 2014/15 and to replace the use of one-off funds in future years;
- The cost of Children in Care Placements continues to be a significant pressure with an overspend of £1.2m being reported. This is being offset by use of the draw down budget which was built in to the 2014/15 base budget;
- The cost of supporting 16-18 year olds as they leave care is projecting an overspend of £0.3m;
- Cost pressures totalling £0.3m relating to the provision of Adults with Learning Disabilities in house services are currently projected – a review of the service is currently in progress which will reduce the overspend once implemented.
- Transport – commissioned by Family & Cohesion Services on behalf of client services; following the review of transport in 2013/14 client budgets were reduced to reflect savings identified. At this stage in the year overspends totalling £0.28m are being reported across client budgets pending delivery of the savings recommended. As savings are achieved the reported pressure should reduce.

1.2 Capital

The capital programme totals £134m which includes slippage and all approvals since the budget was set. Spend at the time of compiling this report was around 19% with projected spend being 96%.

A number of new approvals are presented for approval together with some changes to the funding of the capital programme. Capital receipts included in the medium term budget strategy are under continual review and any changes will be reflected in future budget projections. Updates will be provided in future monitoring reports.

1.3 Corporate Income Collection

The collection levels for NNDR, council tax and Sales Ledger outstanding debt are all slightly behind the targets set for the year.

2.0 RECOMMENDATIONS

2.1 Members are asked to

- (i) Note that 2014/15 revenue spending is currently projected to be within budget. Cabinet Members and Senior Management Team are continuing to review savings opportunities so that we are in the best position possible by year end
- (ii) Note the position in relation to capital spend and receipts and that Cabinet recommend that Council approve the new allocations, virements and slippage detailed in Appendix 3 and the funding changes to the capital programme detailed in section 6.2
- (iii) Note the collection rates for NNDR, council tax and sales ledger.

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-operative Council priorities?	
	Yes	Delivery of all priorities depend on the effective use of available resources. Regular financial monitoring helps to highlight variations from plan so that action can be taken to effectively manage the Council's budget.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	To outturn within, or as close as possible to, budget at 31/3/15	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial impacts are detailed throughout the report.
LEGAL ISSUES	No	None directly arising from this report. The S151 Officer has a statutory duty to monitor income and expenditure and take action if overspends /shortfalls emerge.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

4.0 2014/15 REVENUE BUDGET

4.1 Financial monitoring is the responsibility of budget holders and is supported by Finance staff using a risk based approach: following considerable reductions in finance resources through savings exercises more focus is given to higher risk areas (high value/highly volatile); less frequent monitoring is undertaken on budgets deemed to be lower risk.

4.2 The main changes since the last report to Cabinet are:

Variations - £m	24/7/14 Cabinet Report	Change	Current Projected Variation
Childrens Safeguarding & Specialist Services			
- increase in Children in Care Placements	+1.029	+0.127	+1.156
- reduction in Care Leavers accommodation costs	+0.480	-0.173	+0.307
- reduction in costs relating to external provision for Children with Special Educational Needs	+0.112	-0.112	0.000
- increased costs relating to direct payments personal care for children with disabilities	0.000	+0.115	+0.115
- additional use of earmarked corporate draw-down budget	-0.914	-0.286	-1.200
Education & Corporate Parenting			
- School Improvement Advisory Service – additional income from trading together with employee savings	0.000	-0.112	-0.112
Adult Social Services			
- Use of one off reserves	-0.800	-0.100	-0.900
- Uncommitted additional Govt. Funding	0.000	-0.133	-0.133
Neighbourhood & Leisure Services			
- Transport & Highways Development – one off employee savings due to vacancy management	0.000	-0.161	-0.161
- Additional one-off funding	0.000	-0.105	-0.105
- Highways & Engineers income shortfall	0.000	+0.119	+0.119
- One-off waste reserve committed to new contract	-0.200	+0.200	0.000
- One-off saving from green waste disposal	0.000	-0.120	-0.120
Development, Business & Employment			
- Southwater car park income shortfall	+0.058	+0.142	+0.200
- Development Management income	0.000	-0.100	-0.100
- Reduced use of one-off reserves	-0.125	+0.125	0.000
Customer Services			
- Savings identified from staffing restructures and cessation of the enabling service	0.000	-0.365	-0.365

Variations - £m	24/7/14 Cabinet Report	Change	Current Projected Variation
- Overspend relating to PC replacement programme and income shortfall	0.000	+0.100	+0.100
- Commercial catering income shortfall	0.000	+0.210	+0.210
Finance, Audit & Information Governance			
- Further benefits from active treasury management	-0.931	-0.594	-1.525
Cooperative Delivery Unit			
- Delivery & Planning employee savings relating to vacant posts	0.000	-0.119	-0.119
Council Wide			
- Litigation costs	0.000	+0.200	+0.200
- Single status	0.000	-1.800	-1.800
Other Variations	+5.060	-0.537	+4.523
Total Projected Variation	+3.769	-3.479	+0.290
Call on Contingency(-), contribution to(+)	-3.286	+2.996	-0.290
Final Projected Variation	+0.483	-0.483	0.000

4.3 Variations of more than £0.100m are detailed in section 4.4 for each Service Area. The overall 2014/15 budget position is summarised in the table below:

Service Area	Variation – Cabinet 24 7 14	Total Current Variation	Change
	£	£	£
Children's Safeguarding & Specialist Services	1,005,112	713,428	(291,684)
Education & Corporate Parenting	257,531	288,373	30,842
Family & Cohesion & Commissioning Services	(190,000)	(35,439)	154,561
Development, Business & Employment	118,000	107,700	(10,300)
Neighbourhood & Leisure Services	209,162	70,500	(138,662)
Adult Social Services	3,356,982	2,784,804	(572,178)
Public Health, Well Being & Public Protection	(73,037)	(200,000)	(126,963)
Customer Services	365,436	140,000	(225,436)
Law, Democracy & People Services	0	(5,349)	(5,349)
Finance, Audit & Information Governance	(1,146,334)	(1,740,334)	(594,000)
Cooperative Council Delivery Unit	0	(99,936)	(99,936)
Council Wide	(134,000)	(1,734,000)	(1,600,000)
Total Projected Variation	3,768,852	289,747	(3,479,105)
Use of uncommitted balance in Corporate Contingencies	(3,286,077)	(289,747)	2,996,330
Total Projected Variation after use of contingency	482,775	0	(482,775)

4.4 Projected variances over £0.100m are highlighted below, other variances are detailed in Appendix 2.

Service Area	Variance £m
<p><u>Children’s Safeguarding & Specialist Services</u></p> <p>Children in Care (CiC) – currently projecting £1.156m overspend; this reflects 300 CiC at the 31 Aug 2014 (309 at 31 March 2014, peak of 323 during last financial year). The financial strategy for 2014/15 includes an additional “draw-down” budget for Safeguarding to help meet the ongoing pressures on the service (see below). All placements are scrutinised and reviewed in line with the Action Plan and Placement Strategy to secure best value.</p> <p>Draw down budget – £1.2m set aside when the budget was set to meet CiC pressures.</p> <p>Care Leavers – overspend relating to the cost of supporting 16-18 year olds as they leave care.</p> <p>Foster Carer Costs– payments to Foster Carers including transport costs.</p> <p>Staffing – underspends from vacancies held in the service area which is offset by spend on agency staff.</p> <p>Direct Payments – overspend relating to direct payment personal care for children with disabilities.</p> <p>The Service Area has a Cost Improvement Plan for 2014/15 which includes specific elements to reduce the reported overspends described above. Close monitoring by senior officers and members is in place to review progress against the Cost Improvement Plan targets set.</p>	<p>+1.156</p> <p>-1.200</p> <p>+0.307</p> <p>+0.142</p> <p>-0.186</p> <p>+0.115</p>
<p><u>Education & Corporate Parenting</u></p> <p>School Improvement Advisory Service – additional income forecast from trading following restructure together with savings from vacant posts.</p>	<p>-0.112</p>
<p><u>Family, Cohesion Services & Commissioning</u></p> <p>Transport – transport is commissioned by Family & Cohesion Services and is provided to various client services: Adult Social Services, Education & Corporate Parenting and Neighbourhood & Leisure Services. Following the review of transport in 2013/14, client budgets were reduced to reflect the savings identified. Overspends totalling £0.276m are</p>	

<p>currently being reported by Client Services pending delivery of the recommendations in the Transport Review (£0.221m in Adult Social Services and £0.055m in Education & Corporate Parenting. As savings are achieved the reported pressures should reduce.</p> <p>Youth Offending Service – reduction to the Council’s contribution to the Regional Youth Offending Service</p> <p>Contracting & Commissioning – mainly due to the transfer of Supporting People from Adult Social Services which is forecast to overspend by £0.380m, partially offset by restructure savings.</p>	<p>-0.136</p> <p>+0.234</p>
<p><u>Adult Social Services</u></p> <p>Purchasing budgets – An overspend of £6.3m is projected. Included in the total savings target of £7.7m for all Adult Social Care Services (including ALD) is £4.051m targeted at purchasing budgets which have been reduced. Plans to mitigate the overspend are in place and subject to rigorous monitoring and review. The overspend is after the delivery of £2.1m savings already achieved.</p> <p>One off Funds – includes £0.9m Service balances plus NHS England Funding of £0.1m plus £2.24m of the one off draw down budget set aside at year end.</p> <p>Transport – impact of the budget reductions following the transport review, mentioned above. A number of proposals have been agreed which, when implemented, will reduce the projected overspend, however a full year impact of the savings will not be achieved.</p>	<p>+6.279</p> <p>-3.240</p> <p>+0.221</p>
<p><u>Public Health, Wellbeing & Public Protection</u></p> <p>Employee Costs – savings relating to staffing and operational budgets.</p>	<p>-0.111</p>
<p><u>Neighbourhood & Leisure Services</u></p> <p>Waste Disposal – cost pressures associated with the disposal of wood and hazardous materials at CRCs; green waste at kerbside along with replacement bin costs.</p> <p>Waste & Neighbourhood Services – benefit from green waste disposal.</p>	<p>+0.158</p> <p>-0.120</p>

Leisure Facilities & Services – income shortfall at Oakengates Leisure Centre and Horsehay Golf Complex	+0.141
One Off Funding – arising from savings; available to meet cost pressures	-0.105
Highways & Neighbourhood Management – income pressure	+0.119
<u>Development, Business & Employment</u>	
Regeneration & Investments – loss in Property Investment Portfolio investment income arising from the longer-term rationalisation of the property portfolio to secure a more sustainable income position ongoing and service charge voids.	+0.200
Southwater Car Park - as anticipated, delays to the opening date and the current road-work disruption have impacted on the usage of the multi storey car park. Business is rapidly growing as a result of the Southwater development with a range of new restaurants and facilities opening. As the economy continues to develop in the area so will the requirement for parking and income levels should therefore increase. This is net of mitigations.	+0.200
Business & Development Planning – one off savings arising from vacancy management	-0.124
Development Management – one off benefit from increased planning fees due to the current housing market.	-0.100
<u>Customer Services</u>	
ALD – Carwood residential home – overspend on employees due to additional hours worked	+0.175
ALD – Community Support – overspend on employees due to additional hours worked	+0.176
ALD – Care & Enablement – savings identified from staffing restructures and cessation of the enablement service.	-0.366
One-Off Funding – part of Social Services draw-down budget	-0.260
ICT – overspend relating to the PC replacement programme together with an income shortfall.	+0.100
Commercial Catering – income shortfall across a number of	+0.210

<p>catering facilities. A management action plan is in place to address this.</p> <p>Customer Services overall position relies on £422k additional funding achieved through increased council tax and business rates. Due to accounting regulations this is not available to the Council in 2014/15 and will be met from one-off funds until 2015/16.</p>	
<p><u>Finance, Audit & Information Governance</u></p> <p>Treasury – the majority of this saving relates to the benefit of extending the change in the calculation of the Minimum Revenue Provision applied in 2013/14 to include supported debt (government allocations), which is made up of a back-dated element of £1.1m and an ongoing benefit. The revenue impact of changes to the level of anticipated capital receipts previously reported to cabinet is also reflected in this position.</p>	-1.525
<p><u>Law, Democracy & Public Protection</u></p> <p>There are currently no variations over £100k to report.</p>	
<p><u>Co-operative Council Delivery Unit</u></p> <p>Delivery & Planning – savings arising from vacant posts.</p>	-0.119
<p><u>Purchase Rebates</u></p> <p>Surplus dividend from West Mercia Energy relating to 2013/14 outturn performance.</p>	-0.134
<p><u>Litigation Costs</u></p> <p>Estimated costs associated with an ongoing litigation claim affecting a number of Councils across the country which is likely to reach a conclusion in 2014/15.</p>	+0.200
<p><u>Single Status</u></p> <p>The budget for 2014/15 allowed for implementation of the single status settlement during the year. This is unlikely to happen during this financial year and as such a net benefit of £1.8m will arise during this year.</p>	-1.800

CONTINGENCIES

- 5.1 The 2014/15 budget includes a prudent contingency of £2.5m, which is set aside to meet any unforeseen expenditure or delays in phasing in the significant level of savings that the Council has to deliver this year, plus an amount held centrally for contractual inflation totalling £1.487m which forms part of the approved revenue budget but is only allocated

to specific budgets when the relevant inflation indices are available. Additional one-off amounts of £1.2m were earmarked for Safeguarding as part of the 2014/15 budget and £2.5m was earmarked for Adult Social Services at 2013/14 year end. Given the exceptional cuts being made in the Council's budget it is imperative that the Council has a reasonable level of contingency in order to cover increases in demand for services (e.g. safeguarding which can be significant and occur with no warning) and to allow for any delays or shortfalls in the delivery of planned savings. The current position relating to contingencies is shown below:

	£
General Revenue Contingency	2,500,000
Inflation Contingency	1,487,210
Safeguarding draw-down budget	1,200,000
Adult Social draw-down budget	2,500,000
Total Contingencies	7,687,210
Commitments:	
Current Estimate of contractual inflation	987,210
Safeguarding draw-down budget applied to service overspend	1,200,000
Adult Social Services draw-down budget applied to service overspend	2,500,000
Total Use of Contingency	4,687,210
Uncommitted balance remaining in Contingencies	3,000,000
Amount required to meet current revenue overspend	-289,747
Balance remaining in Contingencies	2,710,253

The balance remaining in the contingencies at year end will benefit the overall bottom line position and no call will need to be made against the Council's usable General Fund balances.

6.0 CAPITAL

6.1 2014/15 Capital Programme

The capital programme totals £134m, which includes all approvals since the budget was set (and those proposed in this report).

The financial position is shown in the table below which shows spend at just over 19% of the budget allocation. Projected spend is currently shown at £128m (reflecting likely requirements for some further slippage of spend into later years).

Priority	Budget £m	Spend To Date £m	% Spent	Projection
Education & Corporate Parenting	65.73	14.91	23	65.73
Dvpt. Business & Employment	30.33	6.67	22	26.11
Neighbourhood & Leisure	30.62	3.26	11	29.75
Adult Social Services	1.68	0.16	10	1.14
Customer Services	1.46	0.21	14	1.65
Cooperative Council Delivery Unit	4.33	0.00	0	4.33
Council Wide	0.12	0.00	0	0.00
Total	134.27	25.21	19	128.71

6.2 The 2014/15 capital programme relies on £7.4m of receipts as part of its funding (after adjusting for changes approved at Council in September 2014). Current monitoring indicates some of these receipts are not now expected to be received in 2014/15 (the majority being anticipated in 2015/16) which will give a total of just under £6m being received in 2014/15. It is proposed that the funding of the capital programme is updated to reflect this latest position. This has the impact of additional short-term borrowing being required until the receipts are received which is already reflected in the treasury projections shown in this report. Capital receipts included in the medium term budget strategy are under continual review and any changes will be reflected in future budget projections. Updates will be provided in future monitoring reports.

6.3 New allocations, slippage and virements are detailed at Appendix 3 for approval.

7.0 CORPORATE INCOME MONITORING

7.1 The Council's budget includes significant income streams which are regularly monitored to ensure they are on track to achieve targets that have been set and so that remedial action can be taken at a very early stage. The three main areas are Council Tax, NNDR (business rates) and Sales Ledger. Current monitoring information relating to these is provided below. The Council pursues outstanding debt vigorously, until all possible recovery avenues have been exhausted, but also prudently provides for bad debts in its accounts.

7.2 In summary, the overall position shows collection levels for all debts are slightly outside the target set.

INCOME COLLECTION – August 2014				
	Actual	Target	Performance	Change in cash collected on last year
Collection Levels:				
Council Tax Collection	46.82%	47.07%	0.25% behind target	+ £797,553
NNDR Collection	48.59%	51.69%	3.10% behind target	Not Applicable
Sales Ledger Outstanding Debt	6.16%	5.50%	0.66% behind target	-£6,229,502 *

*The debit figure for sales ledger has reduced significantly over the last year, so as a result the amount being collected is not as high as previous years

7.3 Council Tax (£68.2m)

The percentage of the current year liability for council tax which the authority should have received during the year, as a percentage of annual collectable debit. The measure does not take account of debt that continues to be pursued and collected after the end of the financial year in which it became due. The final collection figure for all financial years exceeds 99%.

Year end performance 2013/14	96.6%
Year End Target for 2014/15	96.6%

Performance is cumulative during the year and expressed against the complete year's debit.

Month End Target	Month End Actual	Last year Actual
47.07%	46.82%	47.07%

Collection rates are at a similar level to the same time last year, with taxpayers in receipt of benefit still the client group who are struggling to pay. The council tax debit has risen by £2m over the last 12 months which is partly due to growth, but also a result of less benefit payments being made which in turn results in more council tax to collect.

Cash collection is £797k more than at this point last year.

7.4 NNDR-Business Rates (£73.1m)

The % of business rates for 2014/15 that should have been collected during the year. This target, as for council tax, ignores our continuing collection of earlier years' liabilities.

The measure does not take into account the debt that continues to be pursued and collected after the end of the financial year in which it became due. As a general rule the final collection figure for any financial year exceeds 99%.

Year end performance 2013/14	97.3%
Year End Target for 2014/15	97.3%

Month End Target	Month End Actual	Last year Actual
51.69%	48.59%	51.69%

NNDR performance has slipped to 3% behind target. Analysis has shown the following:

- From 1st April 2014 to end of August 2014, the gross liability has increased by £1.1 million. In the same period last year, the liability decreased by £840k. This will be linked to the Council's growth agenda and also the £1 million project to find additional business rates.
- Total net payments have reduced by £757k compared to last year.
- £4.4million is due to be collected during Feb & March 2015, compared to £1.5 million during Feb & March 2014. The right to pay by 12 monthly instalments was introduced to businesses in April 2014 and take up for this offer is high.
- The number of summons and liability orders obtained during 2014/15 has decreased from the same period as last year which indicates that businesses are not yet struggling to pay.

It is expected that performance will stabilise over the forthcoming months and out turn at a similar level to last year once the instalments have been collected in February and March 2015.

7.5 Sales Ledger (£29.0m)

This includes general debt and Social Care debt. Debt below 2 months is classified as a normal credit period.

The target percent is set relating cumulative debt outstanding from all years to the current annual debit. The targets and performance of income collection for 2014/15 are as follows:

Age of debt	Annual Target %	August 2014	
		£m	%
Total	5.50	1.79	6.16%

8.0 PREVIOUS MINUTES

27/4/14 – Full Council, Service & Financial Planning Strategy
 26/6/14 - Cabinet, Service & Financial Planning Report – 2013/14 Outturn and 2014/15 Update
 24/7/14 – Cabinet, 2014/15 Financial Monitoring Report
 11/9/14 – Council, 2014/15 Financial Monitoring Report

9.0 BACKGROUND PAPERS

2014/15 Budget Strategy / Financial Ledger reports

Report Prepared by:

Ken Clarke, Assistant Director: Finance, Audit & Information
Governance (Chief Financial Officer) – 01952 383100;

Pauline Harris, Corporate Finance Manager – 01952 383701

Summary of 2014/15 Projected Variations

Service Area	Variation - Cabinet 24 7 14	Total Current Variation	Change
	£	£	£
Children's Safeguarding & Specialist Services	1,005,112	713,428	(291,684)
Education & Corporate Parenting	257,531	288,373	30,842
Family & Cohesion & Commissioning Services	(190,000)	(35,439)	154,561
Development, Business & Employment	118,000	107,700	(10,300)
Neighbourhood & Leisure Services	209,162	70,500	(138,662)
Adult Social Services	3,356,982	2,784,804	(572,178)
Public Health, Well Being & Public Protection	(73,037)	(200,000)	(126,963)
Customer Services	365,436	140,000	(225,436)
Law, Democracy & People Services	0	(5,349)	(5,349)
Finance, Audit & Information Governance	(1,146,334)	(1,740,334)	(594,000)
Cooperative Council Delivery Unit	0	(99,936)	(99,936)
Council Wide	(134,000)	(1,734,000)	(1,600,000)
Total Projected Variation	3,768,852	289,747	(3,479,105)
Use of uncommitted balance in Corporate Contingencies	(3,286,077)	(289,747)	2,996,330
Total Projected Variation after use of contingency	482,775	0	(482,775)
check = 0		0	0

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Childrens Safeguarding & Specialist Services				
Children in Care Placements		8,860,341	1,156,192	The 2013/14 reported outturn position was £2.089m overspent. The budget strategy included a budget reduction of £1.200m for CiC Placements. A review of costs resulted in 2014/15 Cost Improvement Plan targets being set for both External Residential & External Fostering (£0.870m cost reduction in total). New arrangements are having an impact particularly on admissions for reasons of children's behaviour and reduction of high cost placements. Work is ongoing to ensure forecasted step downs from high cost residential placements take place as planned to deliver forecasted cost reductions. Work also continues to assess the placement costs being incurred, including reviewing unit costs, numbers of children in care and the placement strategy. Corporate contingency is held to meet demand which results in unplanned placement costs. CLA number 300 as at 31/8/14.
Care leavers Accommodation costs		599,630	307,023	The 2013/14 reported outturn position was £0.344m overspent and a target has been set in the Cost Improvement plan to achieve a reduction of £0.160m from this amount. Ongoing review of care packages in the service is now in place to deliver savings in this area for remainder of the year, progress of which is regularly reviewed in the Cost Improvement Plan.
Staffing		8,377,148	(185,840)	The 2014/15 Cost Improvement Plan includes a target to reduce the use of Agency Social Workers. The final 2013/14 Safeguarding overspend included £465k for the net cost of agency staff. The current agency forecast is for outturn of £671k in 2014/15, which is offset by vacancies held in the service area. Current number of agency staff 12 (Cost improvement plan target 5 until September 2014). One of the key drivers for the use of Agency SWs is the level of demand for SW services which remains high; this is being tackled in a number of ways both Strategic and Operational.
Internal Foster Carers costs (excluding salaries, fees and allowances)		328,115	141,755	Specific pressures include travel costs £113k forecast overspend. The 2013/14 reported outturn position for travel costs was £92k overspend and a target has been set in the Cost Improvement plan for the Fostering service to achieve a reduction of £10k from this amount.
Joint Adoption Service		328,725	58,147	This overspend relates to the Joint Adoption Service hosted by Shropshire Council. Savings of £0.040m have been taken from this budget which are currently not forecast to be delivered. A West Mercia Adoption Service project is currently being undertaken which aims to deliver savings later in the financial year.
Direct Payments		185,428	115,080	Current projections are for a £115k overspend against Direct Payments, which pays for direct payment personal care for Children with disabilities.

2014/15 Revenue Budget Variations over £50,000				
Description	Budget	Variation	Comments	
	£	£		
Variations under £50k	1,802,215	321,071	(1,200,000)	Corporate Contingency is held as part of the budget strategy for 2014/15 and was set at £1.200m for possible use across CiC Placements budget lines.
Total Children's Safeguarding & Specialist Services	20,481,602	713,428		
Education & Corporate Parenting				
Miscellaneous Special School Expenditure	34,338	66,997		Some additional premature retirement costs and remissions expenditure forecast compared to budget
Miscellaneous Secondary School Expenditure	3,138,195	51,103		Redundancy costs at secondary schools, arising from staffing changes in response to falling pupil numbers, resulting in higher costs than budgeted
Joint/Community Use	135,585	71,489		Joint use costs at Shortwood Primary no longer able to be financed by Dedicated Schools Grant (DSG) since introduction of new DfE funding rules.
Education Services Grant	(2,680,000)	(62,477)		ESG is primarily determined by the number of pupils in schools, particularly maintained schools, which is somewhat higher than budgeted. The notified allocation from the Education Funding Agency of £2,792,477 would deliver £112,477 more than budgeted, but this has been adjusted downwards by £50,000 to take account of the possible impact of academy conversions during 2014/15. A much lower level of ESG per pupil is paid for academies
School Improvement Advisory Service	75,377	(112,562)		Additional income forecast from trading following restructure creating more traded posts. In addition there has been a net salary saving as a result of staff commencing in post in September rather than April.
Multicultural Development Team	8,952	62,770		Lower expected buy-in by schools and lack of agreed de-delegation from schools have led to a significant shortfall against budgeted income.
Transport	2,718,663	54,632		Pressure arising on School Transport following budget reductions in 2014/15-see comment included in Family, Cohesion and Commissioning Services below.
Variations under £50,000	7,251,514	156,421		
Total Education & Corporate Parenting	10,682,624	288,373		

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Family, Cohesion & Commissioning				
Transport		303,144	(49,250)	The commissioning of Transport Services provided to Adult Social Services and Education and Corporate Parenting is delivered by the Commissioning Unit from within Family, Cohesion and Commissioning, and is recharged to the service areas for whom the Transport is provided. The respective transport budgets are held by Adult Social Services, Education & Corporate Parenting and Neighbourhood & Leisure, with Management and staffing budgets held by FCC. Public Transport is managed within Neighbourhood & Leisure Services. A transport review was undertaken in response to the requirement to deliver significant savings targets. The review has recommended actions to deliver savings which have been adopted by the Council in a range of between £644k and £784k. The respective Transport users are undertaking to deliver these actions to reduce the costs of transport in line with the recommendations. The Period 5 monitoring report includes the impact of the budget reduction and reports spending pressures in the respective service areas therefore, pressures are reported within Adult Social Services, Education and Corporate Parenting and Neighbourhood & Leisure. The underspend reported within FCC is due to the previously reported restructure of the service resulting in staff savings which is part of the agreed package of savings referred above although at a slightly reduced level. This saving offsets pressures reported on Transport elsewhere in this report. As the year progresses, and savings are achieved the reported pressures across all areas should reduce, and will be consolidated
Cohesion		2,536,892	(60,000)	Staff savings across Cohesion of £100k offset by a loss of income of £40k on housing from reduced number of properties being utilised, there will be a commensurate saving in costs of £23k reported in Development, Business & Employment.
Youth Offending Service		348,147	(136,000)	The Council contributes to the Regional Youth Offending Service, and the 2013/14 outturn for that service has just been reported as a surplus of income over expenditure. The surplus is being returned to the funding partners in accordance with the level of contribution made in year. Therefore, a one off sum of £73k will be returned to the Council this year and this is unbudgeted. The 2014/15 contribution from funding authorities is also reduced resulting in further cost reductions to this service.

2014/15 Revenue Budget Variations over £50,000				
Description	Budget	Variation	Comments	
	£	£		
Contracting & Commissioning	3,306,896	234,000	Following the Contracting and Commissioning restructure an overspend is being reported in this area. This is predominately due to the movement of Supporting People from Adult Social Services which is forecast to overspend by £380k, and this pressure is identified and being managed in the Adult Social Services Cost Improvement Plan. This is partially offset by savings following restructure.	
Other variations under £50k	3,653,953	(24,189)		
Total Family, Cohesion & Commissioning	10,149,032	(35,439)		
Adult Social Services				
Purchasing-all types of care for all client groups including purchase of in house services	39,643,845	6,278,591	Updated forecasts for Period 5 continue to reveal pressure on the Adult Social Services budget with a purchasing outturn overspend of £6.3m being projected(very little change from that reported in July). Included in the total savings target of £7.7m for all Adult Social Care Services (including ALD) is £4.051m targeted at purchasing budgets which have been reduced. Plans to reduce costs and therefore reduce the overspend are in place, being subject to rigorous monitoring, management and review. The total Adult Social Services overspend is the net after savings already achieved of around £2.1m has been reflected. The current forecast for all Adult Social Services is that there are savings being pursued to reduce costs and sufficient with £3.4m of one off funding to eliminate the overspend in 2014/15, however, the one off funding would have to be replaced with further savings in 2015/16. In the recent review of Social Care by Capita there were a number of recommendations to improve performance and make savings and these form a part of the action plans underpinning the latest savings proposals.	
Transport	651,746	221,181	The 14/15 ASS transport budget was reduced by £229k as a result of the recommendations made in the Transport Review. A number of proposals have been agreed to be delivered in 2014/15 and if they are successfully implemented the overspend will reduce but it is now unlikely that the impact of the proposals will achieve the target given that we are almost half way through the financial year. A Transport Review Project Group has recently been set up to look at ways to reduce Adult Social Services expenditure on Transport.	
Other variations under £50k	(3,367,255)	(441,968)	An increased projection for income together with a reduced projection for staffing and supplies & services has meant that this projected underspend has increased.	
Use of one off ASS funding	0	(900,000)	Use of One Off reserves held within Adult Social Services	

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Adult Social Services draw-down budget			(2,240,000)	Set aside as a specific draw-down budget for Adult Social Services as part of 2013/14 year end
Adult Social Services - NHS England Funded		133,000	(133,000)	Additional funding from Government to protect Social Care Services
Total Adult Social Services		37,061,336	2,784,804	
Public Health, Wellbeing & Public Protection				
Public Health				
Staffing and operational budgets		1,093,953	(111,017)	Part year vacancies and underspends on other staffing budgets (£73k).
Variations under £50k		6,541,858	(72,983)	
Public Protection				
Variations under £50k		1,849,690	(16,000)	
Total Public Health, Wellbeing & Public Protection		9,485,501	(200,000)	
Neighbourhood & Leisure Services				
Transport & Highway Development	Public Transport & Concessionary Travel	1,959,675	50,000	Service transferred from Family & Cohesion - savings to mitigate this are shown below
			(50,000)	Management action to find efficiencies related to current Subsidised Bus services.
Variations under £50k	Transport & Highway Development		(161,000)	One off savings arising from vacancy management prior to restructure.
Leisure Facilities & Services	Income - Oakengates Leisure Centre	225,490	69,500	Impact on Income as a result of the construction of new school and subsequent closure of Leisure facilities during key building works.
	Income - Horsehay Golf Complex	(270,890)	72,000	There has been a national downturn in the use of Golf courses which has impacted on this shortfall of income in addition to competition from other courses.
	One off savings		(105,000)	Use of one off funding included within current savings proposals.
	Variations under £50k		116,000	A number of small overspends across a number of areas.

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Highways & Neighbourhood Management	Income - Highways & Engineers	(1,339,480)	119,000	Income pressure associated with Engineers income target caused through imbalance from previous Portfolio restructuring.
	Supplies & Services		(67,000)	Street Lighting energy savings.
Waste & Neighbourhood Services Performance Management	Waste Disposal - TWS contract	757,670	158,000	The existing TWS contract pressures for disposal of Wood & Hazardous at CRC's; Green Waste at Kerbside, along with bin replacement costs.
	Supplies & Services		(120,000)	One off savings from Green waste disposal.
	Variations under £50k		(31,000)	A number of small one off savings across a number of areas.
Neighbourhood & Leisure Services	Variations under £50k		20,000	
Total Neighbourhood & Leisure Services		1,332,465	70,500	
Development, Business & Employment				
Regeneration & Investment	Southwater Car Park - Income	(348,000)	200,000	As anticipated, delays to the opening date and the current road-work disruption have impacted on the usage of the multi storey car park. Business is rapidly growing as a result of the Southwater development with a range of new restaurants and facilities opening. As the economy continues to develop in the area so will the requirement for parking and income levels should therefore increase. This is net of mitigations.
	PIP & Service Charges		200,000	Ongoing rationalisation of the PIP resulting in an in year pressure on Income and Service Charge voids.
Property & Design	Employees		(54,300)	One off savings from vacancy management.
Business & Development Planning	Employees	497,760	(124,000)	One off savings from vacancy management in addition to service redesign.
Property & Design	Administration Buildings	3,119,450	60,000	Increase in Darby House rent due to higher levels of occupancy and other Premises costs.
Skills	Post 16 Transport		(74,000)	Post 16 Transport savings one off in 14/15.

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Development Management	Income		(100,000)	One off benefit from increased planning fees as a result of the current housing markets.
Total Development, Business & Employment		3,269,210	107,700	
Customer Services				
Carwood	Employees	420,998	174,256	Overspend on staffing due to additional hours worked by staff
Community Support	Employees	989,728	176,665	Overspend on staffing due to additional hours worked by staff
Care & Enablement	Various	-	(365,605)	Savings identified from staffing restructures and the cessation of the enablement service.
ICT	Various	(48,620)	100,270	Shortfall against Service Specific Income target of £62k plus overspend against the PC replacement programme of £192k due to phasing of roll out. This position includes the reallocation of ICT savings proposals totalling £238k which will be met from alternative savings achieved through increased Council Tax and Business Rates income.
Commercial Catering	Income	(560,268)	210,475	Shortfall projected against Commercial income across Haughmond Hill Cafe, Cafe Go, Ice Rink Cafe, Food Truck and The Place. A management action plan is being developed to address these issues.
Revenues & Benefits	Income	(324,180)	54,003	Projected shortfall against printing income which is in line with previous years due to reduced internal demand for the service. Work is under way to attract external business to offset this shortfall.
Social Services draw-down budget Variations Under £50k		4,721,676	(260,000) 49,936	Use of one-off funds
Total Customer Services			140,000	Customer Services overall position relies on £422k additional funding achieved through increased council tax and business rates. Due to accounting regulations this is not available to the Council in 2014/15 and will be met from one-off funds until 2015/16.
Finance, Audit & Information Governance				
Treasury Management		9,615,330	(1,525,000)	Active treasury management including an estimate of the benefit from extending the change in the calculation of Minimum Revenue Provision applied to prudential borrowing in 2013/14 to include supported debt (government allocations) - this figure includes a back-dated (£1.1m) and ongoing element. It is also net of the impact of deferred capital receipts.

2014/15 Revenue Budget Variations over £50,000				
Description		Budget	Variation	Comments
		£	£	
Variations Under £50k		0	(215,334)	Underspend arising from a number of temporary vacant posts plus one voluntary redundancy.
Total Finance, Audit & Information Governance			(1,740,334)	
Law, Democracy & People Services				
Land Charges Variations Under £50k	Income	(104,570)	(59,125) 53,776	Projected additional income to be achieved from Land Charges
Total Law, Democracy & People Services			(5,349)	
Cooperative Delivery Unit				
Delivery & Planning Variations Under £50k	Employees	745,520 0	(119,180) 19,244	Majority relates to vacant posts within structure.
Total Cooperative Delivery Unit			(99,936)	
Council Wide				
West Mercia Energy Purchasing Consortium Single status Litigation costs			(134,000) (1,800,000) 200,000	Estimated dividend from WME exceeds the budget set (final to be confirmed following the WME audit, so subject to change). The budget for 2014/15 allowed for implementation of the single status settlement during the year. This is unlikely to happen during this financial year and as such a net benefit of £1.8m will arise during this year As previously reported, there is an ongoing legal process underway in relation to a group of Property Search Companies who are seeking to claim refunds of land charges fees paid. This is now likely to be settled in 2014/15.
Total Council Wide			(1,734,000)	
Total Variations			289,747	

Capital Approvals - by Service Area

Virements	Service Area	14/15 £	Funding / Comment	
Property and Design Fees	Development Business & Employment	(120,240.47)	Prudential	
Town Centre Phase 1	Development Business & Employment	150,240.47	Prudential	
Accommodation	Development Business & Employment	50,000.00	Prudential	
Housing	Development Business & Employment	(80,000.00)	Prudential	
Total		0		

New Allocations					Funding / Comment
Scheme	Service Area	14/15 £	15/16 £	16/17 £	
All Other School Schemes	Development Business & Employment	997,443.95			External
ICT	Customer & People Services	518,000.00			Revenue
Town Centre - Phase I	Development Business & Employment	60,000.00			Revenue
Highways and Bridges Capital maintenance	Neighbourhood & Leisure Services	10,000.00			External
Integrated Transport	Neighbourhood & Leisure Services	28,041.10			External
Highways Maintenance	Neighbourhood & Leisure Services	122,304.00			Gov Grant
Highways Maintenance	Neighbourhood & Leisure Services	420,486.00			Gov Grant
Total		2,156,275	0	0	

Slippage					Funding / Comment
Scheme	Service Area	14/15 £	15/16 £	16/17 £	
Building School for the Future	Education and Corporate Parenting	(4,870,982)	4,870,982.00		Gov Grant
Building School for the Future	Education and Corporate Parenting	(5,024,227)	5,024,227.00		Prudential Borrowing
Building School for the Future	Education and Corporate Parenting	(3,150,929)	3,150,929.00		Capital Receipts
Building School for the Future	Education and Corporate Parenting	(43,000)	43,000.00		External funding (PCT)
Building School for the Future	Education and Corporate Parenting	(1,267,601)	1,267,601.00		Approved Borrowing
Building School for the Future	Education and Corporate Parenting	333,333	(333,333)		Revenue
Housing	Development Business & Employment	(110,000)	110,000		Capital Receipts
Total		(14,133,406)	14,133,406	0	

TELFORD & WREKIN COUNCIL

CABINET - 16 OCTOBER 2014

STATION ROAD, NEWPORT – UPDATE AND ALTERNATIVE DEVELOPMENT

REPORT OF DIRECTOR: DEVELOPMENT, BUSINESS AND CUSTOMER SERVICES AND ASSISTANT DIRECTOR: LAW, DEMOCRACY & PEOPLE SERVICES

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

To seek authority to enter into agreements for the termination of the existing agreements between the Council, Sainsbury's and St Modwen Developments Ltd in relation to the sale and development of the Station Road, Newport site ("the Site") and to seek approval to enter into an agreement that will deliver a residential led development on the site.

2. RECOMMENDATIONS

- 2.1. That Members note the position in respect of the original plans for the site and endorse the new plans as contained within the report.**
- 2.2 That Members approve the entering into of the settlement agreement and development agreement as detailed in exempt Appendix 2 and give delegated authority to the Assistant Director: Law, Democracy & People Services to sign the settlement agreement and the Director; Development, Business and Customer Services to sign the development agreement both on substantially the same terms as detailed in Appendix 2 as they consider are in the best interests of the Council.**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Regenerate those neighbourhoods in need and work to ensure that local people have access to suitable housing
	Will the proposals impact on specific groups of people?	
	Yes	Local Residents
TARGET COMPLETION/ DELIVERY DATE	October 2014 for the agreements to be entered into with a planning application being anticipated before the end of 2014.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The other parties to the original agreements require the Council to maintain confidentiality in respect of the settlement to protect their commercial interests. However, full financial details are included in exempt Appendix 2 as it is essential that all salient facts are considered by Members when reaching a decision. It is important to note that a significant capital receipt will still be generated, if the development plans for the site are approved, which will help to protect front line

		<p>services provided by the Council. Net costs totalling £465k will now have to be funded from revenue as a result of this decision.</p>
LEGAL ISSUES	Yes	<p>The Council has contractual obligations with SMD and Sainsbury's relating to this site and for the reasons detailed in this report there is now mutual agreement regarding the arrangements that bring these agreements to an end. Subject to Cabinet approval, the proposed terms of the Settlement Agreement and Development Agreement are detailed in exempt appendix 2.</p> <p>The Cabinet has the power to enter into the development agreement detailed in the report pursuant to section 233 Town and Country Planning Act 1990. The Cabinet also has the power to enter into the settlement agreement detailed in the report pursuant to section 111 Local Government Act 1972.</p> <p>Due to the need for urgent implementation of this decision it has been confirmed by the Chair of Housing, Economy and Infrastructure Scrutiny Committee as being exempt from call-in.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>Detailed in full within the report and appendices but there are a number of key risks which Members should be specifically aware of:</p> <p>Decision to progress to call-in The risk is one of timing in that even if planning permission is granted it may not be possible to secure the development as a result of terms of the contract.</p> <p>Decision to enter into the agreements detailed in this report Risk of not obtaining planning permission – this is an obvious risk in any development but to mitigate the risk advice will be taken and public consultation is planned.</p> <p>If Planning consent is secured there is a risk of the application being called-in by the Secretary of State which would result in additional costs and delay. However, Members ought to be aware that despite requests for the outline application for development on the surrounding land to be called in the Secretary of State did not call the application in.</p> <p>Risk that the property market will change and a lower value for the site will be offered.</p>
IMPACT ON SPECIFIC WARDS	Yes	Newport South

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

Planning

- 4.1 On 8 February 2011 St Modwen Developments Ltd (“SMD”) were appointed as the Council’s Development Partner to market the Station Road site (as shown in red at Appendix 1 “the Site”) on a freehold basis for food retail development. Bids for the Site were received and on 22 September 2011 Cabinet approved the conditional sale of the Site to Sainsbury’s. In addition, to deliver the development, Cabinet approved the joint venture development agreement which was entered into with SMD. Both agreements were completed on 16 December 2011.
- 4.2 In accordance with these agreements a planning application for a supermarket was made by SMD and on 25 April 2012 Plans Board resolved to approve the planning application. On 15 June 2012 the Department for Communities and Local Government called-in the application and a public inquiry was held during January and February 2013. This inquiry lasted 12 days and was programmed to finish after a further two inquiry days. Sadly the Planning Inspector reporting to the Secretary of State died before the Inquiry could conclude. This meant that the Inquiry process had to start again and a further inquiry has been scheduled for 16 days starting on 20 January 2015.
- 4.3 Members will also be aware that an application for a superstore at Audley Avenue, Newport was submitted and, despite challenge by the council on a number of grounds, including protecting the principle of significant developer contributions to related offsite costs, the planning permission has been granted.
- 4.4 A planning application has also been made and approved for a supermarket on the site which is generally known as “the Focus Site” as it was previously occupied by Focus Do It All. Subject to finalising the terms of the s106 agreement, construction could commence very shortly on an Aldi store on that site.

Contracts

- 4.5 The approval of the Audley Avenue site for a supermarket and the separate approval for an Aldi on the “Focus site” changes the retail development scene in Newport significantly and accordingly affects the factors supporting the proposed development at Station Road. In these circumstances the parties have together reconsidered their position, and in the light of the changed circumstances, have agreed, in principle, to withdraw the planning application that is currently subject to call-in. A summary of the terms of the proposed agreement, **which the other parties require the Council to keep confidential in order to protect their commercial interests**, are included in exempt Appendix 2.

Future Plans

- 4.6 The proposed development would have provided the Council with a significant capital receipt for the land which would help mitigate some of the effects on front-line services arising from the biggest Government cuts ever faced by the Council. It would also have provided 300 new jobs, delivered additional

business rates income to further help support front line services as well as being a major investment in Newport and providing extra facilities to support housing growth in the town. As the Council now considers it is unable to secure the land value which was previously anticipated, it must now consider how to comply with its statutory duty to achieve best consideration for the land as it does with all assets owned by the Council. A significant amount of work has been carried out by council officers and supported by independent external experts where appropriate to consider how best to comply with this obligation and detailed advice is summarised and explained in Appendix 2.

- 4.7 It is proposed that the land is developed for use as a residential led development. To enable this to take place the existing contracts between the Council, Sainsbury's and SMD must be terminated and new agreements entered into.
- 4.8 To enable a planning application to be made for residential led development a significant amount of pre-planning work, including public consultation, is now required. For the reasons described in exempt Appendix 2 the Council is proposing to continue to work with SMD to make use of the large amount of the work that they have already undertaken to support the retail application that can be re-used and updated; thus saving significant costs on the new application. It is expected that, if the recommendations are agreed, SMD will make an application for residential led development before the end of 2014.

Decision considerations

- 4.9 To ensure openness and transparency, although this decision could have been delegated to officers, it has been brought to Cabinet for the decision to be made where as much information as possible has been made publicly-available.
- 4.10 Members must be aware of all options available to them when reaching any decision. In relation to this report there are two options available – the first is to enter into the agreements detailed in this report; alternatively, if the Council were to choose to not enter into these agreements the call-in inquiry would proceed and the Council, both as landowner and local planning authority, would be in a position where significant costs would be incurred and the result is still not certain. In addition, it is considered that there is a greater risk that we would be unlikely to be able to fulfil our obligations under the contract. Further details as to why this is not considered to be the most appropriate option to pursue are detailed in Appendix 2.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 The legal and financial considerations have already been detailed in this report and the exempt appendices.

6. PREVIOUS MINUTES

22 September 2011 Cabinet – minute CB44
6 December 2012 Cabinet – minute CB76

7. BACKGROUND PAPERS

None

Report prepared by Emma Harvey, Commercial Solicitor, 01952 383255

TELFORD & WREKIN COUNCIL

CABINET - 16 OCTOBER 2014

MADELEY NEIGHBOURHOOD DEVELOPMENT PLAN: CONSIDERATION OF EXAMINER'S RECOMMENDATIONS AND PROPOSED MODIFICATIONS PRIOR TO REFERENDUM

REPORT OF ASSISTANT DIRECTOR: PLANNING SPECIALIST

LEAD CABINET MEMBER: COUNCILLOR CHARLES SMITH

PART A) – SUMMARY REPORT

1.0 SUMMARY OF MAIN PROPOSALS

- 1.1 Madeley Town Council submitted their Neighbourhood Development Plan (NDP) with supporting documents to the Council in February 2014. In response and in accordance with its statutory duties, the Authority undertook certain checks to ensure that all the procedural and other requirements had been met and completed a 6-week publicity period which allowed written representations to be made.
- 1.2 The Authority appointed Independent Examiner (the Examiner), John Parmiter, to conduct the Examination with a report being submitted back to the Council in June including a recommendation to proceed to Referendum, subject to a number of modifications. Those modifications have now been applied to the NDP, and the Referendum version available via www.telford.gov.uk/madeleyndp.
- 1.3 The purpose of this report is to seek Cabinet approval for the NDP, subject to the modifications, to proceed to formal Referendum. The modifications are considered in more detail in section 4 of this report. The full list of modifications proposed by the Examiner are set out in the Examiner's Report (page 24-30), Appendix 1 of this report.
- 1.4 Whilst the Examiner's proposed modifications are not binding, they are considered by Officers to be appropriate. No additional modifications are considered to be required prior to the Referendum stage.
- 1.5 Members need to be satisfied that the NDP meets certain "basic conditions" before it can proceed to a Referendum. As explained in this report, Officers and the Examiner are satisfied that these "basic conditions" have been met.

2.0 RECOMMENDATIONS

- 2.1 That Cabinet agree with the Independent Examiner that, subject to the modifications recommended by him being made, the Madeley Neighbourhood Development Plan meets the "basic conditions" and all other legal requirements as summarised in this report and the Independent Examiner's report, and**
- 2.2 That Cabinet agree that the required modifications should be made to the Madeley Neighbourhood Development Plan and that the Madeley Neighbourhood Development Plan - Referendum Version (August 2014) should proceed to Referendum, and**
- 2.3 That Cabinet agree that the Referendum Area should not be extended beyond the designated area to which the Madeley Neighbourhood Development Plan relates**

2.4 That the Managing Director (and any other officer authorised in writing by him) be authorised to exercise all the relevant powers and duties and undertake all necessary arrangements for the Madeley Neighbourhood Development Plan (Referendum Version) to now proceed to Referendum and for the Referendum to take place asking the question whether the voter wants Telford & Wrekin Council to use this neighbourhood plan for the Madeley Neighbourhood Development Plan area to help it decide planning applications in this neighbourhood area

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Co-operative Council: - Involving local people more in planning and running services - As a Council, supporting our community better and encouraging people to do more to help their own communities
	Will the proposals impact on specific groups of people?	
	Yes	Neighbourhood Plans establish a formal statutory planning framework for future development within a designated area. Production of the Madeley NDP has involved the whole of the Madeley Parish community through consultation where people have had the opportunity to provide formal comments on policies which will affect the future development of their area, including a 6-week formal publicising consultation period. The referendum stage provides an opportunity for the whole Madeley Parish to vote on the plan prior to formally making the Plan.
TARGET COMPLETION/ DELIVERY DATE	Subject to Cabinet approval, the Madeley NDP will proceed to referendum, the outcome of which will determine if the NDP can be made by the Authority. To achieve this, the referendum must result in more than half of those voting in favour of the NDP. It is anticipated that, after putting all necessary arrangements in place, the NDP will proceed to referendum in January 2015. Subject to a favourable outcome, the final version of NDP will come to Cabinet for approval in early 2015.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The costs associated with the introduction of Neighbourhood Plans, including the additional costs of designations, referendum and examinations have to be met by the Local Authority. The scheme has received Fronrunner and DCLG funding and there is sufficient funding available to meet the costs of the referendum which are estimated at £2 per elector (total £25,000). JAC 150814
LEGAL ISSUES	<p>The Localism Act 2011 provided a framework for a new statutory regime to establish Neighbourhood Planning. Subsequent legislation has added more detail to that framework. The Town Council has had to fulfil its publication and consultation obligations under this legislation and the Borough Council as local planning authority has now publicised the NDP and processed it through the Independent Examination stage. With the benefit of the Examiner's report the Borough Council as LPA ("the LPA") now has to properly consider a number of matters relating to the NDP before it can proceed to a referendum.</p> <p>The issues which the LPA now needs to consider and determine are set out in this report. If the LPA is satisfied that certain conditions have been met a referendum must be held. If the LPA is not so satisfied, the NDP must be refused.</p>	

		<p>If the referendum takes place and results in more than half of those voting (i.e. 50% + 1) voting in favour of the NDP, subject to certain exceptional circumstances, the LPA must make the NDP as soon as reasonably practical.</p> <p>Further legal points are raised later in this report</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES		<p>The main risk associated with the referendum stage is that the referendum itself does not deliver a majority vote in favour of the Plan. The result would be that the Authority would be unable to make the NDP a statutory plan to be applied to the determination of planning applications in the designated area. However, this is unlikely bearing in mind the level of engagement carried out by Madeley Town Council with the assistance of the Authority, which has sought to address the key issues identified through the consultation process.</p> <p>Opportunities associated with the NDP include a strengthening of local engagement in the planning process and in the development of the Shaping Places Local Plan, including acceptance of proposed development in the area. A successful NDP will raise the profile of the Council locally and nationally.</p>
IMPACT ON SPECIFIC WARDS		Cuckoo Oak Ward, Madeley Ward, Woodside Ward.

4.0 PART B) – ADDITIONAL INFORMATION

4.1 Background

4.1.2 In February 2011 Telford & Wrekin Council and Madeley Town Council successfully bid for Madeley to become one of the government's Frontrunners in neighbourhood planning. The Madeley Neighbourhood Plan Steering Group was subsequently formed and has led development of the Neighbourhood Development Plan (or NDP) through a number of key stages. Under the Town and Country Planning Act 1990 Telford & Wrekin Council as LPA has a statutory duty to assist communities in the preparation of the NDP through the various statutory stages in the process.

4.1.3 In accordance with the 1990 Act and the Neighbourhood Planning Regulations, Madeley Town Council submitted their NDP on 11th February 2014 for Telford & Wrekin Council to complete the necessary checks and proceed to the next stages of publication, examination and referendum. The NDP, along with supporting documents are available at www.telford.gov.uk/madeleyndp.

4.2 Examination of the Madeley Neighbourhood Development Plan

4.2.1 The independent examination included a public hearing held on 6th June 2014 at the Park Lane Centre, Woodside. The hearing was led by the Examiner and was attended by Madeley Town Council, Telford & Wrekin Council, and a resident of Madeley who had submitted objections during the publicising period. A number of local residents were also in attendance. The purpose of the hearing was to assist the Examiner in considering whether certain required procedural and other matters have been properly dealt with and also in

establishing whether or not the NDP meets the 'basic conditions'. The "basic conditions" include the following:

- Whether, having regard for national planning policy and guidance from the Secretary of State, it is appropriate that the NDP should be made
- Whether the NDP contributes to the achievement of sustainable development
- Whether the NDP is in general conformity with the strategic policies contained in the Development Plan for the area of the Authority
- Whether the NDP is in breach of and/or is otherwise compatible with EU obligations
- Whether the making of the NDP is likely to have a significant effect on any "European Sites" as defined in the Conservation Habitats and Species Regulations 2012

Further, the Examiner had to consider whether the area for any referendum should extend beyond the area to which the NDP relates.

4.2.2 The Examiner identified a number of key issues where he required clarification during the hearing. These related principally to the approach to affordable housing under Policy H1 of the NDP, and the approach to retail provision set out under Policy R1 of the NDP. These issues are summarised below.

4.2.3 Policy H1, as it was originally proposed, would establish a presumption in favour of off-site provision of affordable through payment of s106 contributions. The Examiner questioned whether this was in conformity with the NPPF and the policies of the Wrekin Local Plan and Core Strategy. In response, the LPA and Madeley Town Council submitted an agreed modification to Policy H1 to the Examiner for his consideration. The Examiner subsequently accepted these modifications, and the detailed wording for this can be found on page 25 of the Examiner's Report. The referendum version also sets out the modified policy wording, as agreed by all parties.

4.2.4 Policy R1, as it was originally proposed, defines a town centre boundary and controls the degree of change of ground floor uses by reference to frontages and by percentages (including a marketing test). Similar concerns to those relating to Policy H1 were raised by the Examiner here, in particular conformity to national and local policies. Again, the LPA and Madeley Town Council submitted an agreed modification to policy R1 for consideration by the Examiner. The Examiner subsequently accepted these modifications, and the detailed wording for this can be found on page 27-28 of the Examiner's Report. The referendum version also sets out the modified policy wording, as agreed by all parties.

4.2.5 Members' attention is drawn to these two policies in particular, as the Examiner is recommending (and officers agree) that they require the most significant modifications in order for them to meet the basic conditions tests. Modifications to other policies in the NDP proposed by the Examiner, whilst being necessary to ensure the policies are in general conformity with both national and local planning policy, are considered to be relatively minor in nature and are also considered to be appropriate. Members' attention is drawn to all the proposed modifications which are set out in the Examiner's report and shown on the Referendum Version of the NDP.

4.2.6 On all other aspects of the basic conditions tests, the Examiner concluded that, subject to his recommended modifications being made, the NDP met the tests. In addition, the Examiner also concluded that the NDP has been prepared in accordance with all other legal requirements, in particular those under paragraph 8(1) of schedule 4B of Town and Country Planning Act (TCPA), in that:

- the NDP had been prepared and submitted for examination by a qualifying body;
- the NDP had been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA);
- the NDP met the requirements of Section 38B of the PCPA (i.e. the Plan must specify the period to which it has effect (to 2031), must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
- the policies relate to the development and use of land for a designated Neighbourhood Area, in line with the requirements of Section 38A of the PCPA.

4.2.7 Consequently, the Examiner recommended that the Plan, as modified in accordance with his report met all relevant legal requirements and could proceed to referendum. The Examiner also concluded that the boundary of the referendum (or 'referendum area') should be the same as the boundary of the NDP. An additional business referendum is not required.

4.3 Considerations for Cabinet

4.3.1 Cabinet must:

- a) consider each of the recommendations made by the Examiner and the reasons for them
- b) decide what action to take in respect of each recommendation
- c) be satisfied that the NDP meets the basic conditions (see para 4.2.1 above) and be satisfied that the NDP is compatible with EU Convention Rights and be satisfied that the NDP complies with the various requirements referred to at paragraph 4.2.6 above
OR
be satisfied that the NDP would meet those conditions, be compatible with those rights and comply with those requirements if modifications were made to the NDP as recommended by the Examiner.

In respect of a) and b), Members are recommended to accept each of the Examiner's recommendations and reasons and to agree that all of the Examiner's recommendations be incorporated into a new version of the NDP (the Madeley Neighbourhood Development Plan: Referendum Version (August 2014))

In respect of c) Members are recommended to accept the Examiner's recommendation that the NDP would meet these conditions, be compatible with these rights and comply with these requirements if his recommended modifications were made to the NDP and further that these modifications should be made.

In respect of the area in which the Referendum is to take place, Members are recommended to accept the Examiner's recommendation that the Referendum Area should not change and should be the same as the designated NDP area.

4.3.2 If Members accept the Examiner's and officers' recommendations, a Referendum must be held on the making of the NDP by the LPA

4.3.3 If Members are not satisfied in respect of c) above and do not accept the Examiner's recommendations, they must refuse to make the NDP.

4.3.4 in any event, Members' decisions and reasoning in these matters has to be published in a decision notice.

4.4 Preparing for Referendum

4.4.1 Subject to Cabinet approval, the NDP will proceed to the next stage; Referendum. The Referendum is organised and carried out by Telford & Wrekin Council. The Referendum will only be carried out in Madeley Parish as the Neighbourhood Plan area. In accordance with Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012 the Council will publish an Information Statement declaring when a Referendum will be held and the questions to be asked no less than 28 working days beforehand. In accordance with Regulation 3, the Referendum will ask whether voters want the LPA to use the NDP to help decide planning applications in the Plan Area.

4.4.2 It is anticipated that the Referendum could be held in January 2015 following publication of this year's new Individual Electoral Registration revised register on 1st December 2014.

4.4.3 The key tasks involved in preparing for the Referendum include the preparation of documents and website information for inspection including 'information statement', printing of polling cards and organisation of polling stations similar to those used at local government elections. The organisation of the Referendum will be lead by TWC Electoral Services in liaison with the Environment & Planning Policy Team and Madeley Town Council.

4.4.4 If more than 50% of those voting vote in favour of the NDP, Telford & Wrekin Council must then 'make' the NDP. It will then be published on Telford & Wrekin Council's website and used in the determination of planning applications for the Neighbourhood Plan area i.e. the Parish of Madeley.

4.5 Conclusion

4.5.1 As a front-runner Madeley Town Council are the first in the Borough to progress to this stage, working closely with their community to produce a plan which reflects local views on future development in the Parish and policies which, subject to the being made, will be taken into consideration in the determination of planning applications in the plan area.

4.5.2 A further report will be brought for Cabinet consideration following the outcome of the Referendum.

5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

5.1 Once the Madeley NDP is made, it will become part of the statutory planning framework for the Borough. In accordance with the ethos of neighbourhood planning, the NDP is based on extensive community engagement and therefore a product of the community with policies reflecting their views. The policies, once modified, are considered to be in general conformity with the existing Core Strategy and saved policies from the Wrekin Local Plan

5.2 In accordance with legal requirements, planning applications should be determined in accordance with the provisions of relevant Development Plan's which, for the Madeley Parish, would include the NDP as well as the Core Strategy and saved policies from the Wrekin Local Plan. This is unless material considerations indicate otherwise, meaning the NDP policies must be balanced with other considerations as part of the decision making process undertaken by the LPA.

6.0 PREVIOUS MINUTES

6.1 Application for the Designation of a Neighbourhood Area – Madeley (Cabinet, 18th October 2012)

6.2 Submission of Madeley Neighbourhood Development Plan (Cabinet, March 27th 2014)

7.0 BACKGROUND PAPERS

Madeley Neighbourhood Development Plan: Referendum Version (August 2014)

Madeley Neighbourhood Development Plan: Independent Examiner's Report (June 2014), including the list of proposed modifications.

Madeley Neighbourhood Development Plan – Examination Version (February 2014)

Basic Conditions Statement (February 2014)

Consultation Statement (February 2014)

Regulation 14 Consultation (February 2014)

Historic Conservation Assessment (February 2014)

Evidence base Summary (February 2014)

The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 9 Screening Determination – Madeley Neighbourhood Plan

Available at www.telford.gov.uk/madeleyndp

Report prepared by Darren Oakley, Principal Planning Officer, Environment & Planning Policy, Telephone: 01952 384240

The Madeley Neighbourhood Development Plan

Examination Version

Report to Telford & Wrekin Council

by the Independent Examiner

John Parmiter FRICS FRSA MRTPI

June 2014

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Summary of conclusions and recommendations

1. From my examination of the Madeley Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, subject to policy modifications, the plan meets the Basic Conditions, in that:

- It has due regard to national policies and advice;
- It contributes to the achievement of sustainable development;
- It is in general conformity with the strategic policies of the development plan; and
- It does not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

2. I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body – the Madeley Town Council;
- The plan has been prepared for an area properly designated – the town (originally parish) council area;
- The plan specifies the period to which it has effect – to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

3. I recommend that the plan, once modified, proceeds to Referendum, on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure the plan meets the Basic Conditions.

4. In recommending the plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the designated plan area.

1 INTRODUCTION

- 1.1 I am appointed by Telford & Wrekin Council, with the support of Madeley Town Council (the Qualifying Body), to undertake an independent examination of the Madeley Neighbourhood Development Plan, as submitted for examination.
- 1.2 I am a planning and development professional of 40 years standing and a member of the National Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.3 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of the Neighbourhood Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
 - not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.

1.5 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (ie. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.

1.6 Finally, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

The Examination process

1.8 I commenced examination of the plan in mid-April 2014. The default position is that neighbourhood plan examinations are held by written representations. However, I considered it necessary to hold a public hearing on certain matters where I required clarification by oral evidence. This was on four topics, around two themes: housing

and retail. A public hearing took place on Friday 6th June, at the Park Lane Centre, Woodside, Telford, within the Madeley neighbourhood plan area.

- 1.9 In the early part of the examination process I raised some points of clarification with the Town and Borough Councils, mainly on two matters, which have now been clarified for me by email:
- Industrial provision and the removal of part of the Tweedale Industrial Estate from the area allocated for employment use; and
 - Local Nature Reserves, and specifically Tweedale Pit and Blists Hill.
- 1.10 More significantly, after the publication of the hearing agenda, the Town and District Councils continued to discuss the issues I had identified for the public hearing, as is recommended in the National Planning Policy Guidance. As a result, I was provided with four topic papers from the Town Council, on the four matters on the agenda, which helped shape the hearing discussions and informed my recommendations. These were also posted on the Town Council website.
- 1.11 I am particularly grateful for the support I received from the Telford & Wrekin Council staff who assisted me in the examination and in setting up the hearing, along with the Town Council.

The Examination documents

- 1.12 In addition to the legal and national policy framework, the documents that were furnished to me and were identified on the website as the plan and its supporting documentation for examination were:
- Madeley Neighbourhood Development Plan – Examination version
 - Basic Conditions Statement, with appendices:
 - SEA Screening Consultation Report
 - SEA Screening Statement
 - SEA Screening Determination
 - Regulation 14 Consultation [Statement]
 - Consultation Statement Appendices
 - Historic Conservation Assessment

- Evidence Base Summary

1.13 I was also provided with the relevant notices and decisions concerning the designation of the neighbourhood area and the preparation of the plan.

The Qualifying Body and the Neighbourhood Area

1.14 Madeley Town Council is the parish council for the geographical area that is the neighbourhood plan area. Telford & Wrekin Council designated the Madeley Town Council Neighbourhood Area, under S.61G of the Town & Country Planning Act 1990, as the appropriate neighbourhood area. The area is shown at Fig 2.1 of the Neighbourhood Plan.

The Neighbourhood Plan area

1.15 Madeley is an historic settlement surrounded by later, mostly new town, development. The area was extensively developed as part of Dawley (later Telford) New Town, in the 1960s and 1970s, comprising two large Radburn design neighbourhoods – Sutton Hill and Woodside - and two industrial areas – Tweedale and Halesfield.

1.16 The neighbourhood plan area comprises three wards – Cuckoo Oak, Madeley and Woodside. The plan area is some 881 ha located in the south of Telford & Wrekin borough. The main residential areas run (very broadly) from the A4169 (Ironbridge By-pass/Queensway) in the north to the River Severn/Ironbridge Gorge in the south; with Coalbrookdale and the A442 marking the western and eastern borders, respectively. The industrial areas lie to the east of the A442 Brockton Way.

1.17 The resident population is some 17,500 in around 3,780 households, in a significant level of rented accommodation (35%) compared with a borough average of 28%, reflecting the legacy of new town development. Owner -occupiers comprise only 52% of households in one ward. The housing market is perceived to be weak and the condition of the new town housing estates is a local concern.

Neighbourhood Plan preparation and public consultation

- 1.18 The Madeley Parish Council (as was) resolved in February 2011 to be involved in the neighbourhood plan front runner process and was chosen as a Neighbourhood Plan “Front Runner” in April 2011. This started the first consultation exercise on the plan, from September 2011 to January 2012, a process which continued through a range of local initiatives, including focus groups and workshops.
- 1.19 Under the heading of newsletters such as *Your Neighbourhood, Your Views*, the first main stage of the consultation was *The Big Map*. This sought to identify issues and gain a snapshot of local opinion.
- 1.20 The Town Council undertook an extensive process of consultation from 2011 to 2013 in advance of the statutory Regulation 14 process. The results of that were some 746 responses, summarised in a Consultation Statement in August 2013.
- 1.21 The Regulation 14 consultation stage on the pre-submission version of the plan took place between August and October 2013 and is set out fully in the Regulation 14 Statement; in summary, it involved:
- Uploading the draft plan and supporting documents to the Town Council website, which contained a dedicated Neighbourhood plan page, together with links to the published documents and response forms
 - Providing a hard copy of the plan and supporting documents at four local venues
 - Publicising the plan in a number of ways and encouraging feedback using an on-line consultation hub; or by using a standard form; or by email
 - Displaying posters at 20 locations across the plan area
 - Issuing press releases to the local press
 - Formally contacting various stakeholders direct, including
 - Statutory undertakers
 - Neighbouring parishes
 - Shropshire Council
 - Other community stakeholders and interest groups
 - All Town Council and Ward members

- 1.22 Local residents were made aware of the consultation through the Town Council website, Madeley Matters newsletters and the press.
- 1.23 The Town Council received 19 separate responses to the pre-submission version of the plan. These covered 150 distinct comments from residents, statutory consultees and landowners. Of these 127 comments were submitted about specific policies in the plan; the remaining 32 were coded according to the nature of the representation. Each comment was considered individually – these are set out in the Town Council’s August 2013 Statement - and the Town Council endorsed, at its meeting on 28th October 2013, the revised plan as amended by its Steering Group on 21st October, which had made the changes they considered necessary.
- 1.24 However, prior to finalising the plan, a motion was put to an Extraordinary Meeting of the Town Council, concerning an amendment to the town centre boundary. The result was a period of further consultation on Policy R1 (Concerning Madeley Town centre and its boundary), for a 3 week period (in January/February 2014) which involved the revisions being posted on the website, hard copies in the four locations (as before), publicity, posters, press release and re-consultation with stakeholders. In total five comments were received from four respondents. The principal concerns were raised by Telford & Wrekin Council, related to the use of a frontage policy.
- 1.25 Delegated authority was given for the Chair and Vice Chair to approve the final version of the plan, taking into account representations received. No changes were considered necessary and the revised policy was incorporated into the Examination version of the plan. Overall, the Town Council considered that their plan was well received, with the majority supporting the plan, and with the bulk of comments requiring no change to the plan’s content.
- 1.26 The Examination version of the plan was submitted to Telford & Wrekin Council on 11th February 2014. It was advertised by the Borough Council for 6 weeks and resulted in eight representations. These were posted on the website; I have taken these into consideration in my report; one of the parties who made representations took part in the public hearing.

Environmental Assessment and EU Directives

- 1.27 The Neighbourhood Plan's supporting material includes a Strategic Environmental Assessment (SEA) Screening Consultation Report, which sets out the process that the Town Council followed. An SEA Screening Report was submitted to the consultation bodies in January 2013. In light of the responses, the Town Council concluded that the plan would not be likely to have significant environmental effects and so took a formal decision – a Screening Determination - that the plan did not require an SEA. This was made publicly available for 28 days in February 2013.
- 1.28 In relation to the Habitats Regulations, the Town Council consulted Natural England in 2012, who confirmed on 12 October 2012 that: "Telford and Wrekin Borough Council have recently carried out a habitats regulations Assessment. Since this document is recent it is acceptable to Natural England for Madeley Parish Council to make reference to the document in their Neighbourhood Plan. Having checked our records there do not appear to be any Natura 2000 (European Designated Sites) within close proximity to Madeley Parish, therefore reference to the Borough's information and reports is acceptable."
- 1.29 From the neighbourhood plan material I have concluded that the neighbourhood plan is not likely to have a significant effect on a European Site. I have thus reached the overall conclusion that the plan is compatible with, and does not breach, the relevant European Union obligations.

Human Rights

- 1.30 I have no reason to believe that the plan breaches or is incompatible with the European Convention on Human Rights.

Plan period

- 1.31 The Monitoring and Review section of the plan (p 94) states that the plan covers the period 2014-2031. It would aid use of the plan if this was set out in the introductory chapter.

The Development Plan and its strategic polices

1.32 The Development Plan for the area is the Telford & Wrekin Core Strategy DPD (adopted in 2007) together with Saved Polices from the Wrekin Local Plan (adopted 2000). I was advised that the relevant strategic policies for the plan area are considered to be:

Core Strategy -

- CS1: Homes
- CS2: Jobs
- CS3: Telford
- CS5: District and Local centres in Telford
- CS8: Regeneration
- CS9: Accessibility and social inclusion
- CS10: Community facilities
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental resources
- CS14: Cultural, Historic and Built Environment

together with Wrekin Local Plan (Saved policies):

- UD2 Design Criteria
- UD3 Urban Design Assessments
- H23 Affordable Housing
- OL3 Green Network
- OL4 Development in the Green Network
- OL11 Woodland and Trees
- OL12 Open Land and Landscape – Contributions from New Development
- T4 Development Principles

- 1.33 One of the Basic Conditions is that the plan must be in general conformity with the strategic policies of the development plan. I have concluded that the policies listed above do comprise the relevant policies; and that the neighbourhood plan is in general conformity with them.
- 1.34 The text of the plan asserts on page 7 that the Neighbourhood Plan must, inter alia, conform to local strategic policy including the “emerging Shaping Places Local Plan.” This is incorrect and the reference should be removed.
- 1.35 Telford & Wrekin Council are progressing a new Local Plan, under the heading *Shaping Places*. I have been made aware of this and, to some degree, the extent of the evidence base that is being produced and the potential for future local plan policy to impact on the neighbourhood plan area. For example, I am aware that Telford & Wrekin Council were consulting on housing and employment allocations, which included a number of sites in the Neighbourhood Plan area, at the same time as the examination. However, the emerging Local Plan is not yet part of the development plan.
- 1.36 Some representations raised questions about the relationship between the emerging Local Plan and the Neighbourhood Plan. Whilst the timing of the former clearly gave the Town Council some difficulties in how far they could go in planning for growth, I am of the view that the neighbourhood plan does not need to be in conformity with an emerging plan. As it happens, it does not raise conflicts with it; and Telford & Wrekin Council confirmed to me that, in their view, it did not.

The Neighbourhood Plan and its objectives

- 1.37 The plan is divided into two sections: Section One is contextual – comprising an introduction, setting out the background, process & summary and a section on the issues and core objectives. Section Two is concerned with the plan’s five main policy themes.
- 1.38 While there is no overall, or articulated, Vision for the plan area, the plan has some overarching objectives, which can be found in the Foreword and are set out in the Introduction; they can be summarised as:
- Providing better housing for local people

- Protecting and enhancing green spaces
- Supporting Madeley town centre and the local economy and provide jobs for local people
- Protecting and enhancing local heritage
- Encouraging more walking and cycling and public transport usage
- Improving accessibility between the communities, the town centre and employment areas.

1.39 These objectives are taken forward into the plan's policy themes. These arose out of the public consultation process and preparation of the evidence base. Section 4 of the plan sets out the issues raised by local people and the Core Objectives that were developed. Thus, this section outlines, under each of the five policy themes, the issues identified and a set of Objectives to resolve them. The themes are positive about development, regeneration and the prosperity of the plan area.

1.40 A difficulty the Town Council faced was how far they could go in planning for sustainable development, regeneration and growth, as much of the evidence they would seek to rely on, or refer to, was at too early a stage of preparation, as part of the *Shaping Places* process. Nevertheless, from these objectives and the way they are translated into land use policies and proposals, I have concluded that the plan does contribute to the achievement of sustainable development, one of the Basic Conditions.

The plan's policy themes

1.41 The plan is divided into five main policy themes:

- Housing;
- Green Spaces and Public Spaces;
- Local Economy;
- Local Character; and
- Getting Around.

1.42 In addition there is a concluding chapter on Monitoring and Review of the plan. At the end of each policy chapter there is summary table, drawing together the Core Objectives and the relevant policies that are designed to achieve them. I now turn to deal with each of the policy chapters, in turn.

2 HOUSING

- 2.1 There are nine policies, each with the prefix H. These policies are intended to meet the objectives set out on p 29 of the Examination version, which in turn are informed by the issues raised as part of the local consultation process. These include the need for more family housing, affordable housing, supported housing, reductions in deprivation and the regeneration of the Sutton Hill and Woodside estates, including the quality of provision. There was also an identified need for more energy efficient housing; and the need to build new housing on brown-field and vacant land.
- 2.2 The premise in the supporting text is that the housing market is not expected to improve significantly over the next few years. The plan-makers therefore adopted the approach that contributions for affordable housing be secured by way of commuted payments, in lieu of affordable housing provision on site. The intention was to pool these contributions with other sources and target their use into Targeted Intervention Areas (a designation borrowed from an initiative promoted by the Borough council) including Woodside and Cuckoo Oak.
- 2.3 **Policy H1** sought to give effect to the commuted payment approach, which would have to be in conformity with the National Planning Policy Framework (NPPF), paragraph 50, to be acceptable. The NPPF normally expects affordable housing provision to be on site; financial contributions are possible where they can be “robustly justified” and the approach contributes to the objective of creating mixed and balanced communities. In my view it failed to do so, or be robustly justified, and consequently would fail to meet the Basic conditions unless modified.
- 2.4 The borough council, which had maintained its objections to the approach, had continued to discuss modifications to the policy with the town council. Accordingly the parties put suggested modifications to me at the public hearing. I have adopted these suggestions in my recommended modifications; though the second and sixth paragraphs of the supporting text (on pages 33 and 34 will also need to be modified, to reflect the change in policy wording.

- 2.5 **Policy H2** is concerned with estate renewal. However, as drafted, it is over-focused on the two new town housing estates and is too inflexible; also it is not always well-related to the evidence base and some parts are not about land use. Again, the town and borough councils put to me some suggested modifications, which I have incorporated into the modifications I have recommended to ensure the policy meets the Basic Conditions.
- 2.6 **Policy H3** is concerned with the retention of affordable housing. The intention is understood but the wording is quite inflexible and in parts not about land use. It fails to have sufficient regard to the NPPF and so, without significant modification, fails to meet the Basic Conditions. I propose a simple re-wording.
- 2.7 **Policy H4** is concerned with adapting to climate change and requires only minor drafting modifications to ensure sufficient flexibility, to meet the Basic Conditions.
- 2.8 **Policy H5** is concerned with providing local renewable and low carbon infrastructure and in my view met the Basic Conditions.
- 2.9 **Policy H6** allocates one site – Rough Park 3 – for housing. This is the only housing allocation in the plan. It was an allocation in the old Wrekin Local Plan and had also emerged as part of the consultation process; in addition, it was in the ownership of the Housing and Communities Agency (HCA). Apart from some minor drafting clarifications, including conformity with modified H1, the main modification I recommend is to remove the requirement for a Design Brief to be produced in advance of a planning application, due to the way the requirement is drafted and given the clear guidance in the policy; it is unnecessarily onerous.
- 2.10 The borough and town councils suggested an amendment, which I have incorporated in my own recommendations. As modified it would meet the Basic Conditions.
- 2.11 **Policy H7** concerns windfall sites and infill development. It is designed to promote development on brown-field land as a priority. Given that only one site was allocated for housing this is an important policy and would meet the Basic Conditions if modified to be consistent with modified H1 (by removal of the third bullet) and deletion of the second sentence.

2.12 **Policy H8** is concerned with accessible and adaptable homes. As drafted it is too inflexible and onerous, to meet the requirements of the NPPF; and there is no evidence to support a threshold of three dwellings – a threshold of 10 (ie a large scheme) would be more reasonable. The reference to open market dwellings in this policy is not appropriate. I have made modifications to enable it to meet the Basic Conditions.

2.13 **Policy H9** is a detailed set of requirements, designed to improve quality housing and, in particular, inclusive housing standards. Given the use of the word “reflect”, it avoids being over-prescriptive and I consider it to meet the Basic Conditions.

3 GREEN SPACES AND PUBLIC SPACES

3.1 The NPPF introduced the designation of Local Green Spaces and the plan takes advantage of the opportunity to protect a number of local spaces.

Policy GS1 designates two local parks as Local Green Space, which is particularly supported by Natural England. I consider meets the criteria in the NPPF and is supported by the local consultation and evidence base; and this meets the Basic Conditions.

3.2 **Policy GS2** concerns designation of Local Nature Reserves; the supporting text refers to four, which are shown on maps. As designation is something that only the Borough Council can do, in consultation with Natural England (who made supportive representations), this cannot meet the Basic Conditions; it is essentially an advocacy policy and as such need to be expressed as such, which I have modified it to do.

3.3 Also the Policies Map (Fig 5.1) should show these as *Proposed* LNRs. And the Figures in the plan should be the final versions.

3.4 **Policy GS3** is concerned with protection of a range of designated sites, all of which are supported by Natural England. The reference to “other habitats and natural features of local value” lacks a statutory context and precision. I have made some minor drafting suggestions, these are to ensure clarity of operation and so that the policy meets the Basic Conditions.

3.5 **Policies GS4** – Protection of trees and woodlands – and **GS5** – provision and protection of allotments and community orchard – both meet the Basic Conditions.

3.6 **Policy GS6** is concerned with protection of play spaces. The first part needs a minor modification to relate it to land use development. The second part is effectively an advocacy policy, which should sit in the supporting text. With such modifications, it meets the Basic Conditions.

3.7 **Policy GS7** seeks contributions towards green spaces and recreational improvements. It is in two parts: the first seeks contributions from new development in the plan area that will be directed to open space and recreational

use. This was not evidenced and does not meet the requirements of the NPPF and I recommend that it be deleted. The second part is about accommodating appropriate recreational provision on-site and meets, subject to clarifying modifications, the Basic Conditions.

4 LOCAL ECONOMY

- 4.1 This chapter has three groups of policies, dealing with Madeley Town Centre (R1-R4), Employment (E1) and Tourism (T1-2).

Madeley Town Centre

- 4.2 The plan seeks to focus retail, financial and professional services, restaurants, pubs and hot food in the town centre; as well as recognising that a number of residential properties also make a contribution to its vitality. The town centre caters for local needs and contributes towards maintaining sustainable communities. It is also a historic centre, where the plan seeks to maintain an appropriate balance of ground floor uses. Local consultation supported a widening of the town centre boundary, to provide further development opportunities and diversity of uses, thereby encouraging daylong activity.
- 4.3 **Policy R1** is concerned with changes in the retail composition. It defines a town centre boundary (Fig 8.1) and controls the degree of change of ground floor uses by reference to frontages (Fig 8.2) and by percentages (including a marketing test). The Borough Council had concerns over its practical operation and conformity with the NPPF, notably paragraph 23. At the public hearing the two councils offered suggested amendments to the policy and the mapping. Other representations queried the conformity of the town centre boundary with the NPPF definition.
- 4.4 While the boundary in Fig 8.1 stretches the NPPF definition – an “area ... including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area” – I was satisfied that the local rationale, arising as it did from extensive consultation (and again, specifically on the boundary) could be supported.
- 4.5 To meet the requirements of the NPPF a primary shopping area is required, as opposed to a designation based on frontages. Accordingly Fig 8.2 from the August 2013 Consultation was proposed by the Town Council to be substituted at the public hearing; this was supported by the Borough Council. I agree with this suggestion and have taken it on board as part of my recommendations (though

the map needs to replace the word *Frontage* with *Area*, in the title block). And to follow this through, some drafting suggestions were also put forward to deal with controlling changes of use: using units instead of measured frontages. Subject to these modifications I consider the policy meets the Basic Conditions.

4.6 **Policy R2** deals with the economic regeneration of Madeley Town Centre.

It is an advocacy policy not a land use policy, though it seeks land use policy ends in many ways. The penultimate bullet seeks financial contributions from developments, which are not evidenced and purports to be land use policy and so should be amended. The policy does not meet the Basic Conditions but can still stand in the plan as supporting text.

4.7 **Policy R3** is concerned with offices - design and use changes. The first bullet – requiring new offices to have an active street frontage - was not supported by evidence; and seems unduly onerous for the type of use. I recommend it be deleted, to meet the Basic Conditions.

4.8 **Policy R4** is concerned with the impact of entertainment and the night-time economy. Apart from some minor clarification modifications, to secure clarity of operation, the policy meets the Basic Conditions.

4.9 **Policy R5** is concerned with local centres in the plan area. There is no evidence to vary its approach from R1; nor is there for the second bullet – to restrict changes to a very narrow range of shop use (especially given the freedoms in the Use Classes Order). I recommend deleting it. As modified it meets the Basic Conditions.

Employment

4.10 The plan supports economic prosperity and growth and seeks to support existing employers and encourage new firms to invest. The plan's preference is use (and more effective use) of existing employment land.

4.11 **Policy E1** covers development in employment areas and especially concerned with protecting the main industrial estates (the Defined Employment Areas) from inappropriate development. These are shown on the Policies Map (fig 5.1) as Existing Industrial Estate, which should be corrected to be consistent with the

policy. The southern part of the Tweeddale Industrial Estate has been removed from the designation, enabling it to be developed for housing or other uses, subject to the plan's policies.

- 4.12 The policy meets the Basic Conditions, subject to some minor drafting modifications to relate it to land use planning and development. It also needs to cross-reference Fig 8.6 (which would be better placed immediately after the relevant policy, rather than in the midst of the tourism policies).

Tourism

- 4.13 Tourism is important to the plan area and its economy and the plan supports its sustainable expansion.
- 4.14 **Policy T1** supports the sustainable expansion of tourism accommodation. This is a criteria based policy; though I consider that the last bullet is, in fact, a second limb of the policy itself. Subject to that and another minor drafting point, it meets the Basic Conditions.
- 4.15 **Policy T2** supports the sustainable expansion of tourism facilities. It is also a criteria-based policy and meets the Basic Conditions.

5 LOCAL CHARACTER

- 5.1 Although much of the plan area is the result of post-war new town development, the designated area also includes part of the Severn Gorge World Heritage Site, which extends into the core of Madeley town centre, a Conservation Area. A major concern of the consultation was the extent to which the area's historic character had been eroded.
- 5.2 Accordingly, a Historic Character Assessment had been carried out to establish local sensitivities of the place and its capacity for further development. English Heritage (EH) commended this evidence, which they considered had been carried out in an "exemplary manner".
- 5.3 There was a criticism that the wider plan area's character – molded by its legacy of new town development - had not been assessed but I do not regard this as undermining the policies in the plan.
- 5.4 The assessment's four sub-areas (shown on Fig 9.1 – which needs annotating to be useable) are then used as the basis of local character policies to guide development – an approach described by EH as "constructive conservation".
- 5.5 However, the Borough Council is concerned about the degree of prescription in the policies themselves. I accept that over-prescription is not what is intended by the NPPF. Given that the policy for each sub-area is set out as set of bullet points without an overall policy statement I have recommended a sentence in each of Policies LC1-4, to avoid this risk and to give overall effect to them: "Development in this sub-area should have regard to the following:"
- 5.6 **Policy LC1** is concerned with development principles for the Church Street sub-area. The last bullet (first sentence) needs re-wording to make it a land use development policy; while the second sentence is an advocacy policy aimed at the highway authority (and so should be in the supporting text).
- 5.7 **Policy LC2** is concerned with development principles for the Court Street/Russell Green sub-area.

- 5.8 **Policy LC3** is concerned with the High Street sub-area. The final bullet deals with parking and servicing areas; the Council was concerned that safety/security considerations were omitted. I agree and propose a suitable modification.
- 5.9 **Policy LC4** is concerned with development in the Coalport Road sub-area.
- 5.10 Subject to the modifications I propose, I consider this group of policies (LC1-4) meet the Basic Conditions.
- 5.11 **Policy LC5** is a different type of policy and argues for design briefs to be prepared and consulted on where the site is for more than 3 dwellings. There seems no particular evidence for the threshold and the sub-area policies cover the detailed requirements for development in the Conservation Area. In any event, it is essentially an advocacy policy and should be deleted; though the argument can still be made in the supporting text.
- 5.12 **Policy LC6** is concerned with local distinctiveness. Apart from the final sentence - which argues for an appraisal of the Conservation Area boundary, something that only the Borough Council can do, and so falls outside of the scope of the plan - the policy meets the Basic Conditions. I propose that the final sentence is thus deleted.

6 GETTING AROUND

- 6.1 The consultation came out strongly in favour of improving cycleway, footpath and bus routes from residential areas into Madeley town centre and the employment areas. The area was planned around car use and so the road hierarchy can make connectivity difficult.
- 6.2 The plan promotes new development close to existing facilities, in sustainable locations, while encouraging sustainable travel. Madeley is well served by bus services.
- 6.3 **Policy TR1** is concerned with enhancing accessibility and transport linkages. Apart from some minor drafting changes, to make the policy less prescriptive, it meets the Basic Conditions.
- 6.4 **Policy TR2** is concerned with development and walking, horse riding and cycling provision. Again, apart from minor drafting changes, to make the policy less prescriptive, and to improve its operation as a land use and development policy, it meets the Basic Conditions

7 MONITORING AND REVIEW OF THE PLAN

- 7.1 This is the least satisfactory section of the plan. A significant part is devoted to a commentary on planning obligations, which will quickly date and, anyway, is part of the argument for financial contributions, which has been dealt with under H1 and elsewhere; therefore paragraphs 2-7 should be re-cast.
- 7.2 The reference to the plan period (para 8) would be better sited in the Introduction. The remainder of the chapter covers the plan's commitments to monitoring and review.

8 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

8.1 From my Examination of the Madeley Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that the plan meets, subject to the modifications I am recommending, the Basic Conditions, in that:

- It has due regard to national policies and advice;
- It contributes to the achievement of sustainable development;
- It is in general conformity with the strategic policies of the development plan; and
- It does not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

8.2 I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body – the Madeley Town Council;
- The plan has been prepared for an area properly designated – the town (originally parish) council area;
- The plan specifies the period to which it has effect – to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area (if modified).

Recommendations

i. The Plan

8.3 I recommend the following modifications to the plan, in the light of my earlier comments:

Introduction:

In the fifth paragraph, 4th/5th lines - delete reference to "...and the emerging Shaping Places Local Plan."

Insert the plan period in final sub-section of the chapter.

Housing policies:

H1: Amend text at start to read:

"New residential development within the Plan area will be expected to contribute towards meeting the identified need for affordable housing. The Presumption will be that such provision would be on-site, unless any of the following criteria can be demonstrated:

- that the provision would render the development unviable, subject to submission of robust viability evidence;
- that identified needs would be more appropriately met through the provision of new housing or the refurbishment or improvement to the existing stock, resulting in broadly equivalent provision of newly available homes elsewhere.

Developers have the opportunity to....." [existing text from H1 from here onwards]

The supporting text, especially on page 33, will need editing to reflect this change.

H2: delete first sentence

Amend second sentence to read:

"Any wider investment in the provision of new housing or existing housing stock should seek to deliver the following:...."

Under point 1 -

Amend first bullet to read: "Secure" rather than "Require". Delete second bullet

Amend point 6 by adding "justified and" after "improvements that are"

H3: Replace the text with:

“Where affordable housing is to be provided the accommodation should remain permanently affordable where feasible.”

H4: delete “(as required by Telford & Wrekin Council policies)” from third line

H6: amend second line to read:” Development proposals will seek to:”

First bullet: delete “Housing will”

Third bullet: Start sentence with the word “Create...”

Eighth bullet: delete and substitute with: “The proposal provides an affordable housing contribution in accordance with Policy H1”

Final paragraph: Delete “Prior to” and substitute with “As part of...”

Delete second sentence and remainder of that paragraph.

H7: third bullet - delete and substitute with: “The proposal provides an affordable housing contribution in accordance with Policy H1”

Delete second paragraph and replace with: “Developers will have the opportunity of submitting an open viability appraisal to support the contribution proposed.”

H8: first line – Substitute “normally” for “only”

First bullet: delete “all”

Second bullet: substitute “ten” for “four”. Delete last sentence (“50% ...”).

Green Spaces and Public Spaces

GS2: Delete as a policy and place in supporting text, with amended text: Insert at beginning: “The Town Council will support, where”; and in second line substitute “to” for “will”.

Policies Map: In the Legend add “Proposed” in front of “Local Nature Reserve”.

GS3: Substitute “Other Habitats and Natural Features of Local Value” with “Habitats and Species of Principal Importance” and insert a footnote reference to the Natural Environment and Communities Act 2006, Section 41, as suggested by the Borough Council. In the second line of the first part of the policy: substitute “effect” with “impact”.

GS6: In the first line, the words “from development” should be inserted after “protected”. The second part of the policy should be deleted and moved to the supporting text.

GS7: Delete first part of the policy. Amend remaining text to: “Where appropriate, new development will....”

In (remaining) second part, amend first sentence: Delete “a proportion of the site as” and substitute with “on-site”

Local Economy

R1: Amend text as follows (as per tracked changes) –

“Within the primary shopping ~~frontage~~ area of Madeley Town Centre (as shown on the Policies Map and fig 8.1), proposals for the change of use or redevelopment of existing ground floor shops and services to non-A1 uses will be permitted where:

- No more than 50% of the total length (ground floor frontage measured in ~~metres~~ number of units (see Fig 8.2), or no more than three consecutive ground floor retail units ~~is~~ are used to accommodate non-A1 use classes;
- [delete second bullet]

- No more than 10% of the total length (ground floor frontage measured in metres number of units – see Fig 8.2) is used to accommodate A5 use class (hot food takeaway) and
- It can be shown that there is no demand for retail (A1) use through an active 6 month marketing exercise where the property has been offered for sale or letting on the open market and no reasonable offers have been refused.

Outside the ~~P~~primary shopping frontage area, the development of a variety of residential, commercial, cafes/bars/restaurants, leisure and cultural uses will be encouraged. However, there should be no significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic, disturbance, litter or hours of operation as a result of proposal”.

Figure 8.2: Replace with Fig 8.2 from the August 2013 Consultation Draft, substituting the word “Frontage” with “Area” in the legend.

R2: Delete as a policy. But it can stand as supporting text, if the penultimate bullet is amended: Delete from “contributions ...to ...practical” and substitute the word “funding”.

R3: Delete first bullet.

R4: In first line: substitute “are generally appropriate” with “will be supported”.

After second bullet, inset the word “and”. In third bullet, delete the final word “and” and use a full stop.

R5: After the first bullet, delete the word “or” and use a full stop. The second bullet should be deleted. In the second part of the policy, first line, substitute the word “activity” with “uses”.

E1: at the end of the second bullet, after “Policies Map” add “Figs 5.1 and 8.6”.

In second part of the policy, amend the first line by deleting “it is recognized that” after “Elsewhere in the plan area”. The second/third line to read “..acceptable and small scale employment opportunities will be supported”.

Third part of the policy to be amended: Delete “We will only consider” so that it reads after “B8 uses”: “will be supported on the Defined Employment Areas.”

Policies Map: In the Legend, delete “Existing Industrial Estate” and substitute with “Defined Employment Areas”.

T1: In second line delete “is” and substitute “meets”. At end of sixth bullet, close with a full stop. The final bullet should read as a second part of the policy and so the bullet point should be deleted so that it begins with a capital T.

Local Character

LC1: Insert new first line – “Development in this sub-area should have regard to the following:”

In the final bullet, first line, substitute “may” with “which”. In second line, delete “and”. The final sentence should be deleted; but can remain in the supporting text.

LC2: Insert new first line – “Development in this sub-area should have regard to the following:” In the first bullet substitute “similar” for “the same”.

LC3: Insert new first line – “Development in this sub-area should have regard to the following:” In the final bullet, second line, insert the words “and subject to safety and security considerations” after the word “possible”.

LC4: Insert new first line – “Development in this sub-area should have regard to the following:”

Figures 7.3 – 7.7: The final versions of these plans need to be inserted.

Figure 9.1: The sub-areas need to be annotated, for Policies LC1-4 to be applied clearly.

LC5: delete as a policy. The statements can remain as supporting text.

LC6: delete the final sentence (“An appraisal should ...”).

Getting Around

TR1: In the third part, fourth line, substitute the word “must” with “should”.

In the fourth part, first line, substitute the word “look” with “seek”.

TR2: The first sentence to be amended to read: “The design and layout of new development should take account of ...”. Each of the first to fourth bullets should end with a semi-colon and the word “; and”. In the third bullet, add the words “where appropriate” after “cycleways”.

ii. Referendum

I recommend that the plan, once modified, proceeds to Referendum, on the basis that I have concluded that, as modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify some policies and text to ensure the plan meets the Basic Conditions.

In recommending the plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the designated plan area.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

June 2014

Annex

It is not my role to tidy up the plan or improve its presentation or usability, apart from the few places where I have considered it necessary to make a modification. However, it may help the authorities, when they come to adopt and print the plan, to use their discretion and take on board the following suggestions:

The use of the whole document would benefit from paragraph numbering.

Some parts of the plan would benefit from more sub-headings, especially where a new policy is being introduced (in the Local Economy chapter, for example).

The table on page 19 needs a title (Eg. Table 3....).

Chapters 4 and 5 could possibly be amalgamated. In doing so, it might be helpful to set out a Vision for the plan area.

The important Policies Map (Fig 5.1) needs to be bound in to the plan and in its PDF form. It was missing from the one originally supplied to me.

Fig 8.6 should follow on from Policy E1; it is currently among the Tourism policies.

The chapter on Monitoring and Review of the Plan: I suggest that this needs an overhaul. In particular, I suggest that paragraphs 2-7 could be re-cast, to reflect the modifications to policies dealing with financial contributions; and to ensure the text is less likely to get quickly out of date.

Finally, I am not sure of the value of Appendix A (and there is no Appendix B).

TELFORD & WREKIN COUNCIL

CABINET – 16 OCTOBER 2014

CARE ACT 2014

REPORT OF DIRECTOR OF HEALTH, WELLBEING & CARE

LEAD CABINET MEMBER – CLLR ARNOLD ENGLAND

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 This report updates on progress towards implementation of Part 1 of the Care Act, which comes into force from 1 April 2015 and Part 2 from 1 April 2016. Consultation on Part 1 statutory guidance and regulations closed on 15 August.

1.2 As part of the implementation planning, modelling work is underway locally to estimate the costs associated with the additional responsibilities which are placed on us by the Act and compare against the provisional budget allocations set out by Government.

1.3 Analysis of readiness for what are the biggest changes in Adult Social Care since the National Assistance Act, 1948 created the welfare system, suggest that we are making “ moderate progress” in preparing for Care Act implementation and we are “fairly confident” that we will be in a position to deliver the Care Act reforms from April 2015. This is against a background of uncertainty that the reforms will be fully funded nationally at a time when all Councils are under significant financial pressure and the tight timescales for implementation.

1.4 The report also highlights areas that will require policy decisions to be made ahead of implementation in April 2015.

2. RECOMMENDATIONS

2.1 Members agree to delegate responsibility for agreeing new Adult Social Care Policies, resulting from the Care Act, to the Director of Health, Wellbeing & Care in consultation with the Cabinet Member for Adult Social Care.

2.2 Members note that further reports will be brought to Cabinet in the run up to Part 1 implementation of the Act in April 2015 and through 2015/16 in preparation for Part 2 implementation from April 2016.

2.3 Members support a wider briefing of all Councillors through a dedicated seminar.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>Vulnerable Children and Adults</i>
	Will the proposals impact on specific groups of people?	
	Yes	Yes Will impact on people who have needs as a result illness, frailty or disability and their family carers.
TARGET COMPLETION/DELIVERY DATE	<i>April 2015</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	There are significant financial implications for the Council associated with the Care Act. These are detailed within section 4
LEGAL ISSUES	Yes	<p>The Care Act 2014 received Royal Assent on 14 May 2014.</p> <p>The Care Bill was introduced in the House of Lords on 9th May 2013.</p> <p>Most of the clauses in Parts 1 (Care and Support) and 3 (Health) of the Bill had been published in draft form in July 2012 (as the Draft Care and Support Bill) for consultation until October 2012 and pre-legislative scrutiny.</p> <p>The Act is intended to give effect to the policies requiring primary legislation that were set out in the White Paper Caring for our future: reforming care and support (July 2012), to implement the changes put forward by the Commission on the Funding of Care and Support, chaired by Andrew Dilnot, and to meet the recommendations of the Law Commission in its report on Adult Social Care (May 2011) to consolidate and modernise existing care and support law from over a dozen Acts into a single framework. The Act also gives effect to elements of the Government's initial response to the Mid Staffordshire NHS Foundation Trust Public Inquiry that require primary legislation.</p> <p>The main issues for the Local Authority</p>

		<p>arising from the Act are set out within the body of this report.</p> <p>The Care Act comprises 129 Sections in five Parts and 8 Schedules.</p> <p>11 Factsheets were published by the Department of Health on 6 June 2014 to accompany Part 1 of the Act to provide an overview of the duties and powers that local authorities will have.</p> <p>The Act will be accompanied by relevant Statutory Instruments and Guidance.</p> <p>For Part 1 of the Act (Care and Support), these were issued for consultation on 6 June 2014 until 15 August 2014 , with a view to the final versions being published in October 2014 for implementation in 2015 - 2016</p> <p>Consultation on the funding formulae for the 2015 - 2016 implementation was launched on 31 July 2014, with a closing date of 9 October 2014</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	<i>Borough-wide impact</i>

4. INFORMATION

4.1 Background

4.1.1 The Care Act replaces various pieces of adult social care legislation dating back to the National Assistance Act, 1948 (repeals in whole or part 26 pieces of primary or secondary legislation and 14 pieces of statutory guidance). The Act fundamentally changes the law and practice relating to the provision of community care services for adults and their carers and will require major changes in the way community care services are delivered, with significant impact for service users & their carers, the workforce, workforce development, care providers, informatics, policy & procedures, public information, budget, etc.

4.1.2 Nationally and locally in respect of consultation over the Bill, there was general support for the content, recognising that it set out to implement the recommendations of the Law Commission Review of Adult Social Care Law (updating the law in line with current good practice) & the Dilnot Review of Adult Social Care funding and embed current best practice in law.

4.1.3 However there were concerns that the Bill, whilst addressing the concerns of the public about costs of care provision falling on the individual's life time savings, it did not address concerns about the growing demands on the service at a time of Government reductions in Local Government funding. In addition there were concerns expressed by Association of Directors of Adult Social Services (ADASS) and Local Government Association (LGA) that the Government's estimates of the cost of implementing the Act, underestimated the potential increased costs to LAs as a result of changes in respect of eligibility criteria for individuals and their carers (from April 2015) and funding reform (from April 2016).

4.1.4 The Government subsequently announced that new Guidance & Regulations would be released in 2 phases, Part 1 covering the clauses implemented from April 2015 and Part 2 those implemented from April 2016.

4.1.5 Part 1 covers: (for more detail see)
http://www.local.gov.uk/documents/10180/11309/L14-284+Getting+in+on+the+Act_web.pdf/edfb186d-166f-4058-a20d-5ba5e2646e6e

General Duties & Universal Services	Wellbeing; Preventing, reducing and delaying needs; Information & advice; Market shaping and commissioning; Managing provider failure and other service interruptions
First contact and identifying needs	Needs assessments and carer's assessments; Eligibility; Independent Advocacy
Charging and financial assessment	Charging for care & support; 12 week property disregard; other disregards; Choice of accommodation & additional payments; Pension reform; Deferred payments agreement;
Person centred care and support planning	Care and support plans; Personal budgets; Direct payments;
Integration and partnership working	Integration, co-operation and partnerships; The boundary with the NHS; Delayed transfers of care; Working with housing authorities and providers; Working with employment and welfare services; Transition to adult care and support; Prisons, approved premises and bail accommodation; Delegation of local authority functions
Adult Safeguarding	Adult safeguarding

Moving between areas: inter-local authority and cross border issues	Ordinary residence; Continuity of care; Cross-border placements
Other areas	Registers; The transition to the new legal framework

4.1.6 Part 2 will cover Funding Reform, including:

- Separation of accommodation (payable by all either from income or benefits) and care costs
- Cap on care costs - £72k across a person's lifetime
- Increased capital thresholds from £23,250 to £123k

4.2 Consultation process on Part 1 Regulations & Guidance

4.2.1 Draft Regulations and Guidance on Part 1 were released at the beginning of June for consultation, with a closing date of 15 August 2014, with a view to final Regulations and Guidance being issued by October 2014; thus allowing local authorities 6 months to finalise preparations for the new Act.

4.2.2 Current indications are that Draft Regulations and Guidance on Part 2 will be released in the autumn 2014.

4.2.3 In consultation with the Cabinet Member for Adult Social Care we submitted a general response to the Consultation. The main areas covered were:

- General support for the principles underpinning the legislation and guidance
- Concerns about the funding to fully support the reforms, against a background of significant existing pressures
- Tight timescales for implementation given the scale of change, workforce & training implications need to introduce new IT systems, etc.

4.3 Financial information

4.3.1 Government have made £125,000 available to every local authority during 2014/15, to use to help plan and prepare for the implementation of the Act. In addition £282,895 has been made available to the West Midlands LAs, for collective partnership working to aid implementation, administered through ADASS West Midlands.

4.3.2 Government have provisionally allocated specific monies to individual authorities for 2015/16 on the basis of additional responsibilities resulting from the implementation of the Act, in effect the "Part 1" responsibilities coming into force from April 2015. It had been estimated that T&W Council would receive

an additional £1.479m of which £559k (revenue & capital funding) is within the Better Care Fund (BCF). The current BCF plan identifies this amount as a commitment against the pooled BCF budget. The remainder of the funding £919k is subject to another consultation exercise on the formulae for distribution and the current proposals indicate that this amount is likely to reduce by between £160k and £220k. This reduction is likely to cause increased pressure on Council resources. This funding consultation closes on 9th October.

4.3.3 The funding includes indicative allocations for Assessment & Eligibility, IT, Capacity, Deferred payments, Information, Personalisation, Carers, Advice & Support, Quality, Safeguarding, Veterans and Law Reform (See Appendix 1 for detail).

4.3.4 There are additional concerns that these allocations underestimate the costs of implementing Part 1 of the Act in 2015/16. In particular that:

- The Act raises expectations at a time when existing financial pressures mean there are insufficient resources to invest in prevention and early intervention principles that underpin the Act's aim to reduce demand on more expensive, on going care
- the new national eligibility framework will be worded in such a way that more people could be eligible for support compared with the current "substantial" threshold of the existing criteria – this is not recognised in any additional funding
- placing carers on the same legal footing as the service user significantly extends the number of carers with a right to an assessment in their own right and extends the number of carers who will be eligible for services – whilst this is recognised in additional funding there are concerns that this does not equate to the numbers of carers who could come forward and expect assessment and additional support

4.3.5 We have completed some modelling work to predict the impact of Part 1 of the Care Act and compare the outcomes with the indicative maximum amount of new monies available as set out in Appendix 3. All Local Authorities have been asked to use the same modelling tools to calculate the assessments and carers' costs although we are continuing to identify errors within these national models which impact on the veracity of any results. We are currently estimating the costs being contained within the allocation of funding but we will only know the true position once we have worked under the Act for some time. Current modelling is based on unit costs but further work will need to be carried out internally to determine the actual costs that will need to be funded including the impact on staffing etc. It has been difficult to model the impact of a greater number of deferred payments being made available although we would plan to negate the impact of increased administration by recovering this cost through an administration fee and any cash flow implications through the application of an interest charge. It is clear, however, from early work that any increase is likely to leave the Council holding a significant amount of debt on it's balance sheet.

4.3.6 As yet there have been no specific announcements about funding for the Part 2 funding reform changes that are implemented from April 2016. Government indicated that they estimated the cost of these changes to be in the region of an additional £1 billion nationally. ADASS and the LGA have both indicated that they believe this figure is an underestimation, whilst no decisions have been made about the formula on which this sum of money will be distributed between local authorities.

4.3.7 In respect of Part 2 Funding Reforms we have commenced modelling work to understand how many existing self-funders will enter the system from April 2016 and qualify for local authority support given the raised capital thresholds and cap on care costs payable across an individual's life. Shropshire Partners in Care have sent out, collated and shared the findings with us of a detailed questionnaire sent to T&W providers. This has provided us with valuable information about the number of self-funders, but the actual cost post April 2016 will depend on a detailed financial assessment of each self-funder as well as the rate of entry of "unknown" new self-funders post April 2016. Plus we will need to factor in the impact of the "care cap", though payments made by self-funders only count from April 2016, so it will take some time for individuals to reach the cap, depending on the annual agreed cost of their care. A deadline of 30th September has been set for LAs to provide the results of their modelling on this element of the Act to the national Funding Reform team (LGA, ADASS, DoH). There are several different models (Surrey, Birmingham, Lincolnshire) being used currently which may lead to a wide range of costs being identified across Councils. We are awaiting the final version of the preferred Funding Reform Team Surrey model so that we can complete comparator modelling against that which we have completed using the Birmingham model.

4.3.8 There is a significant risk that any shortfall in funding for Part 2 reform will just compound the existing budget position and any shortfall in funding Part 1 reforms.

4.3.9 This will be made more complicated by the introduction for the first time of a differentiation between care costs and accommodation costs. Accommodation costs will remain the responsibility of the individual across their lifetime. We will need to agree a new procurement process that takes account of this differentiation between accommodation and care costs, whilst ensuring that individuals are aware of their responsibility for paying accommodation costs.

4.3.10 We need to flag that we expect self-funders already in the system to start approaching the local authority during 2015/16 in preparedness for April 2016. Each individual will require a full community care assessment to determine eligibility for community care services and agree their care account detail (the amount of money the Council agrees will be taken into account annually towards their life time care cap of £72k) with the Council.

4.3.11 This therefore means there will be a significant spike in assessment and financial assessment activity, probably toward the second half of 2015/16,

as well as the increased assessment, service provision, deferred payments, etc workload associated with Part 1 implementation.

4.3.12 As a Council we will need to strive to improve our efficiency in terms of assessment activity, ensuring all processes are fit for purpose and as lean as possible, with staff processing more assessments at reduced cost.

4.4 Implementation Progress

4.4.1 At a national level there is a Joint Programme Management Office tasked with co-ordinating the implementation of the Care Act, including representatives of ADASS, LGA, and Department of Health. Care Quality Commission, National Skills Council, Skills for Care, etc. Plus a Care & Support Advisory Group with a wider group of stakeholders.

4.4.2 Undoubtedly implementation is a major challenge on top of all the other pressures faced by Adult Social Care, as the service looks to manage down demand and spend to meet significant savings targets in 2014/15 and 15/16.

4.4.3 We have established a Care Act Programme Board to oversee implementation plans, meeting monthly, with a number of work streams, each led by a Service Delivery Manager as follows:

- Funding reform & Deferred Payments
- Commissioning
- Information & Advice
- Assessment & Safeguarding
- Workforce Development
- Infrastructure
- Communication & Engagement

4.4.4 The Department of Health in partnership with the LGA and ADASS have set up a series of stocktakes to inform progress on implementation and highlight concerns. The first stocktake was submitted at the end of May 2014 and reflected a relatively low level of preparedness within the Council, though this was prior to the first meeting of the Programme Board.

4.4.5 A second stocktake was submitted on the 23 of September. It asked 49 questions about:

- **Programme management and governance** – including overall state of preparedness, oversight through Council's corporate risk management system and awareness of Councillors, Senior Management Team, Adult Social Care staff and Health & Wellbeing Board
- **People** – mapping self-funders, meeting new duties for carers, preventing needs for care & support, provision of information, advice & advocacy, prisoners,
- **Money** – cost modelling, deferred payments
- **Systems** – IT & financial systems, workforce

- **Communications & Planning** – communication with key external partners, service users, carers
- **Market shaping & Commissioning** – commissioning plan, market shaping including market position statements, sustainable provision, improved wellbeing and outcomes, integration
- **Support** – general progress, risks, additional support and concerns

4.4.6 In summary our submission said we are making “ moderate progress” in preparing for Care Act implementation and we are “fairly confident” that we will be in a position to deliver the Care Act reforms from April 2015. This is against a background of uncertainty that the reforms will be fully funded nationally, at a time when all Councils are under significant financial pressure and the tight timescales for implementation.

4.4.7 We specifically highlighted the following risks:

- Uncertainty about additional demand from self-funders,
- Uncertainty about additional demand from carers,
- Managing additional assessments,
- Impact on local provider market,
- New national eligibility threshold,
- Total implementation costs for 2015/16,
- Total implementation costs for 2016/17,
- Uncertainty over key national policy decisions,
- Public expectation (including legal challenges),
- Deferred payments agreements,
- Lack of funding to commission or maintain preventative services

4.5 Policy Decisions relating to Care Act:

4.5.1 The Care Act introduces such sweeping changes in law and practice that it will require a number of policy decisions to be agreed, with little time to formulate policy and procedure for Part 1 of the Act, given the final regulations and guidance will not be released until October. In these circumstances it would be helpful for members to agree to delegate responsibility for agreeing new Adult Social Care Policies to the Director of Health, Wellbeing and Care in consultation with the Cabinet Member for Adult Social Care.

4.5.2 Whilst we are still working through the draft Guidance & Regulations it would appear that policy decisions will be required in the following areas (more work is required to develop this list over the next few months):

- **Duty for Wellbeing and Prevention** - need to agree our wellbeing and prevention offer and consider approach to charging for prevention services
- **Eligibility** – will need to adopt new eligibility framework to replace existing framework for people with needs. The minimum threshold of eligibility is

no longer in the Council's gift to set, though the Council could approve a lower threshold (suggest not).

A new eligibility framework for carers will need to be agreed in line with a new national framework for carers

- **Delegation of LA function** – allows LAs to delegate through commissioning nearly all adult social care functions, including assessment externally. The exceptions are safeguarding, charging and duties to co-operate and integrate. Whilst we already purchase most care provision externally T&W Council's strategic approach has been to retain responsibility for assessment functions. Officers would continue to recommend this approach but can see advantages of looking to externalise some functions and/or working in partnership with external bodies, for example in respect of support planning.
- **Deferred Payments** – Currently we have a Deferred Payments scheme. The Act states that we must have one, though enables LAs to charge for scheme and charge interest on loan. We will need to make policy decisions on this
- **Safeguarding Adults** – Puts on statutory footing and whilst we already have a Safeguarding Adults Board, sets out requirements. Given the importance of this we should as a Council set out our high level approach to this, particularly with respect to a T&W specific Safeguarding Adults Board (see separate paper)
- **Charging (Client & Carer contributions) related decisions** – Need to approve new Charging Policies and consider approach to charging for Prevention and Carer services
- **Fines for delayed discharge** – whilst the Care Act abolishes the Delayed Discharge Act it does enable NHS Trusts to impose fines for delayed discharges from hospital that are the responsibility of the LA and the time period now extends to include weekends. Historically there was an agreement in place with the local health system to not fine. This will need to be reviewed with the local health economy
- **Registers** – Legal duty only to keep register of people who are "sight impaired or severely sight impaired", whilst repealing requirement under Chronically Sick & Disabled Persons Act, 1973 to hold registers on all other client groups. Officers would recommend only holding a register as per our legal requirements only.
- **Adult Social Care Policies** – review of almost all existing Policies & Procedures relating to adult social care will be required and approval of revised and new P&Ps.
- **Public Information** – review of almost all existing public information relating to adult social care and approval of revised and new public information will be required

- **Budget planning for the Care Act** – Approach to budget planning for the Care act will need to be built into the budget planning rounds for 2015/16 and 16/17
- **Others** – to be identified.

4.6 Conclusion

4.6.1 This reports set out the implications of the Care Act and the implementation progress so far, state of preparedness, challenges and risks. It is envisaged that further reports will need to be brought to Cabinet in the run up to Phase 1 implementation over the next 6 months and subsequently through 2015/16 in the run up to Part 2 implementation.

4.6.2 A further report should be scheduled to come to Cabinet on 11 December, to update on implementation progress, challenges and risks, report on any significant changes once the Part 1 Regulations & Guidance are finalised and published in mid - October 2014 and identify key policy decisions required.

5. PREVIOUS MINUTES

5.1 Cabinet Report, 12 December 2013

6. BACKGROUND PAPERS

6.1 Draft Care Act Guidance & Regulations – Published June 2014

<https://www.gov.uk/government/consultations/updating-our-care-and-support-system-draft-regulations-and-guidance>

6.2 Get in on the Act – Care Act Summary produced by LGA -

http://www.local.gov.uk/documents/10180/11309/L14-284+Getting+in+on+the+Act_web.pdf/edfb186d-166f-4058-a20d-5ba5e2646e6e

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Appendix 1

Adult social care new burdens funding (£335m nationally)		Your allocation, £000s
Assessment & eligibility	<i>Funding for early assessments and reviews</i>	468
IT	<i>Capital investment funding including IT systems</i>	150
Capacity	<i>Funding for capacity building, including recruitment and training of staff</i>	65
Deferred payments	<i>Year 1 funding for the implementation of the universal deferred payment scheme</i>	355
Information	<i>Funding for a national information campaign</i>	32
Total		1,070

Care Bill implementation funding in the Better Care Fund (£135.9m nationally)		Your allocation, £000s
Personalisation	<i>Create greater incentives for employment for disabled adults in residential care</i>	0
Carers	<i>Put carers on a par with users for assessment.</i>	66
	<i>Introduce a new duty to provide support for carers</i>	143
Information advice and support	<i>Link LA information portals to national portal</i>	0
	<i>Advice and support to access and plan care, including rights to advocacy</i>	44
Quality	<i>Provider quality profiles</i>	0
Safe-guarding	<i>Implement statutory Safeguarding Adults Boards</i>	16
	<i>Set a national minimum eligibility threshold at substantial</i>	85
Assessment & eligibility	<i>Ensure councils provide continuity of care for people moving into their areas until reassessment</i>	13
	<i>Clarify responsibility for assessment and provision of social care in prisons</i>	0
Veterans	<i>Disregard of armed forces GIPs from financial assessment</i>	5
Law reform	<i>Training social care staff in the new legal framework</i>	14
	<i>Savings from staff time and reduced complaints and litigation</i>	-41
Advocacy		
Impact of DWP policies on councils/providers	<i>Independent Mental Health Advocacy</i>	
	<i>Pressures relating to pensions auto-enrolment (provider cost) and the announced 1% increase of working age benefits in 15/16 (reduced client contribution)</i>	28 36

Total	409
Grand Total	1,479

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Thursday, 16th October, 2014 at 5.00 p.m. at the AFC Telford Learning Centre, Haybridge Road, Wellington, Telford

PUBLISHED ON WEDNESDAY, 22nd OCTOBER, 2014

(DEADLINE FOR CALL-IN: MONDAY, 27th OCTOBER, 2014)

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-42 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 18 September 2014 be confirmed and signed by the Chair.

CB-43 APOLOGIES FOR ABSENCE

None

CB-44 DECLARATIONS OF INTEREST

Councillors A.R.H. England and P.R. Watling declared a personal interest in agenda item 6 – Madeley Neighbourhood Development Plan – as members of Madeley Town Council.

CB-45 FINANCIAL MONITORING 2014/15

Key Decision identified as **2014/15 Financial Monitoring** in the Notice of Key Decisions published on 15 August 2014.

Part Recommendation to Full Council in relation to decision (b) below not subject to Call-in

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the report of the Assistant Director: Finance, Audit & Information Governance, which provided Members with the latest financial monitoring information for 2014/15.

The net outturn position for the General Fund revenue budget was currently projected to be within budget. This was a significant improvement on the

position in July when a net overall overspend of £0.483m was reported. This was a reflection of the strength of the financial management being exercised by Cabinet Members and officers. Proposals for further in-year savings had had a positive impact, and there would be no complacency about the actions needed to deal with the continued budget pressures faced by the Council. KPMG, the Council's external auditors, had completed their review of the Council's statement of accounts for 2013/14, and had issued an unqualified opinion. Therefore there were no changes to the accounts that might impact on the revenue budget position. Credit was due to the Assistant Director and his team for the positive outcome of the audit of accounts.

There were a number of variations from the approved budget, including the cost of Children in Care placements (overspend of £1.2m); the cost of Adult Care and Support services (projected overspend of £6.3m relating to care packages); provision of in-house services to Adults with Learning Disabilities (overspend of £0.3m); and the cost of supporting 16-18 year olds as they leave care (overspend of £0.3m). Projected variances of over £0.100m for individual service delivery units were detailed in the report. There were benefits from active treasury management of £1.5m, £0.1m from additional dividend income from West Mercia Energy and £1.8m from the implementation of single status which was now unlikely to happen in this financial year.

The capital programme totalled £134m, which included slippage and all approvals since the budget was set. Spend was currently standing at around 19%. The report detailed a number of new approvals, along with some changes to the funding of the capital programme.

Collection levels for Council Tax, NNDR and Sales Ledger debt were all slightly behind the targets set for the year. However, it was noted that from April to August 2014, the gross liability for business rates had increased by £1.1m which reflected the success of the Council's growth agenda.

In relation to the overspend in Adult Social Care, Councillor McClements and Councillor A.R.H. England, Cabinet Member for Adult Social Care, reported on the measures that were being taken to reduce costs and re-design the way in which services were delivered. There were clear plans in place, and every aspect of the budget was being examined to find ways of providing the best service for the best value. However, due to the need to properly consult with service users etc, the impact of the measures being taken did sometimes take a bit longer to feed through.

In response to a question from Councillor W Tomlinson (Liberal Democrat/Independent Group Leader) about the equality implications of not implementing single status in the current year, the Assistant Director: Law, Democracy & People Services advised that work was continuing on single status and as roles were being re-designed through service re-structures equal pay was one of the considerations.

RESOLVED –

- (a) that it be noted that 2014/15 revenue spending is currently projected to be within budget at year end, and that Cabinet Members and the Senior Management Team are continuing to review savings opportunities so that the budget is in the best possible position by year end;
- (b) that the position in relation to capital spend and receipts be noted, and that it is **RECOMMENDED** to **COUNCIL** that the new allocations, virements and slippage detailed in Appendix 3 and the funding changes to the capital programme detailed at paragraph 6.2 of the report be approved;
- (c) that the collection rates for NNDR, council tax and sales ledger be noted.

CB-46 LAND AT STATION ROAD, NEWPORT – UPDATE AND ALTERNATIVE DEVELOPMENT

Key Decision identified as **Land at Station Road, Newport** in the Notice of Key Decisions published on 8 October 2014.

Not subject to Call-in – the Chair of the Housing, Economy & Infrastructure Scrutiny Committee has approved a request for this decision to be exempt from Call-in as any delay in implementation is likely to result in the Council incurring additional costs.

Councillor W.A.M. McClements, Cabinet Member: Finance & Enterprise, presented the joint report of the Director: Development, Business & Customer Services and Assistant Director: Law, Democracy & People Services, which sought approval to enter into agreements for the termination of the existing agreements in relation to the sale and development of the Station Road, Newport site, and to seek approval to enter into an agreement to deliver a residential-led development on the site.

The report detailed the planning and contractual history relating to the development of the site since the appointment of St Modwen Developments Ltd as the Council's Development Partner in February 2011. The conditional sale of the site to Sainsburys for the construction of a supermarket, and a joint venture development agreement with St Modwen, were agreed later in 2011. The subsequent approval of other sites in Newport for supermarket development had significantly affected the factors supporting the proposed development at Station Road. In addition, the current planning application for Station Road was facing another public inquiry after the original inquiry was halted following the death of the Planning Inspector. In the face of these changed circumstances, the parties had together reconsidered the position and had agreed, in principle, to withdraw the planning application that was currently subject to call-in by the Department for Communities & Local Government. It was therefore proposed to enter into a settlement agreement

with St Modwens and Sainsburys to terminate existing agreements and release the parties from their obligations.

The Cabinet Member reminded Members that the Council had a duty to maximise the value of its assets, and that the proposed supermarket development at Station Road would have generated a significant capital receipt which would have helped mitigate some of the effects of Government cuts on Council front line services, as well as creating many new jobs. As the Council was now unable to secure the previously anticipated land value, consideration had been given to ways in which the Council could comply with its duty to achieve best value for its assets. This work had been supported by independent external experts, and it was proposed to develop the land for use as a residential-led development. To take this forward, it was proposed that the Council enter into a development agreement with St Modwen to make use of the large amount of work that had already been undertaken to support the retail application that could be reused and updated – thus saving significant costs on a new planning application.

Councillor A Eade (Conservative Group Leader) expressed the view that the pursuit of the supermarket application was against the wishes of local people and had cost the Council a significant amount of money. He also expressed concerns that the proposed residential-led development on a green field site would again be imposed on the local community without proper consultation. There then followed a lengthy discussion regarding the past decisions that had been made for the development of the Station Road site, and when. In terms of the proposed residential-led development, the Cabinet Member advised that the pre-planning work would involve public consultation and the planning process would be subject to the usual public scrutiny.

The Chair advised that in order for Members to fully consider all the options available to them in reaching a decision, it was necessary to consider more detailed information on the proposed development agreement, settlement terms and the financial implications. These were contained in an Appendix to the report, but which the other parties involved required the Council to keep confidential in order to protect their commercial interests. It was therefore moved, seconded and

RESOLVED – that the public and press be excluded from the meeting during consideration of Appendix 2 of the report on the grounds that it may involve the disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The public and press then left the meeting room.

The Cabinet Member: Finance & Enterprise presented Appendix 2 of the report, and Members had the opportunity to ask questions about the information contained therein.

The public and press were then readmitted to the meeting room.

The Cabinet Member summarised the position regarding the land at Station Road, Newport and recommended the way forward detailed in the report as the best option for the Council to achieve best consideration for the land. It was then moved, seconded and

RESOLVED –

- (a) that the position in respect of the original plans for the site be noted, and that the new plans as contained within the report be endorsed;
- (b) that approval be given to entering into the settlement agreement and development agreement, as detailed in the exempt Appendix 2 of the report, with authority being delegated to the Assistant Director: Law, Democracy & People Services to sign the settlement agreement and the Director: Development, Business & Customer Services to sign the development agreement, both on substantially the same terms as detailed in Appendix 2 as they consider are in the best interests of the Council.

**CB-47 MADELEY NEIGHBOURHOOD DEVELOPMENT PLAN:
CONSIDERATION OF EXAMINER'S RECOMMENDATIONS
AND PROPOSED MODIFICATIONS PRIOR TO
REFERENDUM**

Key Decision identified as **Madeley Neighbourhood Development Plan: Consideration of the Examiner's Recommendations and Modifications prior to Referendum** in the Notice of Key Decisions published on 17 September 2014.

Councillor C.F. Smith, Cabinet Member: Housing, Development & Borough Towns, presented the report of the Assistant Director: Planning Specialist, which updated Members on the statutory process for the development of the Madeley Neighbourhood Development Plan (NDP) and the approvals now needed to proceed to a Referendum.

Following the submission of the Plan and supporting documents by Madeley Town Council in February 2014, the Borough had appointed an Independent Examiner, John Parmiter, to conduct the required Examination. This included a public hearing on 6 June 2014. The Examiner asked for clarification of policies H1 (housing) and R1 (retail) in terms of their conformity with local and national planning policies. The Town Council submitted modifications to address these points, and these had been accepted by the Examiner. There were a number of other relatively minor modifications being proposed by the Examiner. All the modifications were set out in the Examiner's Report, which was appended to the report. Whilst the proposed modifications were not binding, they were considered to be appropriate. Members needed to be satisfied that the Plan met certain 'basic conditions' before it could proceed to a Referendum, and both Officers and the Examiner were of the view that these conditions had been met.

Subject to approval, the NDP would proceed to a Referendum in Madeley Parish (as the Neighbourhood Plan area) to ask electors whether they want the Local Planning Authority to use the NDP to help decide planning applications. It was anticipated that the Referendum would be held in January 2015.

Consideration was given to the recommendations made by the Examiner in terms of modifications to the NDP, and to whether the NDP met the 'basic conditions'. In respect of the area in which the Referendum was to take place, Members also considered the Examiner's recommendation that this should not change, and should be the same as the designated NDP area.

RESOLVED –

- (a) that, subject to the modifications recommended by the Examiner being made, the Madeley Neighbourhood Development Plan meets the 'basic conditions' and all other legal requirements as set out in the report and appendix;**
- (b) that the required modifications be made to the Madeley Neighbourhood Development Plan, and that the Plan should then proceed to Referendum;**
- (c) that the Referendum Area should not be extended beyond the designated area to which Madeley Neighbourhood Development Plan relates;**
- (d) that authority be delegated to the Managing Director (and any other officer authorised in writing by him) to exercise all the relevant powers and duties for undertaking all necessary arrangements for the Madeley Neighbourhood Development Plan (Referendum Version) to proceed to referendum on the question of whether Telford & Wrekin Council should use the Plan to help it decide planning applications in the Neighbourhood Development Plan area.**

CB-48 CARE ACT 2014

Non-Key Decision

Councillor A.R.H. England, Cabinet Member: Adult Social Care, presented the report of the Director of Health, Wellbeing & Care which provided an update on progress towards implementation of Part 1 of the Care Act which came into force on 1 April 2015, with Part 2 from 1 April 2016.

The Care Act replaced various pieces of adult social care legislation, and would fundamentally change the law and practice relating to the provision of community care services for adults and their carers. It would require major changes in the way that community care services were delivered. Whilst the Act addressed concerns of the public about the costs of care provision falling

on an individual's life savings, there was concern that the Government had under-estimated the costs to local authorities of implementing the Act.

Government had made money available to each local authority to help plan and prepare for the implementation of the Act, with a further sum of money available for collective partnership working. Some initial modelling work had been completed to predict the impact of Part 1 of the Act and to compare the outcomes with the indicative amount of new monies that the Council would receive from Government. Analysis suggested that the Council was making "moderate progress" in preparing for implementation and that it was "fairly confident" it would be in a position to deliver the reforms from April 2015. The arrangements that had been set up locally to prepare for and implement Part 1 were detailed in the report.

As yet there had been no specific announcements about funding for the Part 2 funding reform changes to be implemented from April 2016 or how the money would be distributed between local authorities. Some modelling work had been done to gauge the impact of existing self-funders who, from April 2016, would qualify for local authority support, but this was complicated by a number of "unknowns" and assumptions. There was a significant risk that any shortfall in funding for Part 2 reform would compound the existing budget position and any shortfall in funding the Part 1 reforms.

The final Part 1 Guidance and Regulations were still awaited from Government, but there would be a need for decisions to be taken on a number of Council adult social care policies in order to ensure that they were compliant with the new Care Act.

Members expressed concern at the potential complexity of the new arrangements for funding care provision, and the implications for the Council if the additional costs were not fully funded by central Government.

RESOLVED –

- (a) that authority be delegated to the Director of Health, Wellbeing & Care, in consultation with the Cabinet Member: Adult Social Care, to agree new Adult Social Care policies resulting from the Care Act ;**
- (b) that it be noted that further reports will be brought to Cabinet in the run up to implementation of Part 1 of the Act in April 2015, and through 2015/16 in preparation for Part 2 implementation in April 2016;**
- (c) that a wider briefing of all Councillors be arranged through a dedicated seminar.**

The meeting ended at 6.09 pm.

Signed for the purposes of the Decision Notices

Jonathan Eatough
Assistant Director: Law, Democracy & People Services
Date: 22 October 2014

Signed:

Date: