

BOROUGH OF TELFORD & WREKIN

Minutes of a meeting of the Borough of Telford & Wrekin held on Thursday, 4 March, 2010 at 6.30 p.m. at the Civic Offices, Telford.

PRESENT:

Councillors I.T.W. Fletcher (Speaker), G. Ashcroft, R.K. Austin, R. Aveley, S. Bentley, K.T. Blundell (Mayor), S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, E.A. Clare, J.A. Dixon, N.A. Dugmore, A.J. Eade (Leader), V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, R.E. Groom, Y.C. Hicks, P.A.E. Homer, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, A.A. Meredith, C.P.R. Mollett, R.A. Overton, H. Rhodes, K.S. Sahota, J.M. Seymour, C.F. Smith, M.J. Smith, A.J. Stanton, E.M. Swift, K.L. Tomlinson, W.L. Tomlinson, H.J. Unwin, V. Tonks, R.M. Tyler, D.R.W. White, A.G.P. Williams, H.J. Williams and D.G. Wright

84. NEW COUNCILLORS

The Speaker noted that, following the recent by-elections, the Council had two new Borough councillors. He welcomed Councillors H.J. Unwin (The Nedge) and D.R. Chaplin (College) to their first Full Council meeting.

85. PRAYERS

The Reverend Kevin Smith, Vicar for Wombridge Parish, led Members in prayer.

86. MINUTES OF THE COUNCIL

RESOLVED – that the minutes of the meeting of the Borough Council held on 28 January 2010, be confirmed and signed by the Speaker.

87. APOLOGIES FOR ABSENCE

Councillors D.G. Allen, D.W.D. Ashley and J.C. Minor.

88. DECLARATIONS OF INTEREST

Councillors K.T. Blundell, N.A. Dugmore, J.A. Francis, M.B. Hosken, H. Rhodes, J.M. Seymour and A.G.P. Williams declared a personal and prejudicial interest in agenda item 9 (ii), Cabinet recommendation 2009/10 Financial Monitoring.

Councillor V.A. Fletcher declared a personal interest in agenda item 11, Service & Financial Planning 2010/11-2012/13.

Councillor S.P. Burrell declared a personal and prejudicial interest in agenda item 14, the motion on the Personal Care at Home Bill.

89. ANNOUNCEMENTS

(a) Mayoral Engagements

The Mayor briefly updated Members on her recent engagements. She highlighted her attendance at a Valentine's evening at the Officer's Mess, Donnington. The Mayor thanked fellow Councillors who had supported this event. The Mayor also highlighted her attendance at the grand re-opening of Leegomery Methodist Church as well as the opening of The Maws Craft Centre at Jackfield. She told Members that she had been highly impressed by the creativity of the craftspeople at the Centre. Members noted the engagements undertaken by the Mayor or the Deputy Mayor between 20th January 2010 and 20th February 2010.

90. REPORT OF LEADER

The Leader told Members that the budget report, later on the agenda, was the main item for discussion and he had no separate issues to report.

91. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL

Members received the report on the Cabinet decisions made since the last meeting of the Council on 28 January, 2010.

Councillor E.J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, drew Members' attention to the Partnership Local Investment Plan for Housing and Housing-Led Regeneration 2010-13, which had been determined by Cabinet in late January. He told Members that the Local Investment Plan established the commitment of the Council and of HCA to a series of local strategic investment priorities for housing and housing-led regeneration for the next 3 years. The plan also set a framework for the Council and its partners to work together over the long term to use the investment of public and private sector funds, land and expertise to stimulate provision of new housing and support regeneration, meet local housing needs and improve existing stock.

92. RECOMMENDATIONS FROM CABINET

Central Telford Area Action Plan

Councillor S. Bentley, Cabinet Member: Active Lifestyles presented the Central Telford Area Action Plan, with proposed amendments in order that the amendments could be consulted upon and submitted to the Planning Inspectorate as proposed changes to the Central Telford Area Action Plan.

RESOLVED - that approval be given for the amendments to the Central Telford Area Action Plan, attached at Appendix 1 of the report, in order that the amendments and supporting sustainability proposal at Appendix 2 can be published, subject to consultation and, along with

representations received, be submitted to the Secretary of State for public examination.

(Councillors K.T. Blundell, N.A. Dugmore, J.A. Francis, M.B. Hosken, H. Rhodes, J.M. Seymour and A.G.P. Williams left the room for the following item of business in line with their declarations of interest.)

93. 2009/10 FINANCIAL MONITORING

Councillor S.M. Kelly, Cabinet Member: Efficient Community Focussed Council presented the report of the Head of Finance. The report sought approval for new capital allocations, slippage and virements. The report showed overall revenue spending projected within approved budgets and provided an update on progress on capital programme spending. The report also highlighted a number of virements, capital allocation and slippage which required Council approval.

RESOLVED – that the new capital allocations, slippage and virements detailed at section 5.1 of the report be approved

94. POLITICAL BALANCE

Councillor A.J. Eade, Leader of the Council, presented the report of the Head of Governance. The report informed Members of changes in political balance and the resulting change in the allocation of seats following the by-elections in the College and The Nedge wards.

A number of Members paid tribute to the valued contribution of Councillor W.L. Tomlinson as a member of the Audit Committee.

RESOLVED:

- a) **That the change to the Council's political balance be noted;**
- b) **That the reduction in the Licensing Committee to 14 members be approved;**
- c) **That the change in the allocation of seats on the Licensing Committee and the Audit Committee be approved.**

95. COUNCIL BUDGET 2010/11

(A) Service & Financial Planning 2010/11 – 2012/13 – Overview & Revenue Budget

Councillor S.M. Kelly, Cabinet Member: Efficient Community Focussed Council, presented the report of the Chief Executive and the Chief Finance Officer which sought approval of a Service & Financial Planning strategy (Appendix G1) for the period 2010/11 – 2012/13, including specific budget proposals, as recommended by Cabinet at its meeting on 23rd February, 2010. The report, together with those covering the Capital Programme

(Appendix G2), the Treasury Management Strategy (Appendix G3), and the Prudential Indicators (Appendix G4) formed the overall Medium Term Service & Financial Planning framework for the Council and proposed the service priorities and budget for 2010/11. It also outlined the wide range of challenges facing the area, particularly from a potential significant reduction in real terms in the level of government grant from 2011/12 onwards.

In summary, the final proposals for the 2010/11 budget and a strategy for the three year period up to March 2013 were as follows:

- Confirmation of the proposed investment programme for 2010/11 supplemented by additional investments in Telford Town Centre, Civic Offices, Telford Town Park, housing, Sutton Hill and Hadley local centres and the tennis centre.
- A general savings package of £4.726m for 2010/11 plus a further £0.5m in Education services and target of at least £5m for the 2011/12 and 2012/13 years
- Use of £0.98m balances to support the ongoing net budget in 2010/11
- A council tax increase of 1.9% for 2010/11 with a commitment that the increase for future years in this planning period will be at, or below, this level - subject to the impact of the new 3 year grant settlement due for 2011/12 .

The summary below reflects the 2010/11 proposals, the impact of the changes summarised above since the 8th December Cabinet report and the projected budget gap for future years based on the central case scenario for government grant cuts set out in the 8th December report of a 5% real terms (3% cash – if inflation is 2%) grant cut in 2011/12 and an additional 5% cut in year 3.

| | 2010/11 | 2011/12 | 2012/13 |
|--|--------------|---------------|---------------|
| | £m | £m | £m |
| Base funding requirement set out in 8th December Cabinet requirement | 2.010 | 9.080 | 16.640 |
| Change to treasury management base | 0.018 | 0.068 | 0.068 |
| Revenue impact of additional investment proposals | 0.121 | 0.580 | 1.670 |
| National insurance increases | | 0.520 | 0.520 |
| Additional savings identified | (0.139) | (0.139) | (0.139) |
| | | | |
| Updated funding requirement | 2.010 | 10.109 | 18.759 |
| Council tax increase of 1.9% in 2010/11 | (1.030) | (1.030) | (1.030) |
| Use of Balances in 2010/11 | (0.980) | | |
| Funding Package to be met from further savings measures, council tax increases and use of balances. | 0 | 9.079 | 17.729 |

If Council tax increases in 2011/12 and 2012/13 were at broadly the same level as that proposed for 2010/11 and if the use of balances is capped at £1m for both years, additional savings of around £7m will be needed during 2011/12 and a further £7.5m in 2012/13 on this central case. Two alternative scenarios showing indicative levels of cumulative savings required are set out below:-

| Sensitivity analysis – potential level of future savings required assuming council tax increase and use of balances broadly in line with 2010/11 | 2011/12 £m | 2012/13 £m |
|--|-----------------------|-----------------------|
| Scenario a – our central case of 5% real terms (3% cash – if inflation is 2%) grant cut in 2011/12 and an additional 5% in year 3. | 7.0 | 14.7 |
| Scenario b – less harsh public spending cuts to protect slow recovery from recession: 3% real terms (1% cash – if inflation is 2%) grant cut in 2011/12 and an additional 3% in year 3. | 5.0 | 10.7 |
| Scenario c – harsher cutbacks to sustain UK financial credibility by addressing ballooning public funding deficit of 7% real terms (5% cash – if inflation is 2%) grant cut in 2011/12 and an additional 7% in year 3. | 9.0 | 18.7 |

The Cabinet Member: Efficient Community Focussed Council presented the joint report of the Chief Finance Officer and the Heads of Finance, Property & Design and the Assistant Chief Executive, the 2010/11-2012/13 Capital Strategy and Capital Programme, including the proposed Asset Management Plan and related Building Maintenance Programme, for approval (Appendix G2).

The Cabinet Member: Efficient Community Focussed Council, presented the joint report of the Chief Finance Officer and the Head of Finance, which provided an update on the 2009/10 Treasury Management activities and sought approval for the Treasury Management Strategy, including borrowing limits and prudential indicators, Minimum Revenue Provision Policy and Annual Investment Strategies for 2010/11 (Appendix G3).

The Cabinet Member: Efficient Community Focussed Council also presented the joint report of the Chief Finance Officer and the Head of Finance which requested approval of the Prudential Indicators for 2010/11 to 2012/2013, as required under the Prudential Code of Capital Finance in Local Authorities (Appendix G4).

The Cabinet Member told Members that the budget strategy had been the subject of wide ranging consultation and had received widespread community support. He pointed out that the proposed Capital Programme demonstrated a commitment to improve the infrastructure of the Borough. He recommended

the budget to Members, highlighting the low level of Council Tax increase, the focus on value for money efficiencies and the prioritisation of front line services.

Councillor R.K. Austin told Members that he supported the level of Council Tax increase but would not support the Capital Programme. Councillor W.L. Tomlinson told Members that he had reservations about the Capital Programme. In particular, he was concerned that the spending plans and the uncertainty over reductions in future government funding would put a strain on the Revenue budget. A number of Members welcomed the budget proposals. Councillor E.J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, told Members that the budget contained ambitious plans for capital expenditure that were based on prudent borrowing and would deliver improvement for the people of the Borough. Councillor A.J. Eade, Leader of the Council, described the budget as an investment in the future of the Borough.

Following a robust debate, the recommendations were voted upon and it was:

RESOLVED –

Service & Financial Planning 2010/11 – 2012/13 – Overview & Revenue Budget

- a) **The Base Budget summarised by Service Delivery Unit in Appendix 1 be approved;**
- b) **That new 2010/11 revenue investment in to services for Children & Families of £1.9m and in to Adult Social Services of £1.675m be approved;**
- c) **The creation of a contingency of £0.5m to cover further potential social services pressures be approved;**
- d) **The Investment Programme for 2010/11 and its funding outlined in Appendix 3 be approved and that the Investment Programme for future years be noted;**
- e) **The 2010/11 Savings Package of £4.726m in Appendix 4 plus £0.5m in Education services with an outline target of at least £5m additional savings in both 2011/12 and 2012/13; and associated costs of £0.400m relating to the implementation of the service reviews be approved;**
- f) **The Education budget strategy in paragraph 5.7 of the report be approved;**
- g) **The use of £0.98m balances to support the ongoing revenue budget plus the associated policy for Reserves and Balances in appendix 5 be approved;**
- h) **The Statement of the Chief Finance Officer in paragraph 5.8.2 (supported by appendix 5 outlining the Robustness of Budget Estimates and Adequacy of Reserves) be approved;**

- i) The policy framework for Reserves outlined in appendix 5C be approved;
- j) Council Tax increase of 1.9% - equivalent to 31p per week on the average bill for this Council's services be approved. Future increases will also be held at, or below, this level for the 3 year planning period, subject to the impact of the next 3 year grant settlement starting in 2011/12.

Service & Financial Planning 2010/11-2012/13: Capital Programme

- k) That the report (Appendix G2) and associated capital estimates which incorporates the Capital Strategy, the Capital Programme (Annex II), the Planned Building Maintenance Programme (Annex III), and the Asset Management Plan (Annex IV) be approved.

Treasury Management Strategy and Update

- l) That the Treasury Management, Minimum Revenue Provision and Investment Strategies for 2010/11 as outlined in report G3 be approved;

That the revised CIPFA Treasury Management Code of Practice 2009 and Revised Treasury Management Statement (Appendix 7) be adopted.

Prudential Indicators

- m) That the Prudential Indicators outlined in report G4 and recommended by Cabinet on 23rd February 2010, be approved as part of the setting of the budget for 2010/11.

(B) Council Tax – Formal Resolution for 2010/11

The Council Tax base had been determined at the Council meeting held on 28th January 2010 and, following approval of the Council's General and Special Fund budgets for 2010/11 the Cabinet Member: Efficient Community Focussed Council, moved approval of the appropriate resolutions (Appendix G5) to formally set Council Tax levels throughout the area for the spending requirements of Telford & Wrekin Council, the West Mercia Police Authority, Shropshire and Wrekin Fire Authority, and the Parish and Town Councils.

RESOLVED:

- 1) That it be noted that at its meeting on 28th January 2010 the Council calculated the following amounts for the year 2010/11 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992 (The Act):-

(a) 50,604.2 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (The Regulations), as its Council Tax base for the year (The Council Tax Base).

(b) Part of the Council's Area Tax Base

The Parish of:-

| | |
|-------------------------------|-----------------|
| Chetwynd | 241.2 |
| Chetwynd Aston & Woodcote | 165.9 |
| Church Aston | 494.1 |
| Dawley Hamlets | 2,043.1 |
| Edgmond | 548.8 |
| Ercall Magna | 617.3 |
| The Gorge | 1,113.8 |
| Great Dawley | 3,187.7 |
| Hadley & Leegomery | 4,066.3 |
| Hollinswood & Randlay | 1,562.0 |
| Ketley | 1,135.7 |
| Kynnersley | 74.8 |
| Lawley & Overdale | 2,017.2 |
| Lilleshall & Donnington | 4,385.8 |
| Little Wenlock | 234.5 |
| Madeley | 4,852.2 |
| Newport | 3,706.7 |
| Oakengates | 2,492.8 |
| Preston | 96.0 |
| Rodington | 346.9 |
| St. Georges & Priorslee | 3,848.0 |
| Stirchley & Brookside | 2,728.7 |
| Tibberton & Cherrington | 275.7 |
| Waters Upton | 391.3 |
| Wellington | 6,891.8 |
| Wrockwardine | 1,456.6 |
| Wrockwardine Wood & Trench | 1,592.4 |
| | 50,567.3 |

being the amounts calculated by the Council in accordance with Regulation 6 of The Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.

2) That the following amounts be now calculated by the Council for the year 2010/11 in accordance with Sections 32 to 36 of The Act:-

- (a) £420,946,168 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- (b) £291,890,830 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- (c) £129,055,338 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- (d) £70,536,833 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax Surplus) and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Collection Fund (Community Charges) directions made under Section 98(4) of the Local Government Finance Act 1988 made on 7 February 1994 (Community Charge Surplus), the Collection Fund (Adjustment for Previous Years) (England) Directions 2000 and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2010.
- (e) £1,156.40 being the amount at (c) above less the amount at (d) above, all divided by the Council Tax base, as the basic amount of its Council Tax for the year.
- (f) £3,743,488 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (g) £1,082.42 being the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (calculated by deducting from the amount at (e) above, the quotient of the amount at (f) above divided by the Council Tax Base). The only area that this relates to is the Parish of Eyton.

(h) Part of the Council's £
Area

The Parish of:

| | |
|----------------------------|----------|
| Chetwynd | 1,088.63 |
| Chetwynd Aston & Woodcote | 1,093.27 |
| Church Aston | 1,112.77 |
| Dawley Hamlets | 1,119.46 |
| Edgmond | 1,104.94 |
| Ercall Magna | 1,129.87 |
| The Gorge | 1,163.05 |
| Great Dawley | 1,188.55 |
| Hadley & Leegomery | 1,143.76 |
| Hollinswood & Randlay | 1,205.47 |
| Ketley | 1,153.74 |
| Kynnersley | 1,098.46 |
| Lawley & Overdale | 1,156.51 |
| Lilleshall & Donnington | 1,125.05 |
| Little Wenlock | 1,129.32 |
| Madeley | 1,181.05 |
| Newport | 1,192.79 |
| Oakengates | 1,171.45 |
| Preston | 1,086.06 |
| Rodington | 1,109.20 |
| St. Georges & Priorslee | 1,121.51 |
| Stirchley & Brookside | 1,212.59 |
| Tibberton & Cherrington | 1,093.30 |
| Waters Upton | 1,114.62 |
| Wellington | 1,156.73 |
| Wrockwardine | 1,113.31 |
| Wrockwardine Wood & Trench | 1,151.69 |

being the amounts given by adding to the amount at (g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

- (i) The amounts in Appendix 1 of the report being the amounts given by multiplying the amounts at g) and h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- 3) The West Mercia Police Authority's precept for 2010/11 was set at its meeting on 16 February 2010. The following amounts were stated in precepts issued to the Council, in accordance with

Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

| <u>Valuation Band</u> | <u>Amount £</u> |
|---------------------------|---------------------|
| A | 119.15 |
| B | 139.01 |
| C | 158.86 |
| D | 178.72 |
| E | 218.44 |
| F | 258.15 |
| G | 297.87 |
| H | 357.44 |

- 4) The Shropshire & Wrekin Fire and Rescue Authority's precept for 2010/11 was set at its meeting on 10 February 2010. The following amounts were stated in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

| <u>Valuation Band</u> | <u>Amount £</u> |
|---------------------------|---------------------|
| A | 55.87 |
| B | 65.19 |
| C | 74.50 |
| D | 83.81 |
| E | 102.43 |
| F | 121.06 |
| G | 139.68 |
| H | 167.62 |

- 5) That, having calculated the aggregate in each case of the amounts at (i) and 3 and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, hereby sets the amounts in Appendix 2 of the report as the amounts of council tax for the year 2010/11 for each of the categories of dwellings shown.

96. **MINUTES OF BOARDS AND COMMITTEES**

Council noted the resolved minutes of the Plans Board for 6 and 27 January and 17 February 2010, of the Licensing Committee of 25 January, 2010 and of the Scrutiny Leadership Board of 14 January and 4 February 2010.

97. QUESTIONS

The following Questions were asked in accordance with Council Procedure Rule 10:

- a) Councillor R.K. Austin had submitted the following question:

“Can the Leader give Council an indication of the detailed role and function for Cabinet Members and Cabinet Assistants within the revised Council structure?”

Councillor A.J. Eade, Leader of the Council, responded:

“Details will be made available shortly as the One Council restructure develops”

- b) Councillor R. A. Overton had submitted the following question:

“Further to the Labour group's request for information on the list of potential Council office sites at the Opposition group briefing on 21st January, could the Cabinet Member for Housing, Regeneration & Prosperity please inform Council of why there has been a delay in providing this information?”

Councillor E. J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, responded:

“This will be discussed at Scrutiny Leadership Board on 25 March; this issue was referred to Scrutiny, as agreed at the Call-In meeting on 4 February.”

Councillor R.A. Overton asked a further question:

“Does this delay mean there is a problem putting these sites down on paper?”

Councillor E. J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, responded:

“No. The details will go to the Scrutiny Leadership Board meeting.”

98. NOTICES OF MOTION

- (a) Councillor J.M. Seymour had submitted the following motion:

‘This Council notes the Government’s proposals in the Personal Care at Home Bill to offer free care at home to people with the highest needs. While this Council welcomes the general principle of enabling people to stay in their own homes for as long as possible, this Council

is appalled that the Government is proposing to fund only a limited part of the costs and leave the rest to local authorities.'

The motion was seconded by Councillor R.G. Chaplin.
Councillor S.P. Burrell left the room for this item of business.

Councillor J.M. Seymour told Members that she supported the principle of providing care to allow people to stay in their own homes. However, she felt that the legislation had been hastily conceived and that the government would not provide adequate funding, leaving the Council to fund any shortfall. Following a debate it was:

RESOLVED – that the motion be approved

The meeting ended at 8.40 p.m.

Speaker:

Date:

MAYORAL ENGAGEMENTS
24^h FEBRUARY 2010 – 21st APRIL 2010

| | | | |
|------------------------|------------------------|--|---|
| February | 25th | M | Attended Operation Midland Soldier, MOD Stafford |
| | 26th | M | Attended the Mayor of Shrewsbury's Charity Ball at Albright Hussey Hotel, Shrewsbury |
| | | DM | Attended the Best of the West Awards, Barber Institute of Fine Art, Birmingham |
| March | 5th | M | Attended Newdale Community Campus School Assembly, Marlborough Way, Newdale |
| | 6th | M | Attended the Young Enterprise Trade Fair, Telford Shopping Centre |
| | 7th | M | Mayor Attended Lilleshall & Donnington Parish Council Civic Service at St John's Church, Muxton |
| | | M | Attended Sunday Lunch at Telford hotel & Golf Resort, Telford |
| | 11th | M | Attended the Re-cycling Assembly at St Marys Catholic Primary School, Madeley |
| | | M | Attended the West Midlands Ambulance Service Award Ceremony at The Cophorne Hotel, Brierly Hill |
| | 12th | M | Attended the Telford Mind Wellbeing Launch at Severn Walk, Sutton Hill |
| | | M | Attended the Swingin the Blues Charity Event at Himley Hall Dudley |
| 13th | M | Opened The Smile Works Ltd Dentist, Queen Street, Wellington | |
| | M | Attended Wellington Town Council Civic Dinner and Dance at Buckatree Hall Hotel | |
| 17th | M | Attended the St Patrick's Day Breakfast at the Mayoral Suite, Wolverhampton City Council | |

- M** Attended the Royal Navy Presentation at The Park Inn, Telford
- 19th** **M** Opened the Army Recruitment Clinic in Telford Town Centre
- M** Attended the South Staffordshire Council Civic Dinner at The Moat House, Acton Trussell
- 20th** **M** Attended the Shrewsbury & Newport Canals Trust AGM and Open Day at Wappenshall Wharf
- M** Attended the Black African Gospel and Songs Evening at Bethel United Church, Tan Bank, Wellington
- 22nd** **M** Attended a Tour of Wightwick Manor, Wolverhampton
- 28th** **M** Attended Sunday Lunch with the St John's Lodge at The Wroxeter Hotel, Nr Shrewsbury
- 31st** **M** Attended the New Art Collective Second Wave 2010 at The Place, Oakengates
- April**
- 1st** **M** Attended the Sporting Champions Celebration Evening at The Place, Oakengates
- 3rd** **M** Attended the Light Infantry Rifles Association Telford Branch Dinner at The Wroxeter Hotel, Wroxeter, Nr Shrewsbury
- 7th** **M** Attended a Photo Call at Hadley Park Hotel
- 9th** **M** Attended Telford's Talent 2010 at The Place, Oakengates
- 10th** **M** Attended Oakengates Chamber of Commerce Trade Event in Market Street, Oakengates
- M** Attended the Newport Civic Ball at Lilleshall Hall National Sports Centre
- 15th** **M** Attended a Photo Shoot for the St Georges Day Event

- 16th** **M** Attended the Official Opening of Asda Living,
at Wrekin Retail Park, Wellington
- M** Attended Oswestry Town Council Civic
Dinner at The Walls, Welsh Walls, Oswestry
- 18th** **M** Attended the Royal British Legion Jackfield
Branch Annual Parade and Church Service
at St Mary's Church, Jackfield

TELFORD & WREKIN COUNCIL

COUNCIL – 29 APRIL, 2010

REPORT OF CABINET – FOR INFORMATION ONLY

MATTERS DETERMINED BY THE CABINET

1.0 INTRODUCTION

This report provides sets out those matters determined by the Cabinet at its meetings on 9 and 23 March and 13 April, 2010.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

2.1 9 March, 2010

- 2.1.1 A Cultural Strategy for Telford & Wrekin and Shropshire 2009 - 2014
- 2.1.2 Local Area Agreement 2 Refresh 2010
- 2.1.3 Leisure Services Options Appraisal and Service Review (exempt)

2.2 23 March, 2010

- 2.2.1 Review of Scrutiny Arrangements at Telford & Wrekin
- 2.2.2 Scrutiny Review – Bus Services
- 2.2.3 Transport Change Programme: Bus Subsidy Policy
- 2.2.4 Refocusing the role of Locality Working – Supporting Delivery of Our Priorities
- 2.2.5 Council Tax Discretionary Discount and Non-Domestic Rates Discretionary Rate Relief
- 2.2.6 St. Luke's Catholic Primary School – Pinewood Avenue Playing Field
- 2.2.7 Make A Difference Suggestion Scheme
- 2.2.8 Borough Towns Initiative: Sports and Learning Communities – Final Business Case and Award of Design & Build Contract for Abraham Darby Sports & Learning Community (exempt)
- 2.2.9 Transport Change Programme - Travel Link Business Case (exempt)
- 2.2.10 Management of Markets in Telford & Wrekin (exempt)

2.3 13 April, 2010

- 2.3.1 Highways & Transport Capital Programme 2010/11
- 2.3.2 Future Provision of Household Food Waste Collections

4.0 DELEGATION OF POWERS GRANTED BY THE CABINET

| REPORT HEADING | DELEGATION GRANTED TO | DETAIL OF DELEGATION GRANTED |
|--|---|---|
| Local Area Agreement 2 Refresh 2010 | Assistant Chief Executive following consultation with the relevant Cabinet Member; | NI152 working age people on out of work benefits: <ul style="list-style-type: none"> ○ to agree the final target |
| Leisure Services Options Appraisal and Service Review | Head of Service following consultation with the Cabinet Member: Active Lifestyles for approval or otherwise | That a review of fees, charges and concessions be undertaken with options presented. |
| St Luke's Catholic Primary School – Pinewood Avenue Playing Field | Head of Property & Design | (i) to apply for planning permission for the installation of fencing around the junior pitch located on the playing field at Pinewood Avenue, Trench; (b) to make an application for voluntary registration of the land shown hatched on the plan at Appendix A of the report as a village green. |
| Borough Towns Initiative Sports & Learning Community – Final Business Case and Award of Contracts Relating to the Building Schools for the Future Programme and Abraham Darby Sports & Learning Community | Corporate Director: Children & Young People, in consultation with the Cabinet Member for Children & Young People Head of Property & Design Head of Governance | That, subject to approval of the FBC by Partnership for Schools, be authorised to award the batched Design & Build contract and the single school Design & Build contract, and to enter into all related contract documents; To procure 9 Ironbridge Road, Madeley to allow improved access to the Abraham Darby Sports & Learning Community To agree and execute all necessary documentation, including affixing of the common seal of the Council in contractual documentation as is appropriate under article 14.06 of the Constitution. |
| Highways and Transport Capital Programme 2010/11 | Head Planning & Transport following consultation with the Cabinet Member: Environment | For agreeing any variations or changes to schemes in the capital programme, that remain within overall approved budget limits, |

| REPORT HEADING | DELEGATION GRANTED TO | DETAIL OF DELEGATION GRANTED |
|--|--|--|
| Future Provision of Household Waste Collections | Head of Planning & Transport, following consultation with the Cabinet Member for Environment and Rural Area | <p>Agree to waive the requirement to obtain 4 written tenders for the provision of a food waste collection scheme trial and authorise the to commission TWS, following negotiation, to implement the trial as described in this report;</p> <p>To identify a suitable trial area and to agree the area;</p> <p>Request officers to identify a preferred treatment facility for the disposal of collected waste and to make a decision over the facility to be used</p> |
| LEGAL COMMENT FINANCIAL COMMENT LINKS WITH CORPORATE PRIORITIES RISKS AND OPPORTUNITIES ENVIRONMENTAL IMPACT EQUALITY & DIVERSITY WARD IMPLICATIONS | As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council | |

TELFORD & WREKIN COUNCIL

COUNCIL – 29TH APRIL, 2010

REVISION OF COUNCIL CONSTITUTION

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 To request the Committee to agree the proposed changes to the Constitution, as set out in the report, and recommend their approval to full Council.

2.0 RECOMMENDATIONS

That the Committee recommend to Council:

- 2.1 **The changes to Article 12 of the Constitution as shown in Annex A of the report;**
- 2.2 **The changes to Part 4 – Rules of Procedure – Section 6 Financial Regulations within the Constitution as shown in Annex B of the report;**
- 2.3 **The deletion of Part 7 – Management Structure, as shown in Annex C of the report, from the Constitution;**
- 2.4 **The changes to the Terms of Reference of the Audit Committee as set out in Annex D of the report;**
- 2.5 **The changes to the Terms of Reference of the Appeals Committee as set out in paragraph 8.2 of the report;**

3.0 SUMMARY

- 3.1 The main changes to Article 12 are required to incorporate recent legislation in respect of the requirement for local authorities to have designated a Director of Children’s Services, a Director of Adult Social Care and a Scrutiny Officer. They have also been revised to reflect the new organisational structure.
- 3.2 The changes to Part 4 – Rules of Procedure Section 6 – Financial Regulations, and Part 7 – Management Structure are required to reflect the revised organisational structures/responsibilities and to ensure continued good governance. A more comprehensive review and update will take place during 2010/11 to accommodate any further organisational changes and the desire to further simplify and clarify the

Constitution. These changes will be developed to be implemented for the new Council in May 2011.

3.3 The changes to the Terms of Reference of the Audit Committee are to include the requirement for the Committee to monitor the Treasury Management arrangements in addition to their review.

3.4 The changes to the Terms of Reference of the Appeals Committee are for clarification and to make it less ambiguous in terms of other types of potential appeal.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute Nos. CCC-04 & 05)

Council – 30 September, 2009 (Minute No. 44)

Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)

Council – 28 January, 2010 (Minute No. 79)

5.0 ARTICLE 12 – OFFICERS

As shown in Appendix A of the report, the following paragraphs require amendment:

Explanatory Comment

12.01(a)(b)(c) – Management Structure

Delete the words 'The statutory posts referred to above will have the functions described in paragraph 12.02-1204 below.

Insert new 12.05 – 12.07

6.0 PART 4 – RULES OF PROCEDURE - FINANCIAL REGULATIONS

As shown in Appendix B of the report, the following paragraphs require amendment:

Section 1 - Status of Financial Regulations

Section 2 - Responsibilities

Section 4 – Accounting Systems, Financial Records and Returns

Section 5 - Financial Management and Control – Revenue

Section 6 – Financial Management – Capital

Section 7 – Taxation and Leasing

Section 8 – Controlled Stationery and Authorised Signatories

Section 9 – Internal Audit

Section 10 – Public Accountability – Responsibilities

Section 11 – Purchasing Arrangements

Section 12 – Schemes Financed Partly or Wholly by External Funding

Section 13 – Orders for Work, Goods and Services

Section 14 – Corporate Credit Cards and the Government Procurement Card (GPC)

Section 15 – Payment of Accounts

Section 16 – Cash Income and Debtors
 Section 17 – Banking Arrangements
 Section 18 – Payments to Employees
 Section 19 – Travel and Subsistence
 Section 20 – Imprests
 Section 21 – Risk Management
 Section 22 – Insurance
 Section 23 – Security and Control of Assets
 Section 24 – Treasury Management
 Appendix A – updating of EU Financial Limits

7.0 PART 7 – MANAGEMENT STRUCTURE

7.1 Following the restructuring of the Council details of the senior management structure, as set out in the Constitution, are no longer applicable and it is proposed that this section be deleted

8.0 SECTION 10 – COMMITTEE PROCEDURE RULES

8.1 Functions, Powers and Duties of Audit Committee

Addition of sub-heading of ‘Treasury Management’

Section 13 – addition of the words ‘and monitor’

8.2 Functions, Powers and Duties of Appeals Committee

Amendment of Delegated Matter No. 4 as follows

‘To consider appeals against decisions relating to the refusal of free home to school transport.’

9.0 OTHER INFORMATION

| | |
|--|--|
| Equality & Diversity | The business of the Committee considers equality and diversity in an appropriate manner. |
| Environmental Impact | None arising directly from this report. |
| Legal Comment | The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes. |
| Links with Corporate Priorities | The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy. |
| Opportunities & Risks | The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks |

| | |
|-------------------------------|--|
| | and maximise the opportunities that have been identified. |
| Financial Implications | There are no financial impact implications arising from this report and any changes can be met from within existing budgets. |
| Ward Implications | Borough wide |

10.0 BACKGROUND PAPERS

Council Constitution

Local Government and Public involvement in Health Act 2007
(Schedule 4, Part 1, section 3)

Report prepared by Jenny Marriott (Audit & Risk Manager – 01952-38310),
and Emma Harvey (Solicitor – 01952-383255)

Article 12 – Officers

Explanatory Comment

12.00 This Article describes the structure of the Council and the roles of the Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (MO), and Chief Financial Officer (CFO), Director for Children's Services (DCS), Director of Adult Social Services (DASS) and Scrutiny Officer.

12.01 Management structure

- (a) **Structure:** The Head of Paid Service will determine and publicise a description of the senior overall-officer structure of the Council. This is set out at Part 7 of this Constitution.
- (b) The Corporate Management Team is made up of the Chief Executive, Corporate Directors, Assistant Chief Executive and any other officer as determined by the Chief Executive. The duties of the Corporate Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council's vision, priorities and core values. Each Corporate Director has responsibility for at least one eCouncil priority portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes, projects and strategies, and where applicable statutory responsibilities, partnerships and specific projects.
- (c) The Council is required to designate the following-statutory officers (as per paragraph 12.00) posts: Head of Paid Service, Chief Financial Officer, and Monitoring Officer, wwho will act in accordance with their professional standards and best practice guidance.

The statutory posts referred to above will have the functions described in paragraph 12.02-12.04 below.

12.02 Functions of the Head of Paid Service

The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Chief Executive he/she may delegate other functions which are not included in Section 4.

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

APPENDIX A

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council [or to the Cabinet in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy to act in his/her absence and when the Monitoring Officer is unable to act as defined in **Section 5 of the Local Government and Housing Act 1989.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

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12.04 Functions of the Chief Financial Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or to the Cabinet in relation to a Cabinet function] and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Supporting the Audit Committee:** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

12.05 Functions of the Director of Children's Services (DCS)

The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being off all children and young people in the local area across all five Every Child Matters outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.

(a) The functions of the Director of Children's Services are specified in Section 18(2):

- functions conferred on or exercisable by the LA in its capacity as a local education authority¹;
- social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- functions relating to persons leaving care²;
- functions in respect to the co-operation to improve well-being with partner agencies ;multi agency arrangements to safeguard and

¹ Subject to exceptions set out in Section 18(3)

² Sections 23C to 24 D Children Act 2004

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APPENDIX A

- promote welfare; information databases ;children and young people's plans³;
- functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
- functions in respect to the improvement of young children's well-being; provision of child care; information ,advice and assistance, and training to child care providers⁴, and
- such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations

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(b) Key roles:

- leadership –
 - to promote the importance of improving outcomes for all children and young people,
 - to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
 - working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
- championing children and young people and their families within the local area;
- management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- safeguarding and promoting the welfare of children
- supporting looked after children
- ensuring there are effective arrangements for school improvement in the area;
- ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
- promoting early intervention and prevention in delivering services for children, young people and families; and
- emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

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12.06 Functions of the Director of Adult Social Services (DASS)

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The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

(a) The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the DCS is responsible, in respect of adults.

(b) The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:

³ Sections 10 to 12 and 17 Children Act 2004

⁴ Part 1 of the Childcare Act 2006

APPENDIX A

- accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
- professional leadership, including workforce planning;
- leading the implementation of standards;
- safeguarding vulnerable adults;
- managing cultural change;
- promoting local access and ownership and driving partnership working;
- delivering an integrated whole systems approach to supporting communities; and
- promoting social inclusion and wellbeing.

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12.07 Functions of the Scrutiny Officer (SO)

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The Scrutiny Officer shall undertake the following functions, including:

a) **Promoting Scrutiny** - the SO will promote the role of the authority's scrutiny committee(s) and sub committee(s)

b) **Provide Support** - the SO will provide support to the scrutiny committee(s), sub committee(s) and members of those committees or sub committee(s).

c) **Provide Support and Guidance** - the SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

12.085 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will provide the Head of Paid Service, the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.096 Conduct

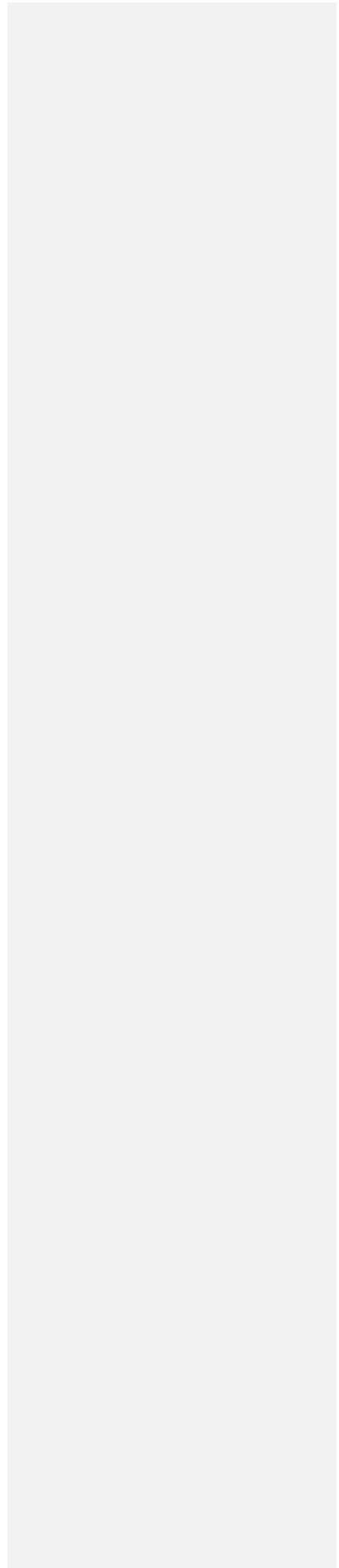
Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.1007 Employment

(a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

(b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

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Part 4 – Rules of Procedure

Section 6 – Financial Regulations

| <u>Index Point</u> | <u>Description</u> |
|--------------------|--|
| 1 | Status of Financial Regulations |
| 2 | Responsibilities |
| 3 | Financial Planning |
| 4 | Accounting Systems, Financial Records and Returns |
| 5 | Financial Management and Control – Revenue |
| 6 | Financial Management – Capital |
| 7 | Taxation and Leasing |
| 8 | Controlled Stationery and Authorised Signatories |
| 9 | Internal Audit |
| 10 | Public Accountability – Responsibilities |
| 11 | Purchasing Arrangements |
| 12 | Schemes Financed Partly or Wholly by External Funding |
| 13 | Orders for Work, Goods and Services |
| 14 | Corporate Credit Cards and the Government Procurement Card (GPC) |
| 15 | Payment of Accounts |
| 16 | Cash Income and Debtors |
| 17 | Banking Arrangements |
| 18 | Payments to Employees |
| 19 | Travel and Subsistence |
| 20 | Imprests |
| 21 | Risk Management |
| 22 | Insurance |
| 23 | Security and Control of Assets |
| 24 | Treasury Management |
| 25 | Unofficial and Voluntary Funds |

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks. In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body. (Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk).
- 1.3 It is the responsibility of ~~Corporate Directors and~~ Heads of Service to ensure that all staff in their ~~delivery units~~portfolios are aware of their responsibilities according to the Financial Regulations and other internal regulatory documents (e.g. the Anti-Fraud and Corruption Policy) and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, if the named officer wishes for

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reasons of practicality to delegate their authority to another appropriate officer in their area this is permissible as long as it has been documented.

- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution procedures.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 To help assist members and officers, the Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes which are included on the Intranet, ~~in the section 'Policies Affecting your Job'. These procedures. These procedures,~~ though printed under separate cover, must be treated as an integral part of the Regulations.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members and if necessary referral to the ~~local~~ SS standards Committee.

2 Responsibilities

- 2.1 Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs. Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer¹.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Cabinet or one of its officers:
 - Has made – or is about to make – a decision which has or would result in unlawful expenditure;
 - Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
 - Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

¹ Chief Finance Officer means the same as Chief Financial Officer or Responsible Financial Officer, where appropriate

APPENDIX B

- * **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including those for strategy and the budget.
- * **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.
- * **Chief Finance Officer Responsibilities (s151/s114) – these have been allocated to an appropriately qualified the Corporate Director: Resources and include:**
 - provision of financial advice for service delivery, strategic planning and policy making across the authority;
 - provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
 - provision of financial management information;
 - preparation of statutory and other accounts, associated grant claims and supporting records;
 - provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
 - provision of effective financial management systems and procedures
 - provision of effective income collection and payments systems;
 - advising on treasury, investment and cash-flow management; and
 - ~~advising on the safe custody of assets and insurance.~~
 - ~~Co-ordination of the corporate risk management systems~~
- * **The Head of Governance Audit & Democracy** has delegated responsibility under the Accounts and Audit Regulations 2003² to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Governance Audit & Democracy has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.
- * **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including with Financial Regulations by Heads of Service and Contract Procedure Rules in meeting such objectives.
- * **The Chief Executive corporate Director: Resources** is responsible for leading on corporate governance issues throughout the Council.
- * **The Head of Finance** will act as deputy Section 151 Officer
- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Delivery Business Units. This includes ensuring compliance by Delivery Business Managers with Financial Regulations and Contract Procedure Rules ~~Standing orders~~ within their service areas.

² As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

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* [DeliveryBusiness Managers](#) are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations [and Contract Procedure Rules](#)[Standing orders](#) in performance of their duties.

Note: 'DeliveryBusiness Managers' also includes managers and/or team leaders with budget and staff responsibilities.

2.3 Financial Training

The Chief Financial Officer should assess the financial skills required by members of the Cabinet, and Corporate Management Team should commit to develop the specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Cabinet. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long-term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.

3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for Resources.

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- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: Head of Finance

4. Accounting Systems, Financial Records and Returns

- 4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified separately in the retention of records procedure note, ~~available on the Intranet.~~
- 4.3 The Head of Finance is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the Head of Finance. In particular ~~Corporate Directors and~~ Heads of Service should confer with the Head of Finance before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 ~~Corporate Directors and~~ Heads of Service must maintain through their ~~o~~Officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer is entitled to such explanations or information as may be required prior to forwarding to the relevant government department or agency under his signature. No bid for external funding shall be submitted without approval from the relevant [Priority lead](#)~~Corporate~~ Director and [relevant](#) Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

APPENDIX B

5.1 Background

5.1.1 The Council is responsible for adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the Cabinet operates. It is also responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny process. The framework is set out in the constitution.

5.1.2 This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.

5.1.3 No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

5.2.1 The Council will approve the overall spending plans of the Council.

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each [Service Delivery Business Unit Manager](#)s should prepare a [Service Delivery Business Plan](#) setting out the [Service Delivery Business](#) Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with [Corporate Management Team \(the relevant Corporate Director/CMT\)](#) and [Head of Service](#).

5.2.4 Once the council's budget for the year has been approved the [Heads of Service and Delivery Business Managers](#) can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The [Delivery Business Managers](#) in conjunction with [the relevant the relevant service Finance Manager Manager](#) must ensure that a satisfactory monitoring system is in existence during the financial year with regular reports to the Head of Finance.

5.3 Budgetary Control (see also para 4.4 above)

5.3.1 The corporate finance information system determined by the [Head of Finance/Chief Finance Officer](#) is the Council's prime accounting record. It provides the mechanism for Heads of Service and [Delivery Business Managers](#) ~~with the assistance of their Accounting Team~~ to monitor and control budgets.

5.3.2 Heads of Service and [Delivery Business Managers](#) are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.3.3 Regular financial updates will be taken to Cabinet.

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5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

| 5.3.6 -All reports to ~~CM~~[Corporate Directors' Board](#) or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

5.4 Supplementary Estimates

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Business Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

| 5.5.1 All grant bids must be approved by the relevant [Priority lead](#) Director and [a](#) Finance Manager prior to submission.

| 5.5.2 Acceptance of grant terms must also be approved by the relevant [Head of Service](#) Director and [a](#) Finance Manager.

| 5.5.3 All grant claims must be certified by ~~a~~[the relevant](#) Finance Manager. (Subject to the conditions of the grant awarding body)

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5.6 Virement

5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.

5.6.2 Virement may be necessary for several reasons. For example:

- * unforeseen cost increases,
- * demand for a particular service, in line with existing policies, exceeding estimates,
- * a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- * utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 ~~Corporate Directors and/or~~ Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

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- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with ~~the~~ relevant Finance Manager and relevant Corporate Director and/or Heads of Service, shall have the authority to make virements **between** service delivery units provided:

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- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service~~Corporate Director(s)~~ and the Chief Finance Officer~~Chief Finance Officer~~, shall have the authority to make virements **between** service delivery units with Cabinet approval provided that

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- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

5.6.6 All virement decisions must be notified to ~~the~~ relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

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5.7 Year End Arrangements

5.7.1 Year end arrangements (carry forwards of over or underspending), have been designed to be as flexible as possible, consistent with the Council's overall financial situation and with regard to the controls exercised by the Government.

Overspending and Underspending

5.7.2 No Head of Service or [Delivery Business](#) Manager should plan to overspend his/her budget. All expenditure plans should be consistent with [Service Delivery Business Plans](#) ~~and the Unit's Service Plan~~. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.7.3 All underspends and deficits on controllable budgets will be carried forward to the next financial year as a first call on the budget for the year.

CONTACT: Corporate Finance Manager

5.8 Reserves & Balances and the Robustness of Estimates

5.8.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

5.8.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.

5.8.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.

5.8.4 The level and purpose of reserves and balances held must be clearly defined and justified by [Heads of Service Portfolios](#). Further regular reviews should be undertaken to ensure continuing relevance and adequacy.

5.8.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following current Audit Commission guidance.

CONTACT: Corporate Finance Manager

6. Financial Management – Capital

6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.

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- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (**LIMIT G**) – Head of Finance in consultation with the ~~relevant Corporate Director~~ Head of Service
- (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
- (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly

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accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.

- 7.2 It is the responsibility of Heads of Services to ensure compliance with all tax regulations relating to their [Delivery Business](#) Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Heads of Services should consult with the Head of Finance. [Delivery Business](#) Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Detailed guidance on taxation issues is incorporated within specific procedure notes which are included on the Intranet.

Leasing

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his designated officer.
- 7.5 The normal contract procedures should be followed in relation to leasing arrangements [See Part 4, Section 7, Contracts Procedure Rules]
- 7.6 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

- 8.1 All cheques and other controlled stationery, including order books, receipt books, invoices, ~~travel vouchers, and~~ Electronic Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.
- 8.2 ~~Corporate Directors and~~ Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance. ~~.-~~ All officers on the signatories listing must be authorised by ~~an appropriate Corporate Director or~~ Head of Service [\(or Corporate Director if a HOS\)](#).
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:
- Authorising Orders
 - Certifying invoices
 - Certifying expenses claims
 - Authorising petty cash purchase
 - Certifying timesheets and overtime claims
 - Signing and awarding contracts (see also Section 7, appendices 1 to 4)

More than one officer should be involved in the authorising process e.g. it should not be the same officer who authorises the order and invoice that certifies receipt of the goods or service.

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8.4 A financial limit shall be prescribed for all officers. ~~Each Corporate Director shall determine the limit for officers within their portfolio area in consultation with their Finance Manager.~~ The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles day to day activities, and the responsibilities of officers.

Comment [F1]: This will be developed following the review of delegations.

8.5 Heads of Service are responsible for ensuring that the authorised signatories list is kept up to date at all times, by informing the Head of Finance of any changes to authorised signatories and the responsibilities of the officer.

~~8.6 Heads of Service are responsible for replying to any request from the Head of Finance or Head of Audit & Democracy to confirm that any details are correct.~~

8.67 Guidance on authorised signatories is available from Audit Services.

CONTACT:

For authorised signatories: Employment Services or Procurement Portfolio Administration Officer

For controlled stationery: Asset & Property & Design Management Administration

9. Internal Audit

9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)³ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁴ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

³ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

⁴ The control environment comprises the systems of governance, risk management and internal control.

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- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's⁵ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).
- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors [for the delivery of priorities](#) and Heads of Service for the management of [the DeliveryBusiness](#) Units under their control and their responsibilities in respect to risk management and the systems of internal control.
- 9.5 The Audit & Risk Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Risk Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit & Risk Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.
- 9.6 It is the responsibility of Internal Audit to review, evaluate and report upon
- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
 - the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
 - The soundness and adequacy of the data quality systems operating to collect and report on performance information
 - The corporate governance arrangements of the Council
 - The risk management processes of the Council both at [StrategicCorporate](#) and Service [Delivery](#) Level
- 9.7 The Chief Finance Officer's authorised Internal Audit representatives shall be empowered to:
- enter at all reasonable times any Council premises or land

⁵ Internal Audit's remit extends to the entire control environment of the Council

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- have access to all Council and partner records⁶, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the ~~CF~~Corporate Director: Resources, Head of ~~Governance~~Audit & Democracy or Audit & Risk Manager.
 - have access to records belonging to third parties such as contractors or partners when required⁷
 - require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
 - require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.
- 9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.
- 9.9 Corporate Directors, Corporate Directors, Delivery Business Managers are responsible for responding to Internal Audit reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Business Managers should indicate the actions they propose within one month of agreeing the draft report.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the Audit & Risk Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director~~Corporate Director~~ and Cabinet, if appropriate, any matter of a significant nature.
- 9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate

⁶ Records include business e-mail and internet records

⁷ As defined in the articles of association/memorandum, SLA, grant conditions or contract

Comment [F2]: Should this be Cabinet or appropriate Cabinet member and Leader

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[Head of Service, Corporate Director](#)~~Corporate Director~~ and the Chief Executive and/~~Cabinet~~, if appropriate.

Comment [F3]: See comment on 9.13 above

- 9.15 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Risk Manager after informing the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & Risk Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.16 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key findings; and
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.17 The Audit & Risk Manager and Head of [Governance Audit & Democracy](#) have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, the Leader, Cabinet Member [Efficient Community Focussed Council Resources](#), Chairman of the Audit Committee, s151 Officer, ~~CM Corporate Directors~~, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & Risk Manager

10. Public Accountability – Responsibilities

10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council including the registration of Members and Officers interests.
- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the [Assistant Chief Executive/Head of Human Resources Manager](#).
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.

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10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.

10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in [Audit & Democracy Services](#).

10.2 The Cashing of Cheques

10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Council's Code of Practice on cheque encashment.

10.3 Gifts

10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts refused and / or returned.

10.3.2 ~~The CMT support team and Heads of Service support team. Each Corporate Director~~ must maintain a record for employees of ~~his/her portfolio of~~ all gifts offered, received, refused and any actions taken as outlined in the guidance.

Comment [F4]: If agreed the supporting guidance will be updated

10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will ~~hold them~~ maintain a records for members of all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service who shall ensure that a record is kept of all hospitality offered, accepted or refused

10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

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10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.
- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council.
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.
- 10.5.6 Detailed guidance on Business Activities and Private Work. All associated Procedures and Guidance referred to in this Section are available on the Intranet.

CONTACT: Audit & Risk Manager

11. Purchasing Arrangements

General:

- 11.1.1 These regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts.
- 11.1.2 Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, Contracts Procedures Rules (in section 7), statutory requirements and European directives.
- 11.1.3 Officers should seek the advice of the Corporate Procurement & Purchasing Unit where appropriate.

Financial Thresholds & Limits:

- 11.2.1 The Corporate Procurement & [Paymentsurchasing](#) Unit shall be informed, either in writing or by e-mail, of all contracts, agreements, awards and other instruments involving the payment or receipt of money, of a value of £50,000 or over during the lifetime of the contract (LIMIT G).
- 11.2.2 All contracts should adhere to the following limits and thresholds. Quotes or tenders should be sought based on the values below:

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- Below £5,000 (LIMIT A) no formal action, however officers will be expected to have due regard to the need for accountability and securing value for money wherever possible and will preferably use suppliers who have met the criteria for inclusion on an approved list where one exists ;
- Between £5,000 (LIMIT A) and £50,000 (LIMIT G), three comparative written quotes should be sought; Suppliers must meet criteria for inclusion on an approved list, where one exists, prior to acceptance;
- For Supplies & Services between £50,000 (LIMIT G) up to £156,399,442,893 (LIMIT N), no fewer than four written tenders to be sought; Suppliers must meet criteria for inclusion on an approved list, where one exists, prior to acceptance;
- For Supplies & Services between £156,442,399,893 (EU limit) up to £250,000 (LIMIT N), no fewer than five written tenders to be sought; EU procurement regulations apply;
- For Supplies & Services over £250,000 no fewer than six written tenders to be sought; EU procurement regulations apply;
- For Works between £50,000 and £250,000, at least four suppliers invited to tender (or three for Design & Build contracts only).
- For Works between £250,000 (LIMIT P) and £3,492,972,603,13 (EU limit), no fewer than six written tenders to be sought (or four for Design & Build contracts only); Suppliers must meet appraisal criteria for inclusion on an approved list, where one exists, prior to acceptance.
- For Works over £3,492,972,603,13 (EU limit), no fewer than six written tenders to be sought (or five for Design & Build contracts only); EU procurement regulations apply.

In relation to **Specialist work/contracts** the Head of [Governance & Legal Services](#) and [a Service](#) Finance Manager may, **in exceptional circumstances**, agree in writing a deviation from the number of quotes/tenders shown above. See also Section 7 I and (L) of this Constitution.

Further detailed guidance on Procurement and Purchasing is incorporated within specific procedure notes issued by the Corporate Procurement & Purchasing Unit, and available on the Council's intranet.

CONTACT: [Procurement and Payments Manager](#)~~Corporate Finance Manager~~

12. Schemes Financed Partly or Wholly by External Funding

- 12.1 Increasingly cross-agency working is generating collaborative schemes where multiple public sector partners share total costs, nominating one partner to lead the procurement process. The lead partner signs the contract on behalf of the partnership, and is liable for any resulting default or contractual risk.
- 12.2 Officers leading or participating in multi-agency schemes must ensure that the council's standards of probity, regulation and good practice are followed. If they have any concerns about the procedures being used they should report them to their Head of [Service](#)~~or Corporate Director~~.
- 12.3 Officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the [Head of Chief](#) Finance ~~Officer~~ prior to committing the Council to participate in the scheme.

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12.4 Officers leading other multi-agency schemes must ensure that partnership working agreements are in place before procurement activity for the scheme begins or the contract is let.

These must be in writing, and as a minimum should cover:

- A definition of who the funding bodies are and what they are committed to under the agreement e.g. allocation of contractual risks, roles and responsibilities, who will be responsible for any cost overruns, etc.
- Express agreement as to whether the Contracts (Rights of Third Parties) Act 1999 should apply to any contract subsequently entered into with a supplier by the lead partner on behalf of the partnership. This will allow the partners other than the lead body to both enforce their rights under the contract and to be held liable for default or risk under it. Please note that this clause must also be expressly stated in the contract with the supplier to be valid.
- How the specification will be agreed by all of the funding bodies, plus any 'exit' arrangements if the parties are unable to agree. The specification should include:
 - a description of the goods/services/outputs to be produced
 - timescales
 - testing/effects procedures
 - ownership of any intellectual property (e.g. copyright, design rights etc) or physical property (e.g. goods, buildings) resulting from the agreement
 - procedure for making variations to the agreement or the project
 - measures of quality/success
 - how disputes between the funding partners will be dealt with
 - written agreement to pay/physical fund transfer to the lead body (when and how this will be done)

12.5 Officers leading or participating in multi-agency schemes must keep records of all correspondence between the funding partners, especially those relating to agreement of specification, roles, risks and responsibilities.

12.6 Officers leading or participating on multi-agency schemes must keep all appropriate documents and evidence required to satisfy internal and external audit.

CONTACT – Corporate Finance Manager

13. Orders for Work, Goods and Services

13.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their [Head of Service](#) or relevant Corporate Director [as soon as they become aware of such an interest](#). ~~M~~ and ~~m~~embers [are responsible for amending their own entries in the register of interests held by Member Servicesto the Chief Executive](#) as soon as they become aware of such an interest.

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- 13.2 Official Orders are to be issued only by officers authorised by [Corporate Directors](#) or Heads of Service. Authorised officers are responsible for issuing orders within their control and in particular for ensuring that costs are covered by approved estimates or by a special financial provision.
- 13.3 The Head of Finance should be notified of all officers authorised by [Corporate Directors](#) or Heads of Service to authorise official orders.
- 13.4 ~~CM~~[Corporate Directors](#) and Heads of Service must ensure that Financial Regulations and Contract Procedure Rules relating to contracts and tenders have been complied with.
- 13.5 Official orders shall be issued for all work, goods or services to be supplied to the Council; this can be in the form of an electronic order generated by the approved Corporate Procurement System. Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made by petty cash.
- 13.6 All official orders should be in writing and delivered /passed to the supplier, unless the Government Procurement card is used (see section 14 below). Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed, in writing to the supplier, at the earliest opportunity by a clearly marked confirmation order. Standard terms and conditions must not be varied without the prior approval of the Head of Finance. Goods and services should be checked on receipt to ensure they are in accordance with the order. This check should, wherever possible be carried out by a different officer from the person who signed the order. .
- 13.7 Official orders shall indicate clearly the date of the order, the quantity, quality and nature of the goods, works and services and the contract or agreed price. An estimated price shall be provided when an agreed price is not available.
- 13.8 Official order books shall be ordered and supplied to [DeliveryBusiness](#) Units by the Head of Finance who shall satisfy himself as to arrangements for their control. Electronic orders may only be used where these are part of an official council system, in line with controls specified at 13.11
- 13.9 Apart from petty cash and payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 13.10 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 13.11 E-commerce – the purchases of goods via electronic means shall be strictly controllable and the necessary processes and controls must be in place to maintain the security and integrity of data.
- 13.12 Invoices, not subject to dispute, should be promptly passed to the Payments Unit in order to ensure that [the financial system QLAS](#) is up to date and the [local statutory 230](#) day payment P.I. is achieved. Any interest charged to the Council in respect of late payment under the Late Payment of Commercial

APPENDIX B

Debts (Interest) Act 1998 will be passed on to the [Deliverybusiness](#) unit that ordered the goods/services.

13.13 Heads of Service and [DeliveryBusiness](#) Managers shall, wherever possible, separate the responsibilities for placing an order, receipt of goods and authorisation of payment- [but at least 2 different officers should be involved.](#)

CONTACT: Corporate Finance Manager

14. Corporate Credit Cards and the Government Procurement Card (GPC)

14.1 Usage is restricted to the following

- Corporate Credit Cards: The Leader and Corporate Directors. The Head of Finance also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
- Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit

14.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The [Head of FinanceCorporate Director: Resources](#) will approve any additional cardholders.

14.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their [Delivery Business](#)-Manager and the process controlled by the GPC coordinator. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

Contact: Corporate Procurement for further advice and guidance

15. Payment of Accounts

15.1 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 19), due from Business Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance.

15.2 Any Head of Service whose [Service Delivery TeamBusiness](#) Manager issues an order for works, goods and services, shall be responsible for the examination, verification and certification of all invoices. All accounts certified for payment should be signed by the Head of Service concerned or by an officer authorised by him to do so.

APPENDIX B

15.3 The certification shall include that:

- The goods, services and work have been received or carried out, examined and approved as to quality and quantity and conform with a duly authorised order or Council resolution where appropriate.
- The expenditure is necessary, legal and within the estimates provision.
- The prices are in accordance with any quotation, tender or contract and/or are reasonable.
- Discounts or credits due have been deducted
- VAT or other tax treatment is correctly stated.
- The account is arithmetically correct.
- The amount has not been previously paid or certified for payment, either in whole or part.
- Appropriate entries have been made in asset registers, inventories and stock records.

15.4 For specified classes and categories of invoice the Head of Finance may agree a modified procedure.

15.5 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.

15.6 Where an invoice is found to be incorrect e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Council, it should be returned to the supplier with an explanatory note. Hand-written amendments should not be made to an invoice as this may invalidate the recovery of VAT.

| 15.7 The Audit & Risk Manager and Procurement & ~~Payments~~~~urchasing~~ Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.

15.8 Detailed guidance on Payment of Invoices is incorporated within specific procedure notes which are included on the Intranet and is also subject to para 13 above.

| **CONTACT:** ~~Procurement and Payments~~~~Corporate Finance~~ **Manager**

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16. Cash Income and Debtors

16.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.

| 16.2 Heads of Service and ~~Delivery~~~~Business~~ Managers in conjunction with their ~~respective~~ Finance ~~team~~~~Manager~~ are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.

APPENDIX B

- 16.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 16.4 Heads of Service and [DeliveryBusiness](#) Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 16.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 16.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance.. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. Detailed guidance on write-offs is incorporated within specific procedure notes which are included in the Managers Handbook.
- 16.7 The cost of all write-offs will be borne by the [DeliveryBusiness](#) Unit, which originally benefited from the credit.
- 16.8 Heads of Service and [DeliveryBusiness](#) Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT JB**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 16.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.
- 16.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 16.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 16.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- 16.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

APPENDIX B

CONTACT: Head of Finance

17. Banking Arrangements

- 17.1 All arrangements with the Council's bankers must be made or approved by the [Chief Finance Officer](#)~~Corporate Director: Resources and the Head of Finance and the Head of Finance~~, who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 17.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the [Chief Finance Officer](#)~~Head of Finance~~ or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 17.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.
- 17.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.
- 17.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

CONTACT: Corporate Finance Manager

18. Payments to Employees

- 18.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with the individual's conditions of employment.
- 18.2 The payment of all amounts to employees shall be the responsibility of the Head of [Finance](#)~~Human Resources~~. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.
- 18.3 Heads of Service shall, promptly notify the Head of [Finance](#)~~Human Resources~~ in a form agreed of all matters affecting the payment to employees and in particular of:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
 - absences from duty, apart from normal annual leave;
 - changes in remuneration, other than normal increments and pay awards and agreements of general application.
 - information necessary to maintain records of service for superannuation, income tax, national insurance etc.
- 18.4 Appointments shall be made only in accordance with approved establishments, grades and rates of pay, unless agreed otherwise with the [Assistant Chief](#)

APPENDIX B

Executive or an officer nominated by him~~Head of Human Resources~~ and a Finance Manager ~~of the service area concerned~~.

18.5 Any pay records, shall be in a form agreed by the Head of ~~Finance~~Human Resources and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of ~~Finance~~Human Resources together with specimen signatures and any amendments to the list shall be notified in advance to the Head of ~~Finance~~Human Resources in writing.

18.6 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure except for reimbursement of minor expenditure through petty cash. Heads of Service and Delivery Managers~~irectors and Principal Human Resources Officers~~ should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.

18.7 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team~~Managers~~. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

CONTACT: Employment Services Manager~~Head of Human Resources or Human Resources Manager~~

19. Travel and Subsistence

19.1 Heads of Service are responsible for the verification of their officers' travel claims. This includes:

- that the costs have been incurred whilst officers were engaged on official Council business
- the accuracy of the mileage;
- the subsistence claimed particularly where not supported by receipts (applies to certain employees terms and conditions only) ; and
- the validity of the journeys taken.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given.

- Claims from Heads of Service must be authorised by a Corporate Director,
- Claims from Corporate Directors must be authorised by The Chief Executive,
- Claims from the Chief Executive must be authorised by another~~the~~ Corporate Director.~~Resources~~

19.2 The Head of ~~Finance~~Human Resources will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of ~~Governance~~Human Resources will ensure that claims comply with the relevant section of the Members' Allowance Scheme.

APPENDIX B

- 19.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.
- 19.4 All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.
- 19.5 Detailed guidance on Business Mileage and Expenses Reimbursement and Overseas Visits is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: [Employment Services Manager](#)~~Head of Human Resources~~

20. Imprests

- 20.1 The Head of Finance in consultation with appropriate Heads of Service may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 20.2 The Head of Finance reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 20.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the Head of Finance.
- 20.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 20.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 20.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 20.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The [DeliveryBusiness](#) Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 20.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Corporate Finance Manager

21. Risk Management

APPENDIX B

- 21.1 The Cabinet Member for Efficient Community Focussed Council Resources is the lead member on risk management ~~for~~ the Council.
- 21.2 The Chief Executive Corporate Director Resources is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 21.3 ~~The CMT Corporate Directors and Cabinet~~ will:
- (a) regularly review the Council's ~~key~~ strategic risks
 - (b) annually review the risk management strategy ~~and process~~
 - (c) approve an annual report on the Council's risk management activities

21.4 The Cabinet will:

- a. regularly review the Council's key strategic risks
- b. annually review the risk management strategy process
- c. approve an annual report on the Council's risk management activities

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- 21.5~~4~~ The Audit & Risk Manager Corporate Director Resources will keep the Audit Committee informed of the reviews of the Council's key strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.
- 21.5 The Chief Executive Corporate Director Resources is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy.

~~21.6~~ 21.6 — Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

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- 21.7 Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units area. Heads of Service are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

- 21.8~~7~~ Each Head of Service ~~or Director~~ submitting a report to Cabinet, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly outlined in the report, in line with the Corporate Risk Management Strategy ~~and the relevant section of the report template within the Constitution.~~

CONTACT: Audit & Risk Manager

22. Insurance

- 22.1 The Head of Finance Corporate Director Resources will be responsible for the Council's insurance. Only the officer identified by the Head of

APPENDIX B

- [FinanceCorporate Director Resources](#) may obtain insurance cover on behalf of the Council.
- 22.2 Heads of Service are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- 22.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.
- 22.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- 22.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/[DeliveryBusiness](#) Unit.
- 22.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the [Head of FinanceCorporate Director: Resources](#).
- 22.7 It is the responsibility of the [DeliveryBusiness Unit](#) Manager to ensure that all third parties using the Council's buildings are appropriately insured.

CONTACT: Insurance Manager

23. Security and Control of Assets

23.1 Stocks and Stores

- 23.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- 23.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- 23.1.3 Heads of Service shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- 23.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit Services. If the adjustments account exceeds £10,000 (LIMIT B) in any

APPENDIX B

year, the Head of Finance shall report the circumstances to the member on the Cabinet responsible for ~~Efficient~~ [Community Focussed Council Resources](#), together with explanations for the surplus/deficit.

23.1.5 Heads of Service should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.

23.2 Inventories

23.2.1 Inventories shall be maintained by all ~~Delivery Business~~ Units of all Council assets, including ICT ([see 23.2.2](#)). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.

23.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Information Communications and Technology and as such all items will be clearly identified and labelled. ~~Delivery Business Managers~~ Units should not arrange relocation or disposal without appropriate notification to the Head of ICT.

23.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).

23.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate ~~Corporate Director or~~ Head of Service. The Head of Service shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.

23.2.5 All disposals will be in line with agreed Council procedures and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).

23.2.6 ~~Delivery Business Unit~~ Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to the Head of Finance.

23.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

23.3 Land and Buildings

23.3.1 The Head of ~~Asset and~~ Property [& Design Management](#) shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.

APPENDIX B

23.3.2 The terrier should record:

- the date of acquisition or appropriation
- Council authority
- the holding Board
- purpose for which held
- location, extent and plan reference
- purchasing details
- particulars of nature of interest and rent payable
- particulars of tenancies granted

23.4 Information

23.4.1 ~~The Head of Customer Strategy & Business Transformation and other~~ Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.

23.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:

- Confidentiality of information
- Integrity of information
- Availability of information
- All software installed and used is properly licensed and appropriate for business use.

23.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

CONTACTS

~~_____~~ Stocks and Stores, Head of Finance
Inventories, Audit & Risk Manager
Land and Buildings, Head of ~~Asset and Property & Design~~ Management
Information, Head of ~~Governance Customer Services & Business~~
~~Transformation~~

24. Treasury Management

24.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.

24.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.

24.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Cabinet.

APPENDIX B

24.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.

[24.5 The Audit Committee through their terms of reference will scrutinise the Councils Treasury management arrangements as set out in the Audit Commissions best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.](#)

CONTACT: Corporate Finance Manager

25. Unofficial and Voluntary Funds

25.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.

25.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.

25.3 The Head of Service shall maintain a register of all such funds. The register will include the following details for each fund:

- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
- The accounting period (which should generally be 1st April to 31st March);
- Bank account details; and
- Cheque signatories.

25.4 Heads of Service shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

25.5 The Head of Finance reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

APPENDIX B

APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

| Limit Reference | £ |
|-----------------|--|
| A | 5,000 |
| B | 10,000 |
| C | 25,000 |
| D | 5,001 to 10,000 |
| E | 10,001 to 24,999 |
| F | 25,000 or over |
| G | 50,000 |
| H | 75,000 |
| J | 100,000 |
| K | 250,000 |
| L | 500,000 |
| M | Over 100,000 |
| N | 200,000 |
| P | Over 200,000 |
| Q | 100,000 to 250,000 |
| R | Over 250,000 |
| S | EU Threshold (currently 1,5639,442893) |
| T | EU Threshold (currently 3,4927,260313) |

Part 7—Management Structure

SENIOR MANAGEMENT STRUCTURE

- (a) ~~The Senior Management structure of the Council comprises the Chief Executive, Corporate Directors and Heads of Service. Each Corporate Director has a portfolio of responsibilities, which may include statutory responsibilities, service areas, corporate themes and strategies and specific projects.~~
- (b) ~~The composition of each portfolio may change from time to time to reflect legislative requirements, the needs of the Council and the skills and experience of individual Corporate Directors.~~
- (c) ~~The number of Corporate Directors and Heads of Service may vary from time to time, but at December 2008 there are five Corporate Directors and twenty-two Heads of Service~~
- (d) ~~The allocation of service responsibilities as at December 2008 is as follows:~~

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- (d) ~~The allocation of service responsibilities as at December 2008 is as follows:~~

TELFORD & WREKIN COUNCIL

COUNCIL - 29TH APRIL, 2010

COUNCIL CONSTITUTION – INTRODUCTION OF SCHEME FOR LOCAL PETITIONS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

1.1 To request Council to approve the proposed Scheme for Local Petitions.

2.0 RECOMMENDATIONS:

2.1 That the proposed Scheme for Local Petitions, as attached, be approved;

2.2 That the Council Constitution be amended accordingly.

3.0 SCHEME FOR LOCAL PETITIONS

3.1 At the meeting of the Council Constitution Committee on 8th December, 2009 Members considered the draft Scheme for Local Petitions and asked, that following appropriate consultation, the finalised Scheme be brought back for final approval and recommendation to Council. The amended Scheme was considered by the Council Constitution Committee at its meeting on 13th April, 2010 and one minor amendment for the purposes of clarification was requested. The final Scheme is attached as Annex A and a copy of the flow chart of the process at Annex B.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute Nos. CCC-04 & 05)

Council – 30 September, 2009 (Minute No. 44)

Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)

Council – 28 January, 2010 (Minute No. 79)

5.0 OTHER INFORMATION

| | |
|---------------------------------|--|
| Equality & Diversity | The business of the Committee considers equality and diversity in an appropriate manner. |
| Environmental Impact | None arising directly from this report. |

| | |
|--|--|
| Legal Comment | The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes. |
| Links with Corporate Priorities | The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy. |
| Opportunities & Risks | The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified. |
| Financial Implications | There are no financial impact implications arising from this report and any changes can be met from within existing budgets. |
| Ward Implications | Borough wide |

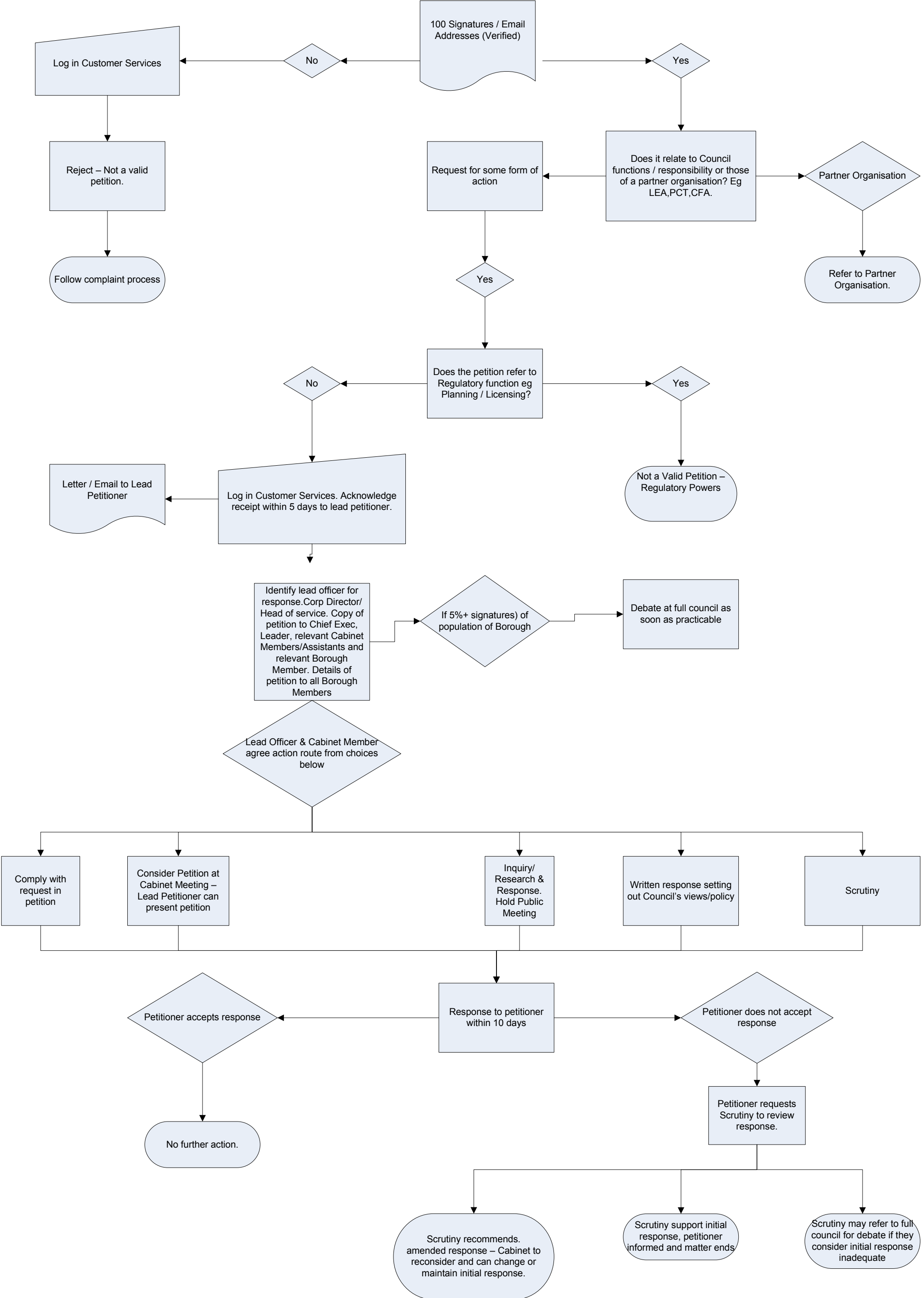
6.0 BACKGROUND PAPERS

Council Constitution

Report prepared by Phil Griffiths (Democratic Services Manager – 01952383210)

Petition Procedure

April 2010



SCHEME FOR DEALING WITH PETITIONS

What constitutes a valid petition?

A valid petition includes the following:

Any petition must contain 100 or more valid signatures of people who live, work or study in the Borough.

Details and contact information for the person designated as the petition organiser or lead petitioner.

The signatures of each petitioner should be followed by the date of signature and their name and address (in capitals).

The petition must include a request for some form of action to be taken.

A valid petition must:

Relate to a function of the Council or a Partner organisation

A valid petition must not:

Relate to a Planning or Licensing decision

Relate to a matter where a right of recourse or right of appeal is already provided for in law.

A petition will not be accepted as valid in the following circumstances:

In the opinion of the Monitoring Officer, after consultation with the relevant Cabinet Member, the petition is vexatious, abusive or otherwise inappropriate to be dealt with;

A petition to the same or substantially similar effect has been made to the Council within the previous 12 months of the petition being received;

To whom should the Petition be addressed?

The Petition should be sent to the Customer Quality Team, Telford and Wrekin Council, Civic Offices, PO Box 59, Telford, TF3 4WZ.

Petitions can also be submitted in person to an officer of the Council, via a local councillor, or by e mail.

How will the Council respond to the petition?

You will receive an acknowledgement of receipt within 5 working days and within a further 10 working days the Lead Petitioner will be informed by the relevant Corporate Director or Head of Service how the Council intends to deal with the petition. This will be in one of the following ways:

- To comply with the request in the petition
- To consider the petition at a Cabinet meeting of the Council, at which the lead petitioner will be able to speak for 3 minutes in support of the petition.
- To commission further research in to the matter, hold an inquiry, or in some cases hold a public meeting to seek further information.
- To provide a written response to the petition setting out the Council's policy or views
- To refer the petition to Scrutiny for investigation.

*If a petition is received with the signatures of more than 5% of the population of the Borough this will automatically be debated at a meeting of the Full Council.

TELFORD & WREKIN COUNCIL

COUNCIL - 29TH APRIL, 2010

COUNCIL CONSTITUTION – INTRODUCTION OF SCHEME FOR LOCAL PETITIONS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

1.1 To request Council to approve the proposed Scheme for Local Petitions.

2.0 RECOMMENDATIONS:

2.1 That the proposed Scheme for Local Petitions, as attached, be approved;

2.2 That the Council Constitution be amended accordingly.

3.0 SCHEME FOR LOCAL PETITIONS

3.1 At the meeting of the Council Constitution Committee on 8th December, 2009 Members considered the draft Scheme for Local Petitions and asked, that following appropriate consultation, the finalised Scheme be brought back for final approval and recommendation to Council. The amended Scheme was considered by the Council Constitution Committee at its meeting on 13th April, 2010 and one minor amendment for the purposes of clarification was requested. The final Scheme is attached as Annex A and a copy of the flow chart of the process at Annex B.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute Nos. CCC-04 & 05)

Council – 30 September, 2009 (Minute No. 44)

Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)

Council – 28 January, 2010 (Minute No. 79)

5.0 OTHER INFORMATION

| | |
|---------------------------------|--|
| Equality & Diversity | The business of the Committee considers equality and diversity in an appropriate manner. |
| Environmental Impact | None arising directly from this report. |

| | |
|--|--|
| Legal Comment | The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes. |
| Links with Corporate Priorities | The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy. |
| Opportunities & Risks | The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified. |
| Financial Implications | There are no financial impact implications arising from this report and any changes can be met from within existing budgets. |
| Ward Implications | Borough wide |

6.0 BACKGROUND PAPERS

Council Constitution

Report prepared by Phil Griffiths (Democratic Services Manager – 01952383210)

SCHEME FOR DEALING WITH PETITIONS

What constitutes a valid petition?

A valid petition includes the following:

Any petition must contain 100 or more valid signatures of people who live, work or study in the Borough.

Details and contact information for the person designated as the petition organiser or lead petitioner.

The signatures of each petitioner should be followed by the date of signature and their name and address (in capitals).

The petition must include a request for some form of action to be taken.

A valid petition must:

Relate to a function of the Council or a Partner organisation

A valid petition must not:

Relate to a Planning or Licensing decision

Relate to a matter where a right of recourse or right of appeal is already provided for in law.

A petition will not be accepted as valid in the following circumstances:

In the opinion of the Monitoring Officer, after consultation with the relevant Cabinet Member, the petition is vexatious, abusive or otherwise inappropriate to be dealt with;

A petition to the same or substantially similar effect has been made to the Council within the previous 12 months of the petition being received;

To whom should the Petition be addressed?

The Petition should be sent to the Customer Quality Team, Telford and Wrekin Council, Civic Offices, PO Box 59, Telford, TF3 4WZ.

Petitions can also be submitted in person to an officer of the Council, via a local councillor, or by e mail.

How will the Council respond to the petition?

You will receive an acknowledgement of receipt within 5 working days and within a further 10 working days the Lead Petitioner will be informed by the relevant Corporate Director or Head of Service how the Council intends to deal with the petition. This will be in one of the following ways:

- To comply with the request in the petition
- To consider the petition at a Cabinet meeting of the Council, at which the lead petitioner will be able to speak for 3 minutes in support of the petition.
- To commission further research in to the matter, hold an inquiry, or in some cases hold a public meeting to seek further information.
- To provide a written response to the petition setting out the Council's policy or views
- To refer the petition to Scrutiny for investigation.

*If a petition is received with the signatures of more than 5% of the population of the Borough this will automatically be debated at a meeting of the Full Council.

TELFORD & WREKIN COUNCIL

COUNCIL - 29TH APRIL, 2010

COUNCIL CONSTITUTION – INTRODUCTION OF SCHEME FOR PUBLIC SPEAKING AT PLANS BOARD

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

1.1 To request Council to approve the proposed Scheme for Public Speaking at Plans Board.

2.0 RECOMMENDATION

2.1 That the proposed Scheme for Speaking at Plans Board be approved;

2.2 That the Council's Constitution be amended accordingly.

3.0 PUBLIC SPEAKING AT PLANS BOARD

3.1 In accordance with the resolution of the Council Constitution Committee at its meeting on 8th December, the draft Scheme was amended following consultation with the Head of Planning & Transport and the Chairman of the Plans Board. The draft Scheme was considered at the meeting of the Council Constitution Committee on 13th April, 2010 and further amendments requested for the purposes of clarification. The final Scheme is attached as Annex A and a copy of the leaflet at Annex B.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute Nos. CCC-04 & 05)

Council – 30 September, 2009 (Minute No. 44)

Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)

Council – 28 January, 2010 (Minute No. 79)

5.0 OTHER INFORMATION

| | |
|---------------------------------|--|
| Equality & Diversity | The business of the Committee considers equality and diversity in an appropriate manner. |
| Environmental Impact | None arising directly from this report. |
| Legal Comment | The Local Government Act 2000 |

| | |
|--|--|
| | requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes. |
| Links with Corporate Priorities | The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy. |
| Opportunities & Risks | The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified. |
| Financial Implications | |
| Ward Implications | Borough wide |

6.0 **BACKGROUND PAPERS**

Council Constitution

Report prepared by Phil Griffiths (Democratic Services Manager – 01952383210)

SCHEME FOR PUBLIC SPEAKING AT PLANS BOARD MEETINGS

1. Introduction

The Council is responsible for determining applications for planning permission. The vast majority of planning applications are dealt with under delegated powers by officers. Major, complex and contentious proposals will be determined in detail by elected Councillors at Plans Board meetings.

Public speaking at Plans Board meetings is not a legal requirement. However, it is regarded as good practice, provided it is properly regulated.

The purpose of allowing the public and applicants to address the Plans Board is to allow both applicants and potential supporters or objectors from the public to give their views on planning applications in person, before a decision is made. In addition Town or Parish Councils can send a representative to speak to the Board and the Borough Ward Councillor or nominee may also speak.

Allowing public speaking at Plans Board is beneficial in that it can increase public confidence in the openness and fairness of the Planning process as well as engaging the public in the decision making process.

How do I arrange to speak at Plans Board?

A person wishing to speak must contact the Democratic Services team by no later than 5 pm, 2 working days before the meeting, by e mail to publicspeaking@telford.gov.uk, by telephone on 01952 383214, or by letter to:

Democratic Services
Telford & Wrekin Council
Civic Offices
Po Box 215
Telford
TF3 4LD

Meetings are normally held on Wednesdays at the Civic Offices in Telford. Wherever possible, items where the public wish to speak will normally be considered earlier on the agenda..

Speakers must register to speak and no-one will be allowed to speak if they have not registered.

2. Who can speak at Plans Board Meetings

Any of the following can speak:

- The person applying for planning permission (or his or her agent or other representative) is entitled to speak in support of their application.
- Any other member of the public (or his or her agent or other representative) is entitled to speak either in favour or against the application.
- A representative of a Parish or Town Council is entitled to speak either in favour or against the application, providing that the property is situated within that Parish or Town Council area.
- Borough Ward councillors, providing that the property is located within their ward. A Borough councillors may also speak as a stand in for the Ward councillor

3. How long is allowed for speaking?

A maximum of 5 minutes each is allocated for those who:

- Wish to speak in favour of the application
- Wish to oppose the application

and 5 minutes each is allocated for:

- The Parish or Town Council Representative for the area *
- The Borough Ward Councillor (if not a member of Plans Board).

These time limits will be strictly adhered to. In certain circumstances the Chairman may agree to extend these time limits in the interests of a balanced debate.

In the case of multi member Borough wards, the Chairman may, at his discretion, allow more than one Borough Member to speak.

An applicant in favour of the application can speak even though an objector does not and vice-versa.

* The Parish or Town Council representative must be authorised by the Parish or Town Council and speak on behalf of the Parish and not as an individual. A Parish or Town Council representative can only speak in relation to an application within the Parish/Town Council boundary.

4. What if more than one person wishes to speak?

If more than one person wishes to speak, either in favour or against a proposal there are two options:

- A spokesman, usually the first person requesting to speak, may be appointed on behalf of all those either in favour or against a proposal
- The speakers can agree to share the 5 minutes between them

5. What is the Procedure for Speaking?

The Chairman will announce the application and a Planning Officer will give a presentation of the application. Speakers will then be invited to address the Board in the following order:

1. Parish/Town Council representative
2. Borough Ward councillor
3. Objector (or agent/spokesperson on behalf of objectors)
4. Applicant or their agent/spokesperson

The Chairman will have the discretion to halt the Speaker should they begin to stray from the discussion of planning grounds or make inappropriate or offensive comments. Speakers may read from prepared statements. Once speakers have finished they will be asked to retake their seats in the public gallery and may take no further part in the meeting.

6. What can I say?

Comments must be based on planning issues.

Speakers must not:

- Make statements of a personal or slanderous nature
- Be abusive; or
- Interrupt other Speakers or the debate of the Plans Board

Additional material such as plans or photographs must be provided to the Democratic Services Team at least 48 hours before the meeting

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 13 APRIL 2010

REVIEW OF SCRUTINY ARRANGEMENTS

REPORT OF THE SCRUTINY MANAGER

1.0 PURPOSE

- 1.1 For the Committee to consider the proposed changes to the Scrutiny arrangements as agreed by Scrutiny Leadership Board and recommend these arrangements to Full Council.

2.0 RECOMMENDATIONS

- 2.1 That the Committee recommend to Full Council on the 29th April 2010 the model for Scrutiny arrangements as agreed at Scrutiny Leadership Board on 25th March 2010;
- 2.2 That the Committee agrees the process set out in Section 7 of the report to agree any consequent changes to the Constitution regarding Scrutiny.

3.0 SUMMARY

- 3.1 Scrutiny Leadership Board agreed to undertake a review of the new scrutiny arrangements introduced in January 2009 when they had been in operation for 12 months. Professor Leach was engaged to undertake the review and his report was completed in February 2010. The report and views from Scrutiny Assembly and Cabinet were discussed at Scrutiny Leadership Board on the 25th March 2010. Scrutiny Leadership Board recommend to Council Constitution Committee that the recommendations made by Professor Steve Leach are implemented taking into account the comments made by the Scrutiny Assembly on the 8th March 2010.

4.0 PREVIOUS MINUTES

- 4.1 AUC -39 Audit Committee 3rd November 2009
SLB -95 Scrutiny Leadership Board 19th November 2009
SLB - Scrutiny Leadership Board 25th March 2010

5.0 BACKGROUND

- 5.1 The current Scrutiny arrangements were introduced in January 2009. It was agreed that this would be reviewed after 12 months. Professor

Leach undertook the review of Scrutiny arrangements during February 2010. The full report and recommendations is attached as Appendix 1.

6.0 VIEW OF SCRUTINY LEADERSHIP BOARD

6.1 Scrutiny Leadership Board considered the report and the views of Cabinet and Scrutiny Assembly. The draft minutes of the Scrutiny Leadership Board meeting on the 25th March, Appendix 2, will be circulated to Members prior to the Council Constitution meeting on the 13th April 2010.

7.0 PROPOSED PROCESS TO AGREE CONSTITUTIONAL CHANGES REGARDING SCRUTINY ARRANGEMENTS

7.1 Further work is required to the Constitution regarding the Scrutiny arrangements, but this can only be done once the Scrutiny model has been agreed by Council. Accordingly, it is proposed that Council Constitution Committee recommend to Full Council on the 29th April 2010 the Scrutiny arrangements as agreed by Scrutiny Leadership Board as summarised in Appendix 1 paragraph 4.5.(1)(2)(3).

7.2 Currently there is no provision in the constitution for Interim Scrutiny arrangements. Appendix 3 proposes to add to the constitution the provision for an Interim Scrutiny Committee that will be politically balanced and have the power to undertake the scrutiny function required under legislation. It is proposed that the Interim Scrutiny Committee will include all the Lead Scrutiny Members appointed at Annual Council and Statutory Co-optees. Until officers have clear directions from Members regarding the amendments to the Constitution regarding the scrutiny arrangements it is proposed that the interim arrangements come into effect following Annual Council. Following Annual Council the Interim Scrutiny Committee will consider the Scrutiny arrangements and recommend the detail of these arrangements to Council Constitution Committee. Council Constitution Committee will then consider these and recommend the consequent revisions to the Constitution to Full Council. Once the Scrutiny arrangements are agreed by Full Council the interim arrangements will be revoked.

7.3 At the meeting of the Audit Committee on the 30th March 2010, Members recommended the Joint Health Overview and Scrutiny Committee with Shropshire Council, the Value for Money Scrutiny Group and the Corporate Parenting Scrutiny Group are retained in their current format until the final scrutiny structure is agreed in order to continue to provide an interim scrutiny facility in key risk areas whilst final arrangements for any new scrutiny structures are being worked out.

8.0 OTHER INFORMATION

| | |
|---------------------------------|--|
| Equality & Diversity | Scrutiny will continue to consider the equality and diversity issues relating to |
|---------------------------------|--|

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| | the services under scrutiny. |
| Environmental Impact | Scrutiny will continue to consider the environmental issues relating to the services under scrutiny. |
| Legal Comment | The Council has a duty to scrutinise its work and that of NHS and partner organisations |
| Links with Corporate Priorities | Professor Leach's report, Section 4.6 and 4.7, sets out options for the relationship between Scrutiny and the Corporate Priorities. |
| Opportunities & Risks | <p>It is anticipated that the NHS in Telford and Wrekin and Shropshire will consult on the proposals for acute services in the new municipal year. It is important that the necessary scrutiny arrangements are in place to enable Members to continue to scrutinise the proposals through the Joint HOSC with Shropshire Council.</p> <p>Audit Committee identified further risks regarding Value for Money Scrutiny and Corporate Parenting if the Scrutiny arrangements are not confirmed until after Annual Council.</p> |
| Financial Implications | There are no direct financial implications from this report however the support provided to the Scrutiny by the Scrutiny Team, Democratic Support and other officers will be affected by the savings required across all areas of Council services. |
| Ward Implications | There are no ward implications resulting from this report. |

9.0 **BACKGROUND PAPERS**

Report prepared by Fiona Bottrill (Scrutiny Manager: 01952-383113)

Review of Scrutiny Arrangements at Telford and Wrekin

Introduction

- 1.1 In January 2010, I was commissioned to carry out a review of the scrutiny arrangements in Telford and Wrekin Unitary Authority. The brief for the review is included as Appendix 1. The fact that the time available for the review was limited, with three days of interviews and observation during a three day period (February 10 – 12th) and then one week to submit a draft report (February 22nd) meant that I was unable to deal with all the requirements of the brief as fully as I would have wished. However I am confident that I have identified the main challenges facing scrutiny in Telford and Wrekin, and have developed a series of recommendations in response to these challenges.
- 1.2 During the February 10 – 12th period, I interviewed the council leader and deputy leader, the chair of the Scrutiny Leadership Board and (in 3 separate focus groups) 11 active scrutiny members and 4 co-optees. I also interviewed 8 officers, including the chief executive, 2 strategic corporate directors, the Head of Finance and 3 members of the scrutiny team. I subsequently conducted a further 5 interviews by phone, including one with the cabinet member with responsibility for the priority ‘an efficient and community-focused council’. I also observed a meeting of the Value for Money Scrutiny Monitoring Group on February 10th and studied various helpful background documents (e.g. the Scrutiny Handbook) and a range of recent reports from task-and-finish groups (including Procurement and Bus Services). These various sources of opinion

and information enabled me to form a balanced picture of the strengths and weaknesses of scrutiny and the challenges facing it.

1.3 The report is divided into four main sections. The first section argues that the onset of the recession, and the financial cutbacks that will continue to affect Telford and Wrekin will require a major rethink of scrutiny's priorities. The second section contains an evaluation of the scrutiny's current structure, processes and performance. In the third section the contribution which structural change could make to improved performance is discussed, including a comparative evaluation of different options. Finally in the fourth section a series of recommendations which would be likely to improve the effectiveness of scrutiny are set out and justified.

1.4 I am grateful to all those who agreed to be interviewed or attended focus groups. Particular thanks go to Fiona Bottrill and the scrutiny team for arranging my programme of interviews at short notice and acting as a reference point during my visit.

The impact of the recession on the priorities for scrutiny

2.1 There are many functions which scrutiny can carry out including policy development, policy review, budget formulation and scrutiny, external scrutiny performance monitoring and holding the executive to account. All authorities have to prioritise these different functions. The recession, and in particular its impact upon the financial resources available to Telford and Wrekin makes a re-assessment of the priorities of scrutiny essential.

2.2 Currently the main priorities for scrutiny are policy reviews, (some of which have covered the responsibilities of external bodies – e.g. the recent review of local bus services) budget scrutiny and (to a lesser degree) performance monitoring and holding the executive to account. The programme of policy reviews was last year developed through the medium of an imaginative ‘away day’ workshop. These reviews, which can be influenced by the views of cabinet members, are typically carried out in task-and-finish group mode, although other mechanisms – e.g. spotlight reviews and special interest meetings are also used. Budget scrutiny and performance monitoring form the main responsibilities of the ‘Value-for-money’ Scrutiny Monitoring Group. Holding the executive to account is done in various ways, with a formal call-in being seen as a ‘last resort’, if the concerns of members cannot be resolved in other ways.

2.3 It is appropriate that scrutiny itself should have the right to decide its priorities and its programme of work on a year-by-year basis and in more normal circumstances, the current set of priorities and the current method of developing the work programme (especially the content of the ‘in-depth’ studies carried out by task-and-finish groups) might be seen as appropriate. However these are not normal circumstances. Local authorities are currently operating in a very different financial climate, where the challenges of maintaining services and dealing with the fall-out of the recession, with reduced financial resources are indeed formidable. In this situation, there is a new responsibility for scrutiny to ensure that the way it spends its time contributes materially to meeting this

challenge. Scrutiny should no longer have the luxury of developing its own programme, irrespective of the agenda facing the local authority as a whole.

- 2.5 This new responsibility does not of course mean that it should compromise its independence of the executive, not that it should cease to take seriously its 'holding to account' role, nor that it should not continue to identify and where appropriate highlight issues of public concern as potential scrutiny topics. But it does mean that it should take very seriously the role it can play in helping the authority through the very difficult 4-5 years ahead, by taking on pieces of policy development or policy review work which can make a real contribution to the authority's capacity to respond to the recession – linked agenda.

Evaluation of the Scrutiny's Current Performance

- 3.1 There are several strengths in the way scrutiny currently operates in Telford and Wrekin. The emphasis on task-and-finish projects is a positive motivation for a reasonable number of members, and typically results in good quality reports (although the degree of influence they have had has varied). There is a commendable (and largely successful) determination to try to minimise the influence of overt party politics on the work of scrutiny. The authority has a well-deserved reputation for its proactive stance to the scrutiny of health issues, which has continued under the new structures introduced in January 2009. The Value for Money sub group has been reasonably effective in its budget scrutiny and performance monitoring roles and is popular with its members. There is an all-party recognition that scrutiny needs dedicated officer support to operate

effectively, and despite a number of staff changes in 2009, the Scrutiny Team has continued to provide effective support and is widely valued.

3.2 However there are a number of issues of concerns which have developed following the introduction of new structures and in the light of the impact of the recession on Telford and Wrekin. These issues can be summarised as follows.

- ❖ Scrutiny has not yet adapted its work programme sufficiently to respond to the impact of the recession, nor to the priorities adopted by the council (One Council: One Team: One Vision)
- ❖ The new structures are confusing for many members and have not significantly improved member involvement and commitment levels (although those members who had previously demonstrated commitment and involvement have continued to display these qualities)
- ❖ The more informal nature of the sub-groups has overcome some of the limitations of the previous commission-based structure, but has also resulted in problems relating to constitutional status, procedure and ability to influence
- ❖ Scrutiny is not currently proving effective in holding the cabinet to account
- ❖ The current structure is problematical for co-optees and especially for the statutory co-optees nominated by educational bodies
- ❖ The system of cabinet assistants has resulted in the Conservative group being under-represented in the scrutiny process with the result that shared ownership of the scrutiny process, has not been achieved

3.3 As many of these issues revolve around the impact of the introduction of the new structures, it is appropriate to address this issue first. The new structures were introduced as an attempt to change the culture of scrutiny working, which was perceived by several (although by no means all) of those involved to have lost momentum during the 2007-2008 period partly because of the mode of operation of the Commissions. It was felt that the Commissions spent too much time on topics where they could not add value and whose proceedings were (in several cases) too dominated by long officer presentations which were certainly informative, but which did not result in scrutiny making much (if any) difference to the issues concerned.

3.4 The new arrangements have a degree of logic to them. The Scrutiny Leadership Board (SLB) is in principle an appropriate mechanism which has the capacity to provide effective leadership and co-ordination to the scrutiny process. Leadership Boards of this nature are widely regarded as good practice (CfPS (2005), not least because they provide an appropriate organisational counterpart to the cabinet. Similarly the idea of a Scrutiny Assembly, at which all non-executive members and co-optees involved in scrutiny can meet from time to time, to provide a steer to the work programme and to discuss issues of major significance (such as changes in structure) is in principle a sensible one, which has increasingly been introduced elsewhere by 'good practice' authorities. There are confusions about the role and operational problems within both the Leadership Board and Assembly but both are in principle sensible mechanisms.

- 3.5 The four sub-groups, however are more problematical, both in principle and in practice. First, there is no consistent pattern to their remits, covering as they do, a broad service area (Health and Adult Social Services) an important but limited aspect of Children's Services (Corporate Parenting), a concern with budget scrutiny and performance monitoring in an authority wide basis (VFM) and a major long-term educational building project (Campus Telford and Wrekin). This is a strange mixture of the broad and the detailed and leaves major gaps in the subject matter covered by scrutiny (which the 'task-and-finish' projects only fill to a limited extent). This inconsistency cannot be justified.
- 3.6 Second, the mode of operation of each sub-group is problematical. It falls somewhere between a properly constituted scrutiny commission (requiring political balance, formal agendas and minutes, and public and press notification) and a working group (such as those set up to carry out a task-and-finish project) for which there are no such requirements. This indeterminate status is confusing to members, officers, the media and (in so far as they are involved) the public. There have been instances, for example, where an issue to be considered by the Health sub-group has generated media and public interest, resulting in requests for reports and agendas which cannot easily be met, given the normal operating procedures of the sub-groups.
- 3.7 There are advantages in the lack of requirement for political balance, and informality. In relation to political balance, the pressures have been reduced on the hard-pressed group of Conservatives members outside the cabinet, which currently totals 23% of those eligible for scrutiny, but which under political

balance would be required to total 50% of scrutiny positions. In addition the membership of the sub-group is more likely to consist of councillors genuinely interested in the topic, rather than those whose presence is required because of political balance requirements. Informality enables a more productive working environment for certain activities than has been possible within the Commissions. However these advantages, important though they are, have to be set against the constitutional and procedural confusions.

3.8 Thirdly, the lack of formal agendas and procedural uncertainties appear to have resulted in a tendency for officers (other than the Scrutiny and Democratic support staff) to take the sub-groups less seriously than they did the predecessor Commissions. There was a lot of concern expressed by members (including co-optees), about issues such as how information is distributed and the lack of follow-up capacity relating to actions which mainstream officers have agreed to take, which reflected a general lack of clarity (on the members' part) as to what these sub-groups were there for, and what they could reasonably insist on, in relation to officer information provision and attendance by officer and cabinet members.

3.9 A fourth related point is that because of the informal nature and their patchwork nature of their remits, there has been very little attempt to 'hold the cabinet to account', which should be one of the most important roles of scrutiny. The cabinet do not feel they are being held to account, and nor does anyone involved in the scrutiny process.

3.10 The fifth problem relates to the role of the co-optee members of the scrutiny sub-group. There is less of an issue in relation to health, where the co-optees are playing a proactive and helpful role and appear content with the current arrangements, than there is in relation to 'Campus Telford'. The remit of this sub-group has confused the education co-optees. They have an interest in education in the broadest sense; yet they have been channelled into the Campus Telford sub-group which has a narrow remit, in which education per se plays a limited part. True they are also members of the Scrutiny Assembly, but this body meets only occasionally, and rarely discusses education topics. Co-optees with a particular interest in environmental issues find it hard to see where they fit into the new structure. The new structure has marginalised the potential contribution of the education (and some other) co-optees and their sense of being a valued part of the scrutiny process. This is not an acceptable outcome.

3.11 The existing structure is not viable. Although the SLB and the Scrutiny Assembly can be justified, so long as a greater clarity of functions and working arrangements can be devised, the current sub-groups cannot, either in terms of remits and working arrangements. A different balance between constitutional viability and capacity for informal working is required. In addition their capacity to challenge the cabinet needs to be strengthened.

3.12 The second main problem associated with the current way of working of the scrutiny arrangements is the way in which the work programme is established. This may appear a strange viewpoint, given the detailed (and largely appropriate) criteria which exist for the selection of in-depth studies, and the

positive evaluation by members and officers alike of the Scrutiny Assembly workshop – style meeting in 2009 at which the topics for the 2009-10 work programme were discussed and agreed (subject to refinement by the SLB). Indeed if local authorities operated in a more benign financial climate, where resources were available for new initiatives, then the current way of developing the scrutiny programme would have much to commend it. However in the unprecedented recession-related circumstances in which all authorities find themselves, it is essential that scrutiny plays its part in contributing to the ability of the council to deal with the challenging agenda facing it (see 2.1-2.3 above). Currently the work programme formulation process, despite its positive qualities, is not geared up to making this kind of contribution. In addition the current channels of communication between the cabinet and scrutiny (including KIT – the ‘keep in touch’ principle) do not appear to be equipped to remedy this shortcoming.

3.13 The task of developing the capacity of scrutiny to carry out the kind of in-depth policy development and review work which has become a high priority, would be greatly facilitated by an increase in the number of Conservative group members who are involved in the work of scrutiny. Currently there is not really a shared ownership of the scrutiny process amongst all parties. The adoption by the Conservatives of a ‘cabinet assistant’ system has had the effect of preventing the participation in scrutiny of a group of 7 able* Conservative councillors (in addition to the 7 who hold formal cabinet positions). As noted earlier, this measure has meant that there are only 11 Conservatives remaining

* it can be assumed that they are seen as amongst the most able group members to have been drawn into the cabinet in this way

(which will increase to 13 following the February 11th by e-elections) to operate as members of scrutiny boards and sub groups. The more experienced Conservative councillors involved have shown commitment and made a valuable contribution, but it has put huge pressure on them, and has contributed to a perception that there is not a shared ownership of the scrutiny process, with the Conservatives being significantly under-represented, in the light of their position as the dominant group on the council. If the council is to move to a position where all parties are committed to contributing to a policy development and review process, the outputs from which will ultimately be taken forward by a Conservative administration, then ways have to be found of increasing the involvement of Conservative members in the scrutiny process. This requirement in turn implies a review of the role of cabinet assistants, including an examination of whether their cabinet involvement necessarily precludes them from a role in scrutiny.

Conclusion

3.14 The analysis set out in the preceding pages implies the need for a re-assessment of the structures, processes and procedures of scrutiny which would achieve the following ends.

- ❖ Strengthening its capacity to undertake policy development and review projects which would contribute materially to the council's capacity to meet the demanding challenges associated with the recession and the severe financial cutbacks required
- ❖ Increasing the numbers of Conservative councillors involved in the scrutiny process, in particular the policy work highlighted above

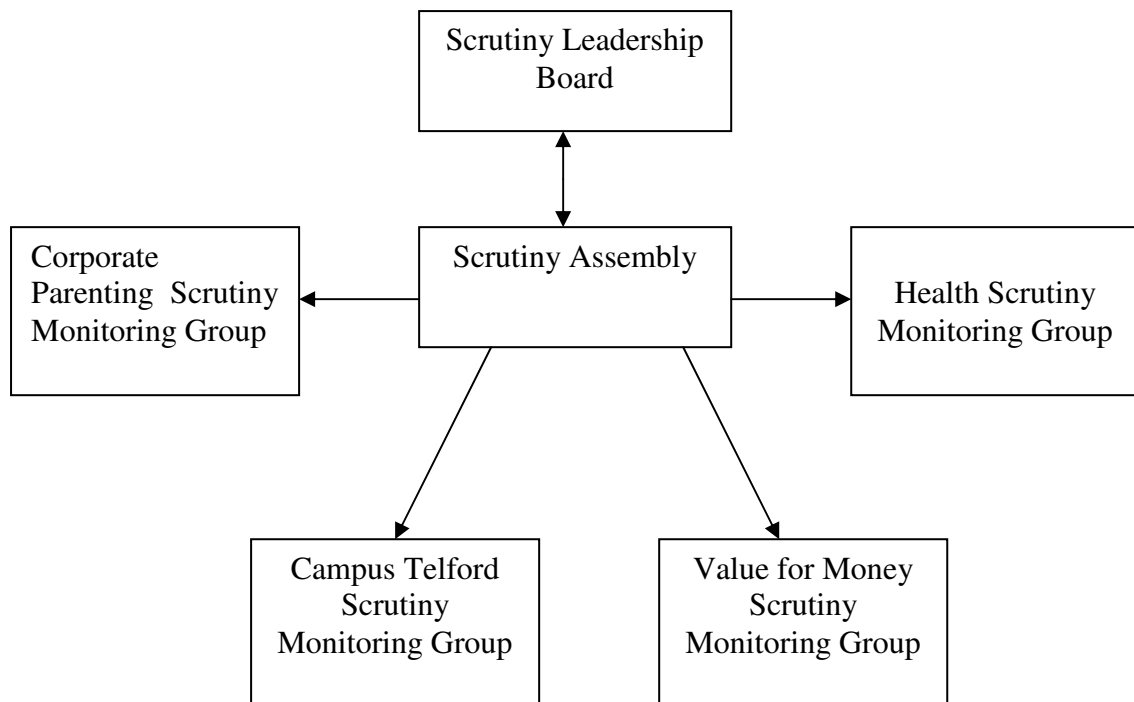
- ❖ Restructuring the way scrutiny's work programme is drawn up so that the most appropriate policy topics can be identified and undertaken
- ❖ Overcoming the confusions and inconsistencies involved in the current remits and operating procedures of the sub groups which are attached to the SLB
- ❖ Retaining the benefits of informal working, whilst ensuring that the scrutiny arrangements operate on a sound constitutional basis

The Contribution of Structural Change

4.1 One should always be wary of 'structural fixes'. Organisational culture, appropriate processes and the commitment of individuals can be just as important as structures in facilitating the achievement of priorities, often more so. All these factors can contribute materially to the achievement of priorities for scrutiny, as will be demonstrated later. However, structure can also play its part, and at a time when major structural changes have been made to the senior management structure and to the allocation of responsibilities within the cabinet, it is important to address what implications these changes have for scrutiny structures. Structural change may be necessary, but there would need to be a clear justification for it.

4.2 The current structure (see Diagram 1) has been in operation since January 2009.

Diagram 1: Scrutiny Arrangements



From Scrutiny Handbook 2009

One of the aims of the new structure was to change the culture of the 4 former scrutiny commissions, which were seen by many as increasingly unproductive, and to decrease absenteeism (which was relatively high under the old system). Views about it are mixed; it has its enthusiasts and its detractors. Those who support the new structure argue that it is only a year since it was established, which is not an adequate span of time to be able to judge its effectiveness. Also, there has been a period of staff upheaval within the Scrutiny Support Team, which may have restricted its capacity to facilitate the effectiveness of the new structure. Detractors are critical of the lack of clarity involved in the role and operational style of the four monitoring groups. Concerns were also expressed about inconsistency in the allocation of responsibilities (and SRAs)

amongst lead members and chairs of the monitoring groups. Some felt simply that the new structure had made very little difference.

4.3 There was also criticism of the role and effectiveness of the Scrutiny Leadership Board (SLB) and the Scrutiny Assembly (SA) respectively. However, both these structural features have been introduced elsewhere to good effect and would be regarded as ‘good practice’. Whatever other changes are made there is a strong de facto case for retaining both structural elements with their roles suitably clarified.

4.4 More problematical has been the operation of the sub-groups. These problems were discussed in detail on p 6-7 above. Even if changes in the overall structure were not considered necessary, changes would certainly be required in their constitutional status and mode of operation.

4.5 In considering the future of the scrutiny sub-group structure*, three options emerged for the discussions in the interviews

1. Status quo: the argument here is that the new structure has only been up and running for a year. It requires more time to demonstrate whether it can work effectively in conjunction with the new structures within senior management and the cabinet.
2. Priority-based sub-groups: given the centrality of the seven priorities in ‘One Council; One Team; One Vision’, there is a case for introducing a structure for scrutiny based on these priorities

* i.e. the structure which operates below the assembly level

3. Issue or service-based sub-groups: given the dominance of the seven priorities in the executive and management structure, there is also a case for adopting a different categorisation for scrutiny sub-groups, not least to ensure that a (new) silo mentality does not develop around the six priorities (the use of a different categorisation would be congruent with the principle of matrix management)

4.6 In my view, the second option should not be pursued although it admittedly has a degree of logic to it (for example matching scrutiny sub-group remits to priorities would facilitate the function of holding cabinet members (and strategic directors) to account). The accountability link already exists, in that the six scrutiny lead members already each have a responsibility for a particular priority. This set of responsibilities should be retained. The use of the seven priorities as a basis for changing the structure of scrutiny would, in my view, involve a greater degree of potential problems than potential benefits particularly in that it would result in the (over) dominance of one organisational design principle above any alternative. It would also result in an over-elaborate structure, and represent something of a missed opportunity (see below).

4.7 The third option is preferable in a 'checks and balances' sense in that it provides a different way of dividing up reality to avoid the development of 'silo thinking'. There remains the issues of what organisational principle should be used. There are various possibilities – location (e.g. South Telford) client group (e.g. prolific service-using families) cross-cutting issues (e.g. community cohesion) or traditional (but still relevant) service categories (e.g. education).

4.8 However there is also a persuasive case for retaining much of the status quo. The structure introduced in January 2009 hasn't yet had a reasonable time to demonstrate its effectiveness (or otherwise). The Scrutiny Leadership Board and Scrutiny Assembly are both acknowledged examples of 'good practice', which work well in other authorities. Both the Health sub-group and the Value for Money sub group have settled down well and made a significant impact. The Corporate Parenting sub group covers an important issue for the council and shows signs, after a period of uncertainty, of developing a more productive role although its remit does create problems for co-opted members with an education background.

4.9 The most appropriate way forward, in my judgement, is a modified status-quo model which introduces elements of the issue or service-based organisational principle into a modified version of what already exists. There would need to be a clarification of constitutional status and mode of operation of all the existing elements which are retained. And crucial to the capacity of the new arrangements to deliver in terms of the challenging recession-linked agenda facing Telford and Wrekin would be a redesign of the existing system for identifying the programme of in-depth studies, which should involve a greater degree of negotiation between cabinet and the Scrutiny Leadership Board.

Recommendations

Set out below are the main changes to structure and processes which are recommended.

5.1 The Scrutiny Leadership Board

The Scrutiny Leadership Board (SLB) should be retained at its current size, and with its existing political composition (3 Conservative; 2 Labour; 1 other). The principle of allocating a shadow portfolio to each of its six members should be retained, with the current chair of the SLB holding the shadow portfolio for ‘Adults Care and Support’ (which includes the Health Scrutiny function). One SLB member would need to cover two portfolios (perhaps the Economy – and Housing – related briefs), unless the size of the SLB were to be increased to 7.

5.2 The tasks identified for the SLB in the Scrutiny Handbook are in general appropriate. The problem is that they are not well understood by all its members, nor is the work of the SLB always focused on these tasks.

5.3 The agendas of the SLB should become more focused, with ‘general discussion’ sessions (about progress or emerging issues) identified on the agenda when required, but given a (time-limited) slot in the meeting to enable the SLB to do justice to the more specific items of business facing it. There should in addition be a much more systematic system of briefing and reporting back between the SLB and the sub groups (or panels) attached to it.

5.4 The Scrutiny Assembly

The Scrutiny Assembly should continue in existence and continue to meet on a quarterly basis. Its key role should be to increase the commitment of all

members involved in scrutiny, by enabling them to make a real contribution to the priorities and work programme of scrutiny. The role of the Scrutiny Assembly and the meetings earmarked for it in the Scrutiny Handbook seem appropriate. It should also be used as a way of keeping all scrutiny members (including co-optees) informed about the progress of scrutiny initiatives throughout the year. The 'extranet' may prove particularly helpful in this respect.

5.5 The Scrutiny Monitoring Groups

The sub-group structure of scrutiny should be modified in the following ways.

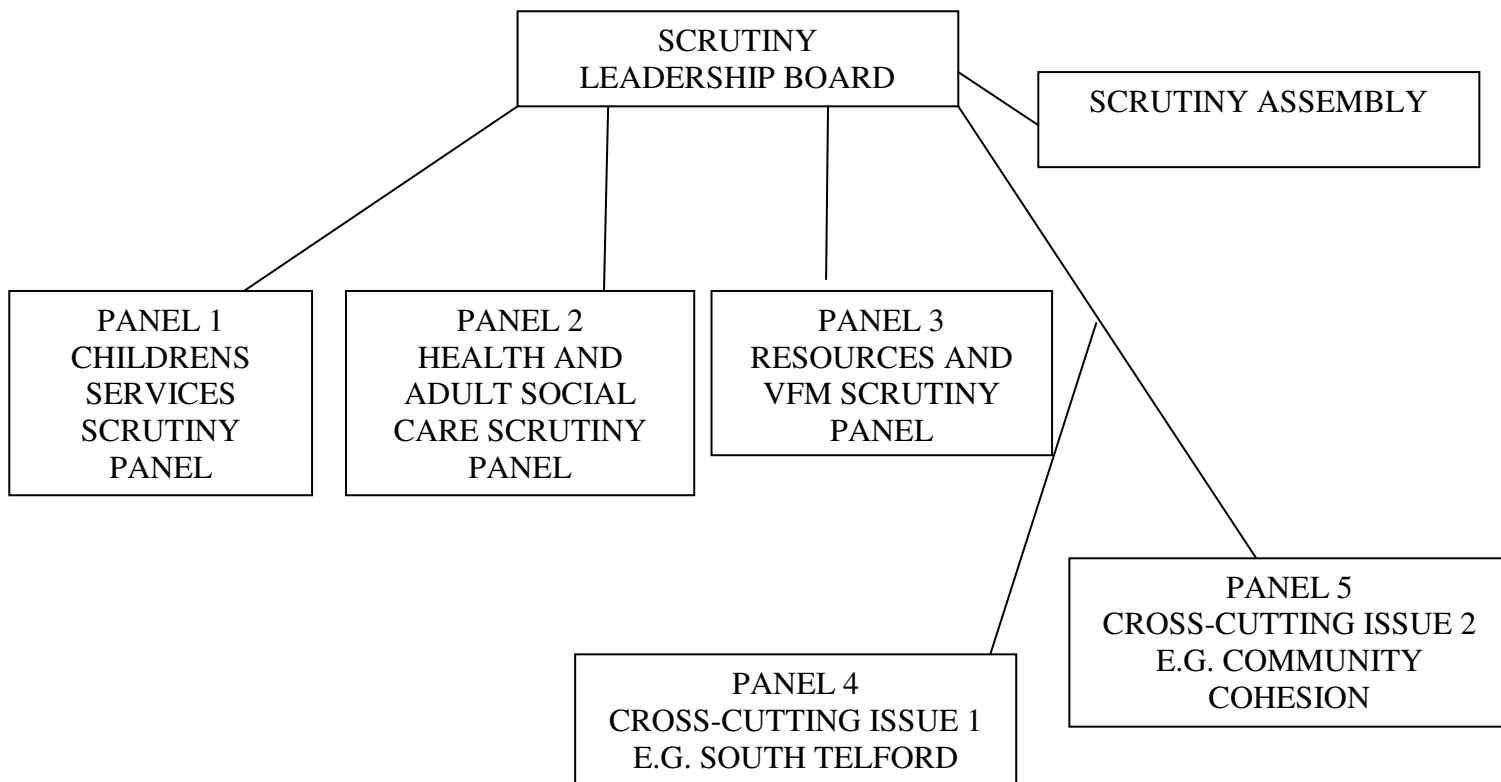
- a) Three scrutiny panels should be established, and given a proper status within the constitution. The principle of political balance should be applied, and the panels should be subject to the normal expectations of public agendas and minutes, and should be serviced by democratic support staff. In two cases (Health and Adult Care Services' and 'Value for Money') the new panels should operate with the same remit as the parallel scrutiny monitoring groups which currently exist. In the third case 'Children's Services' a new panel should be established with a remit which covers the full operation of educational and child protection services. This panel would form a natural home for the education co-optees.
- b) The remit of the Campus Telford and Wrekin scrutiny monitoring group should be subsumed within the remit of the proposed Children's Service Panel, and should thus be discontinued as a separate entity.

- c) The existing Corporate Parenting Scrutiny Monitoring group should be reconstituted as a small working group attached to the Children's Services Panel. Constitutional status and political balance would not be necessary. Any issues requiring formal action should be referred to the Children's Services panel for action.
- d) The three new panels should meet quarterly on a formal basis (or possibly every two months). Between formal meetings, a programme of work involving an appropriate balance of in-depth reviews, spotlight reviews special interest meetings and training sessions should be organised to meet the panel's commitments.
- e) At the joint cabinet/scrutiny programme planning meeting (see below) at the start of the municipal year, two further panels should be established to undertake projects which it was agreed had the potential to contribute materially to the achievement of the council's corporate priorities, in the context of the recession and the difficult financial situation faced by the council. Such projects could cover particular problematical areas of the authority (e.g. South Telford) particularly client-groups (e.g. families who are prolific service users) or particular issues within one of the council's strategic priorities (e.g. community cohesion, homelessness, school to work transition). The panels concerned would not require formal constitutional status or political balance in their membership. Interest in the topic concerned would be the key requirement. These panels would decide their own meeting frequency and pattern of work, in the context of the brief provided for them following the annual cabinet/scrutiny liaison meeting. Their work would be focused on

policy development or policy review projects, but within a broader priority area than the topics previously addressed in in-depth reviews.

- f) Any reports emerging from any of the panels (formal or informal) would be referred in the first instance to the SLB for comment. The SLB would not however have the power to change the content of any report, including the recommendations. The panel concerned could then (if it wished) modify its report, before submitting it to the cabinet.
- g) Debates on major reports could also take place at the scrutiny assembly or full council, where there was sufficient interest and where this was felt to be appropriate.

The new structure is illustrated diagrammatically in Diagram 2.

Diagram 2 : The proposed new structure

5.6 For this new structure to work effectively, two conditions would be necessary. First, the involvement of the Conservative group in Telford and Wrekin in the activities of scrutiny would need to be considerably strengthened. Secondly, the way in which the scrutiny work programme was drawn up would require significant changes.

Strengthening the Involvement of the Conservative Group

5.7 The strengthened involvement of the Conservative group is crucial because the new priority for scrutiny in the current circumstances would be to support the cabinet in its work (whilst retaining the holding to account role). Ultimately, however impressive the in-depth work of a scrutiny panel was, it would not be

influential unless it were to be accepted and taken forward by the cabinet. It has been argued that this outcome is more likely if the cabinet were to play a more proactive role in the setting of the scrutiny work programme and it would also be facilitated by a greater Conservative presence on the task-and-finish groups and panels. Some of those Conservative members who currently operate as cabinet assistants would have the skills to play a lead role in these groups and panels; something which they are currently precluded from doing.

5.8 The deployment of cabinet assistants, although by no means unique, is a device operated by only a small number of authorities. Clearly, if the practice was discontinued in Telford and Wrekin, it would free up the members concerned to play a major role in scrutiny. However recommendations about this choice are a matter for the Conservative group and are outside the scope of this report.

5.9 However there is another possibility. In other authorities which operate with cabinet assistants, it has not been felt to be necessary to exclude them from scrutiny activity. Cabinet assistants occupy something of a hybrid position. They are included within the cabinet, but cannot legally be allocated any decision making powers, either individually or collectively. Political advisors is perhaps the most realistic way of characterising their role. In those circumstances, some authorities have taken the view that there is no reason why cabinet assistants should not serve on scrutiny panels nor indeed lead in-depth reviews, so long as they do not do so in subject areas for which they have advisory cabinet responsibilities. Thus if a cabinet assistant played a major role in cabinet in relation to 'healthy communities', it would not be advisable for he

or she to a member of the Health Scrutiny panel. However there would be no reason why membership of a children's services scrutiny panel should not be acceptable for this individual, nor a lead role in a panel focusing on a cross cutting issue such as community cohesion. This change in the rules would need to be agreed in Telford and Wrekin for the requisite strengthening of Conservative involvement in scrutiny to be achieved.

Strengthening the Relevance of the Work Programme

5.10 The second condition – change in the way the scrutiny work programme is drawn up – is necessary to strengthen the degree of cabinet influence on the work programme. If it cannot exercise such influence, then the potential impact on the cabinet of the in-depth studies which scrutiny carries out is very much reduced, and the aim of increasing the capacity of scrutiny to contribute to the recession-linked council agenda becomes less likely to be achieved.

5.11 The implication is that a key part of the way in which scrutiny decides its annual work programme should be an in-depth discussion with the cabinet about this programme, in which the cabinet is able to explain what pieces of work it would find most useful, and why. This discussion could take place as part of the Scrutiny Assembly programme development 'away day', the format of which proved so successful in 2009. It could also take place shortly after this event, when the SLB is clear about the priorities which have emerged from the scrutiny side, and would hence be in a better position to discuss and negotiate a programme with cabinet.

5.12 The ideal outcome would be a work programme which consisted of some items which had emerged from the Assembly away day, but also some items which cabinet had persuaded the SLB that it would be to everyone's advantage if they included them in their work programme. The joint meeting could also usefully agree the remits and briefs for the two 'cross-cutting' panels which were advocated earlier in this report.

5.13 For a dialogue of this nature to prove productive (in the sense of increasing the role of scrutiny in supporting the cabinet) there would have to be an acknowledgment on the part of the SLB that it was appropriate that scrutiny should indeed move in this direction. Cabinet cannot of course tell scrutiny what it should do, nor would that be appropriate. There is nothing to prevent the SLB ignoring the proposals made by the cabinet, and emphasising its right (and intention) to set its own work programme, irrespective of cabinet suggestions of policy reviews or development it would find particularly helpful. But to do so would reduce scrutiny to a marginal role, at a time when its positive contribution to the future of the authority could be immense. Nor would a positive response be incompatible with a rigorous approach to 'holding the executive to account'. Indeed there is scope for scrutiny to operate as a real 'critical friend' by becoming more critical as well as more friendly.

Other Recommendations for Change

5.14 There should be an expectation that the chairs of the five panels should be drawn from the membership of the SLB. If however it is agreed that the chair

of a panel would more appropriately be filled by someone other than an SLB member, then that chair should receive an SRA equivalent to that of an SLB member. If the council wishes to restrict scrutiny SRAs to 6, then the implication is that the SLB member who does not chair a panel should not receive an SRA. In other words, the six SRAs should be allocated to the chair of the SLB and the chairs of the five panels.

5.15 The brief for in-depth studies should recognise that in the current financial climate, proposals for change that involve additional expenditure are not likely to be feasible, unless compensatory savings (resulting from the proposals) can be identified elsewhere in the budget, **or** the additional expenditure can be justified in terms of its contribution to the council's priorities.

5.16 Members of in-depth reviews (and spotlight reviews/special interest meetings) should be encouraged to be more radical in their thinking, seeking to develop imaginative new ways of providing services and achieving priorities which can either increase quality at no extra cost or maintain quality with lower costs. Such outcomes would be greatly beneficial in helping the authority to use its limited resource more efficiently and effectively.

5.17 The formalisation of three of the panels (Children's Services, health and Adult Care and Value for Money) will strengthen the capacity of scrutiny to hold cabinet members to account. The panels should not hesitate to use this capacity if they are concerned about any cabinet decision-planned or already taken – within their sphere of responsibility. The SLB should adopt a similar approach,

particularly for cabinet decisions which fall outside the remit of the three formal panels. In all cases, however, the cabinet member concerned should be briefed in advance about what questions the SLB or panel wish to raise with him or her.

5.18 Holding the executive to account would not be an appropriate role for the two other panels whose main task would be policy development or review. However there would be every reason to involve cabinet members in a different way, that is as 'expert witnesses' in the work of the panel. Although cabinet members cannot be members of scrutiny panels (or task-and-finish groups) their views and experience can be drawn upon whenever that is felt to be helpful. In this way, cabinet members can make a real contribution to policy development/review, whilst acknowledging the lead role which scrutiny is playing in the process.

5.19 The current arrangements for call-in, whereby discussions take place with the members who are minded to invoke the call-in procedure to see if the concerns involved can be resolved without a formal call-in, are sensible and should be retained. However such concerns cannot be resolved in this way, it would be better if the monitoring officer were the final arbiter of whether the call-in request meets the criteria set out by the council. In coming to a decision he should seek the views of the chair of the SLB, as well as those of the applicant.

5.20 There may also be advantages in reducing the number of councillors required to initiate the call-in procedure. It is currently 5, which means that some of the smaller groups may find it difficult to elicit support from members of the two

major parties. The alternative of requiring only 3 members to be party to a call-in request should be seriously considered. This change would be in line with practice in many other authorities (indeed some authorities permit call-ins from individual councillors). The important element in the process is ensuring that there is a substantive justification for the call-in, within a framework of criteria agreed by the council.

5.21 The format of the forward plan should be revised and an attempt made to make it more accessible to scrutiny members so that they can more readily make a judgement about any issue upon which they want to express a view before the cabinet discusses it. However a more open sharing of the cabinet work programme in liaison meetings with scrutiny would probably achieve the same end.

5.22 Joint liaison meetings of the cabinet and SLB should take place twice a year. The first meeting should take place as soon as feasible in the municipal year to discuss and (hopefully) agree a programme of in-depth reviews which were appropriate to the strategic priorities of the authority (and the impact of the recession) and also to agree the subject-matter of the two informal panels. The second meeting should take place midway through the municipal year, to discuss progress and to amend the programme if necessary.

5.23 The process for agreeing the work programme for scrutiny discussed in 5.11 – 5.12 above would still leave scope for in-depth reviews, spotlight reviews and special interest meetings, on topics which were felt to be priorities by scrutiny

members but which fell outside the priorities and suggestions emanating from the cabinet. However, in the new circumstances, and given the limits to the overall number of in-depth reviews which are feasible, a smaller number of such priorities would have to be agreed. The Scrutiny Assembly programme planning away day should continue to be the key mechanism for generating and evaluating such priorities. In deciding priorities particular attention should be paid to issues of public concern, where the council is in a position to respond to the problem or to influence other agencies to do so.

5.24 Given the role proposed for scrutiny in contributing in a major way to the development or review of policies which will help the authority to respond to the challenges of the recession with diminished financial resources, it is essential that the scrutiny team should be retained at its current strength (as at March 2010) to enable it to effectively support this new priority (as well as the on-going functions).

5.25 Training and development programmes which are tailored to the specific needs of scrutiny chairs and active members are an essential contribution to good scrutiny. The council should review its current training programme, in the light of any change it decides to make as a result of this report and seek to provide a range of relevant modules which will enhance the skills of scrutiny members. A priority should be given to the development of leadership capacity amongst scrutiny chairs, whose contribution will be crucial to the success of the proposed arrangements. However it is also essential that all scrutiny members be strongly

encouraged to develop relevant skills, to strengthen the part they can play in the demanding agenda which faces scrutiny.

Brief for Review of Scrutiny Arrangements and Lead Member Appraisals

2009/2010 Telford and Wrekin Council

Background

It was agreed by the Council's Scrutiny Leadership Board at the meeting on 19 November 2009 that the annual appraisal of Scrutiny Lead Members would be combined with a wider review of the Scrutiny arrangements introduced in January 2009. It was agreed that an external consultant would be engaged to undertake this work and report back to Scrutiny Leadership Board on 25 March 2010.

Aim of the Review

The Review will:

- Appraise the work of the Lead Scrutiny Members based on the issues identified in the Lead Member Appraisal framework
- Assess the effectiveness of the scrutiny structure of Scrutiny Leadership Board, Scrutiny Assembly and Sub Groups in scrutinising the work of the Council, NHS and partners involved in the Local Area Agreements
- Assess the effectiveness of Scrutiny in undertaking the work programme of reviews, spot light reviews and special interest meetings
- Consider any implications for Scrutiny of the recent restructure under 'One Council, One Team, One Vision'
- Review the support arrangements in place to enable Scrutiny to effectively undertake its function in the context of the Council's recent restructure
- Assess the effectiveness of the Scrutiny arrangements as part of the Council's governance arrangements This will form part of the evidence reported to Audit Committee on 30 March 2010.

- Make recommendations to Scrutiny Leadership Board based on the evidence gathered during the review, national developments in Local Government Scrutiny and national good practice.

Methods

The review will require a range of evidence:

- Document review (Appendix 1)
- Observing Scrutiny meetings in progress
- Meetings with Scrutiny Members (political balance and engaged / not engaged)
- Co-opted Members focus group
- Member appraisal questionnaire and interviews
- Meeting with Leader and Executive Members
- Chief Executive / Director interviews
- Meeting / focus groups with Lead Officers

Time Scales

The final report will be presented to Scrutiny Leadership Board on the 25th March 2010. The draft report should be received week commencing 1 March 2010 to be signed off by the Chair of Scrutiny Leadership Board Week commencing 8 March 2010. The review will involve 5 – 6 days work broken down approximately as follows:

| | |
|---|----------|
| Planning and preparation | 0.5 day |
| Document review | 0.5 day |
| Interviews, focus group, attending meetings | 2-3 days |
| Write up | 1 day |
| Draft report to be signed off by Chair of SLB | 0.5 day |
| Present to Scrutiny Leadership Board | 0.5 day |

Officer Support

The Scrutiny Team and Democratic Support will co-ordinate meetings / focus groups.

The main point of contact will be the Scrutiny Manager.

SCRUTINY LEADERSHIP BOARD

Meeting of the Scrutiny Leadership Board held on Thursday, 25th March, 2010 at 4.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors D.R.W. White (Chairman), R. Aveley (Vice-Chairman), A.A. Mackenzie, A.A. Meredith and K.L. Tomlinson and W.L. Tomlinson (co-optee)

ALSO PRESENT: Councillors S.M. Kelly (for minute no. SLB-120), E.J. Carter (for minute no. SLB-127), R.K. Austin, Y.C. Hicks, K.S. Sahota and C.F. Smith
Jonathan Eatough (Head of Governance), David Sidaway (Head of Property & Design), David Middlemiss (Strategic Architect – Town Centre Team), Emma Harvey (Solicitor), Fiona Botterill (Scrutiny Manager), Stephanie Jones (Scrutiny Officer), Sarah Morris (Scrutiny Officer) and Sadie Roberts (Assistant Democratic Services Officer)

SLB-117 MINUTES

RESOLVED – that the minutes of the meetings of the Scrutiny Leadership Board held on 14th January and 4th February, 2010 be confirmed and signed by the Chairman.

SLB-118 APOLOGY FOR ABSENCE

Councillor J.A. Francis

SLB-119 DECLARATIONS OF INTEREST/PARTY WHIP

None.

SLB-120 REVIEW OF SCRUTINY ARRANGEMENTS

The Chairman informed the Board that he had presented Professor Steve Leech's Review of the Scrutiny Arrangements to the Cabinet at its meeting on 23rd March, 2010. Councillor S.M. Kelly, Cabinet Member: Efficient, Community Focused Council, had presented the Cabinet's response to the Review and it had resolved that the Scrutiny Leadership Board be informed that Cabinet's preferred model was Option 2, i.e. Priority based Sub-Groups. The Chairman expressed his disappointment that this decision had been made without taking account of the views of Scrutiny and he had, therefore, invited Councillor Kelly to attend this meeting to explain the rationale behind the Cabinet's resolution. The Head of Governance clarified that Cabinet had agreed a response to the Review in its role as one of Scrutiny's consultees.

Councillor Kelly explained that Professor Leech's Option 2 mirrored the seven priority areas identified as part of the organisational review, "One Council One Vision". The Council's main drivers were now its key community priorities and Cabinet had recommended Option 2 as the best way forward in order to ensure that the Scrutiny function had a structure and a programme that would add value. He accepted that Scrutiny had the right to determine its own priorities but considered

that this would be best achieved by focussing upon the Council's Priority Plans. With regard to the future structure of Scrutiny, he was of the opinion that the Board should become an informal committee comprising the chairman of the seven Priority-based Sub-Groups. The committee would meet on a regular basis to decide upon its own work programme with one of the Sub-Group Chairmen acting as lead member with the right to attend Cabinet meetings. He also wished to see the Sub-Groups politically balanced and he accepted that this could result in each of them having a Chairman from the majority Conservative Group.

Members of the Board made the following responses:

- The change to one party chairmen would be counter to the principle which had always existed at Telford & Wrekin of the Scrutiny function being non-political. It was fundamental to Scrutiny that Members were able to work in an environment of trust and openness.
- Scrutiny's role was not only that of scrutinising the Council but also its partner organisations, a role which was being extended by current legislation. This would not be possible in the future if the Scrutiny function was constrained by the seven priority areas.
- The current Scrutiny arrangements had only been in place for a year and it might be preferable to allow them to continue for another year while the recent organisational changes 'bedded down'.
- The Scrutiny Leadership Board had achieved many positive outcomes and it should be left in its current form.
- The Scrutiny Assembly at its meeting on 8th March, 2010 to consider Professor Leech's Review of Scrutiny Arrangements had expressed a view that the Value for Money Scrutiny Group and the Corporate Parenting Group should be retained in their current format.

In response Councillor Kelly said that he fully supported the Council's need to work closely with its partner agencies, particularly on cross-cutting issues, and this relationship would be invigorated based upon the priorities enshrined in 'One Council One Vision'. Scrutiny could still decide if it wished to look at partner organisations and he would encourage more holding of them to account. Councillor Kelly said that Option 1 of the Review, to maintain the status quo in Scrutiny, was no longer an option given the financial restraints facing the Council. The Priority Plans were important, extensive and fit for purpose and would provide a wide range of areas for scrutiny work and for the executive to be held to account.

Councillor Kelly left the meeting and the Board discussed his comments and the recommendation made by the Cabinet. Following a detailed discussion it was agreed:

- (i) That Option 3 of the Review be the Board's preferred way forward subject to the Value for Money Scrutiny Group and the Corporate Parenting Group remaining rather than be subsumed into the proposed Panels.
- (ii) That, if the principle of political balance was approved for Scrutiny bodies, the principle of any Member being able to attend any meeting be retained.

SLB-121 SCRUTINY ASSEMBLY 29TH MARCH, 2010 – SCRUTINY OF PRIORITY PLANS

The Briefing Note prepared by the Scrutiny Officer set out the format and final arrangements for the Scrutiny Assembly for the Board's approval. In addition, she tabled a detailed programme together with copies of each of the priority plans, which set out the high level objectives and key targets for each priority area. The Briefing Note proposed that each group when discussing its Priority Plan, should address three key questions, namely:

- Do you broadly agree with the sub-priorities in the Priority Plan or not?
- Is there anything missing from the Priority Plan?
- Is everything a priority, or could something be dropped?

At the end of each session the Scrutiny Lead Member would summarise the comments made and agree their group's response.

SLB-122 CHAIRMANS'S UPDATE

The Scrutiny Manager said that an update on the Scrutiny of Priority Plans would be brought to the next meeting of the Board on the 13th May, 2010. As a result, the draft agenda might require shortening and she would liaising with the Chairman to agree the final version.

SLB-123 SCRUTINY FORWARD PLAN 2009-10

The Board noted the Scrutiny Forward Plan for the remainder of the municipal year.

SLB-124 COUNCIL FORWARD PLAN

The Board noted for information Edition 103 of the Council's Forward Plan.

SLB-125 DATE OF NEXT MEETING

Members noted that the next meeting of the Scrutiny Leadership Board would take place on Thursday, 13th May, 2010.

SLB-126 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.

SLB-127 UPDATE ON TELFORD TOWN CENTRE

As agreed at the meeting of the Scrutiny Leadership Board held on 4th February, 2010, the report of the Head of Property & Design set out the methodology used to evaluate the options for the replacement Civic Offices site based upon location, size and delivery strategy for the building. The report explained, by means of a flow

chart, the sequence of events and evaluation carried out to form a recommendation to Cabinet. Attached to the report were appendices setting out the sites that were evaluated and the assumptions made, the evaluation criteria used, and summary feasibility information for the five shortlisted sites.

Having gone through this evaluation process Southwater had been identified as the preferred option for the following reasons:

- It would act as a regeneration catalyst for the Town Centre
- It was affordable
- It was owned by the Council
- It was an available/vacant site

In presenting the report the Head of Property & Design said that he welcomed the opportunity to engage with the Scrutiny Leadership Board now and throughout the entire project. The Members of the Board asked a number of detailed questions of the Head of Property & Design, the Strategic Architect and the Council's Solicitor. Councillor E.J. Carter, Cabinet Member: Regeneration added that this has been an objective decision based upon the Council's need to rationalise its existing office space.

Councillor C.F. Smith, the Lead Scrutiny Call-In Member, stressed the need for the whole project to be scrutinised and Councillor Carter responded that he believed that the Board was the best way forward to achieve this and to communicate future plans to all members of the Council. The Head of Property & Design added that he would bring details of the key milestones of the project to the Board and the Chairman agreed that this should happen three times a year.

The meeting ended at 6.25 p.m.

Chairman:

Date:

Interim Scrutiny Arrangements

To agree interim scrutiny arrangements pending Council's consideration of final arrangements at its meeting on 24 June 2010.

An Interim Scrutiny Committee will be established to be effective from the 21 May 2010 to 24 June 2010. The membership of the Interim Scrutiny Committee will be politically balanced to include (x) Conservative, (x) Labour, (x) Liberal Democrat / Independent and (x) TWPA. (to be determined by Members and agreed at Full Council on the 29th April 2010)

TERMS OF REFERENCE FOR THE INTERIM SCRUTINY COMMITTEE

(a) To have the powers of an Overview and Scrutiny Committee in relation to Cabinet decisions made but not implemented as set out in **section 21(3) of the Local Government Act (2000)** i.e. Call in of decisions taken but not yet implemented. (The Interim Scrutiny Committee to undertake the role of the Scrutiny Leadership Board as set out in the protocol for Member call-in.)

(b) To have powers of an overview and Scrutiny Committee in relation to the consideration of Councillor Calls for Action as set out in **section 21A of the Local Government Act (2000) and section 19(3) of the Police and Justice Act 2006**. (The Interim Scrutiny Committee to undertake the role of the Scrutiny Leadership Board as set out in the protocol for the operation of Councillor Call for Action.)

(c) To have powers of an Overview and Scrutiny Committee in relation to scrutiny of Crime and Disorder Reduction Partnerships set out in **section 19 of the Police and Justice Act (2006)**

(d) To have powers of an Overview and Scrutiny Committee in relation to scrutiny of performance of Local Area Agreements set out in **section 21E of the Local Government Act 2000)**

(e) To have powers of an Overview and Scrutiny Committee in relation to the consideration of referrals of social care matters from the Local Involvement Network (LINK) set out in **section 226 of the Local Government and Public Involvement Act (2007)**

(f) In accordance with Regulations under **section 7 of the Health and Social Care Act 2001**, to review and scrutinise matters relating to health services within the Council's area and to make reports and recommendations to NHS bodies. The status of statutory consultee for NHS consultations on substantial variation or development of services will be delegated to the Health Scrutiny Monitoring Group. Where formal joint health scrutiny arrangements with other

authorities are proposed, the Interim Scrutiny Committee will appoint the requisite number of Scrutiny Assembly Members to the Joint Committee.

(g) To have the powers of a Overview and Scrutiny Committee to establish a Joint Overview and Scrutiny Committee with other authorities set out in **section 32 of the Local Democracy, Economic Development and Construction Act (2009)**

(h) To agree, plan and co-ordinate the annual scrutiny work programme

(i) To propose amendments to the scrutiny arrangements within the Constitution to the Council Constitution Committee.

(j) The Interim Scrutiny Committee will may appoint sub committees to undertake specific Scrutiny functions including the appointment of a Health Scrutiny Monitoring Sub Group and Joint Health Overview and Scrutiny Committee, Value for Money Scrutiny Sub Group and Corporate Parenting Sub Group made up of Members and co-optees. The existing terms of reference for these sub committees will remain whilst these interim arrangements are in place.

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE –13th April, 2010

CHANGE OF EXECUTIVE ARRANGEMENTS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For members to consider the implications of changes in the law that require changes in the decision-making structure

2.0 RECOMMENDATIONS

- 2.1 Note the position regarding the proposed changes to the Council's decision-making structures
- 2.2 Recommend the proposed draft timetable to Council

3.0 SUMMARY

- 3.1 The Council needs to review its decision-making structures in the light of changes in the law. To do this the Council needs to approve the timetable, proposed consultation process and decision-making structures to ensure that a decision is taken by Council for implementation from May 2011.

4.0 PREVIOUS MINUTES

- 4.1 None

5.0 INFORMATION

- 5.1 This authority has to review its executive arrangements. Currently the Council elects a Leader. The Leader can then appoint up to nine other councillors to form a Cabinet. The Cabinet is collectively responsible for recommending an overall budget and the policies that make up the Council's policy framework to the Full Council.
- 5.2 The Cabinet then delivers and implements the budget and policies that have been decided by the Full Council and is also the focus for forming partnerships with other key organisations to address local needs. The Leader and Cabinet are held to account by the scrutiny committees which are made up of Councillors from all the political groups represented on the Council.
- 5.3 Under the Local Government and Public Involvement in Health Act 2007 the Council has to reconsider their decision-making arrangements, principally the two alternative options for how executive decision-making by Councillors should operate from May 2011.
- 5.4 The two options now available to the Council are:

Option A: Leader and Cabinet

Similar to the current arrangements, the Council elects a Councillor to become the Leader. This Leader would be elected for a period of four years instead of just one. As currently the Leader would still appoint up to nine Councillors to act as Cabinet members. The Leader would also decide their portfolios and the extent to which each Cabinet member could make decisions on an individual basis. The Leader would appoint a Deputy Leader who would also serve a four-year term.

The Council could also make provision in its constitution for removal of the Leader by resolution.

Option B: Directly elected Mayor and Cabinet

Directly elected by voters at the same time as they elect the other Councillors to serve for a period of four years. The Mayor would then choose a Cabinet of not more than nine Councillors.

The remaining elected Councillors would continue to have a role on the Council's scrutiny Committees and to hold the directly elected Mayor and Cabinet to account.

The Mayor would appoint a Deputy Mayor who would also serve a four-year term.

The Council would have to decide whether to continue also to have a traditional, civic and ceremonial Mayor and, if so, identify a way of differentiating the political Mayor's role from the ceremonial Mayor. Alternatively, the directly elected Mayor could carry out civic and ceremonial functions.

There is no provision for the removal of a directly elected Mayor during the four-year term of office.

Attached at Appendix 1 details a comparison between the 2 options.

6.0 TIMETABLE

Appendix 2 provides a detailed timetable for how this matter will be progressed through to Council at the end of November

7.0 OTHER INFORMATION

| | |
|--|---|
| Equality & Diversity | The consultation process will be designed to integrate equality and diversity issues. |
| Environmental Impact | None arising directly from this report. |
| Legal Comment | The legal comment is set out within the main body of this report. |
| Links with Corporate Priorities | The Council seeks to deliver its objectives of providing leadership, accountability and high standards in |

| | |
|----------------------------------|--|
| | local democracy. |
| Opportunities & Risks | The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified. |
| Financial Implications | A budget is in place for payment of allowances to elected members under the current leadership structure. The total cost of member allowances paid under the proposed new structure will need to be managed within the resources available. Costs associated with the consultation exercise will be met from existing budgets. MLB 17.03.10. |
| Ward Implications | Borough wide |

10.0 **BACKGROUND PAPERS**

Council Constitution

Report prepared by Jonathan Eatough, Head of Governance, telephone 01952 383200

Appendix 1

Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

| | Leader and Cabinet | Elected Mayor and Cabinet |
|------------------------------------|---|--|
| Status | As now, the leader would be elected by the Council in May 2011 | The mayor is not a councillor but is directly elected by voters. |
| Term of office | The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting. | The term of office of an elected mayor is expressly said to be four years. |
| Discharge of functions | The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council. | The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority. |
| Appointment of Cabinet | The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten. | The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten. |
| Deputy | The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one. | The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one. |
| Provisions if unable to act | If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. | If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so. |

| | Leader and Cabinet | Elected Mayor and Cabinet |
|------------------------------------|---|---|
| Removal | A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term. | No provision for removal during the mayor's term of office. |
| Appointment of assistants | In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups. | The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this. |
| Civic and ceremonial duties | The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council. | <p>Only the directly elected Mayor could use the title of "Mayor".</p> <p>The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions.</p> <p>A Councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished</p> |

Appendix 2

Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

| Date | Committee/action | Purpose |
|---------------------------------|--|---|
| 13/04/10 | Council's Constitution Committee (CCC) | To consider options and to recommend to Council the process and timetable for the review of the Council's Executive Governance arrangements. |
| 29/04/10 | COUNCIL | To agree the process and timetable for the review of the Council's Executive Governance arrangements. To agree delegation to the CCC to agree the consultation documentation. |
| 01/04/10 – 21/05/10 | Develop consultation documentation | Governance, Corporate Core service areas and reviewed by CMT |
| Tbc but during w/c 24/05/20 | Council's Constitution Committee (CCC) | To agree the consultation documents (under delegation from Council). |
| 01/06/10 to 31/08/10 (3 months) | Consultation | All affected by the Council's Executive Governance arrangements – including the Community, citizens panel, stakeholders, partners, parish councils, scrutiny etc (not an exhaustive list) |
| Early September 2010 | Evaluation of responses | Governance & CMT |
| 14/09/10 (moved from 07/09/10) | Present preferred option to Council's Constitution Committee (CCC) | Consider output from consultation and evaluation and recommend preferred proposal to Council for further consultation |
| 07/10/10 | COUNCIL | |
| 11/10/10 - 19/11/10 (6 weeks) | Consultation on preferred option | To all previous consultees but particularly to those who made a comment. |
| 23/11/10 - 29/11/10 | Final papers to CMT and then prepared for despatch for CCC | Final papers prepared for CCC for recommendation to Council |
| 07/12/10 | Council's Constitution Committee (CCC) | Agree future arrangements to make final recommendations to Council. |
| 16/12/10 | COUNCIL (additional meeting) | To approve future arrangements |
| 17/12/10 – 07/02/11 - 10/02/11 | Update Constitution to reflect approved arrangements and reviewed by CMT | Governance |
| 11/01/11 or 22/02/11 | Council's Constitution Committee (CCC) | Review amendments to the Constitution to reflect approved arrangements |
| 03/03/11 | COUNCIL | Approve changes to the constitution to reflect the approved arrangements |

TELFORD & WREKIN COUNCIL

COUNCIL – 29 APRIL 2010

MEMBERS' ALLOWANCES

REPORT OF THE CHIEF EXECUTIVE

1.0 PURPOSE

- 1.1 To consider whether to convene a meeting of the Independent Remuneration Panel, (“the Panel”) in the light of the recommended changes to the Council’s scrutiny arrangements, and the general economic climate.

2.0 RECOMMENDATIONS

- 2.1 **That an Independent Remuneration Panel be convened to consider the current scheme for members allowances and decide whether or not to recommend any changes to it;**
- 2.2 **That the Independent Remuneration Panel be chaired by Professor Stephen Leach and that Richard Sheehan and Mick Lloyd, as representatives from the business community and the third sector be invited to sit on the Panel with him; and**
- 2.3 **That members agree to receive the final report from the Independent Remuneration Panel at Council on the 24th June 2010 but that the Panel are asked to report on the basis that any recommendations made by them are backdated to be implemented from the beginning of the civic year on the 21st May 2010;**
- 2.4 **Members consider any further issues that they would like addressed by the independent Remuneration Panel.**

3.0 SUMMARY

- 3.1 The Council has a statutory duty to set up and maintain an advisory Independent Remuneration Panel to review and provide advice on Members Allowances.
- 3.2 The Panel last met and made recommendations for consideration by Council in September 2008 and, subject to some minor amendments, the scheme of allowances agreed at that meeting has been in operation ever since.

3.3 A previous report on the Council agenda on the recommends changes to the Council's scrutiny arrangements which, if agreed, could lead to a change in the current arrangements. Members should also consider whether or not, in view of the current changes to the Council and the current economic climate the arrangements for their allowances ought to be re-visited in any event.

3.3 The Council has discretion whether to accept the report of the Independent Remuneration Panel in its entirety, in part or to reject it. The Council must also decide the effective date for implementation of the recommendations which may vary between different recommendations.

4.0 INFORMATION

4.1 The current scheme is detailed in Appendix 1 to this report. These are annually uplifted for inflation once the national pay award for local government officers has been agreed.

4.6 Members should note that it is not possible to pay more than 50% of the members of the Council a Special Responsibility Allowance. The maximum number for Telford & Wrekin Council is therefore 27. Members should also note that in cases where the same Member holds more than one position entitled to a Special Responsibility Allowance only one allowance is payable.

5.0 IMPLEMENTATION

5.1 There are a number of options for agreeing the size and constitution of the panel but, attached at Appendix 2 is a proposal for the make-up and terms of reference of the Panel for members' consideration

5.2 If the Council agrees that the Panel should be re-convened then it is recommended that the Panel is established as soon as possible and invited to report back to the next meeting of Council on the 24th June 2010.

6.0 LEGAL COMMENT

6.1 The Panel is convened under The Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations (which arise out of provisions in the Local Government Act 2000) require local authorities to set up and maintain an advisory Independent Remuneration Panel, to review and provide advice on Members' allowances. The Council is required to convene the Panel and seek its advice before making any changes or amendments to the allowances scheme and must have regard to the recommendations of the Panel.

7.0 FINANCIAL COMMENT

7.1 There are no budget implications arising from this report but the financial implications of any proposed changes will form part of the report from the panel when this is considered again in June 2010.

8.0 EQUALITY & DIVERSITY

It is important that representation is secured by people from across the population in Telford and this ambition can be helped by the way that the allowances/ expenses scheme is developed.

9.0 LINKS TO CORPORATE PRIORITIES

Members have key roles in setting, and monitoring progress against, the Council's corporate priorities.

10.0 ENVIRONMENTAL IMPACT

No specific environmental issues arising.

11.0 BACKGROUND PAPERS

Report of the Independent Remuneration Panel 25 September 2008.

Report prepared by Jonathan Eatough, Head of Governance.
Telephone (01952) 383200.

Part 6 - Members' Remuneration Scheme

Explanatory Comment

The Members Remuneration Scheme set out below is as approved by the Council in September 2008. The Council received a report from an Independent Remuneration and Allowances Panel which recommended a new Remuneration Scheme for the Authority.

Remuneration Scheme

The Members Remuneration Scheme for 2008/09 provided for:-

- All Members to receive a basic allowance, currently £7,583
- The following positions attract a special responsibility allowance (in addition to the basic allowance).

| | |
|--|------------|
| Chairman of Cabinet/Leader | £22,903.00 |
| Deputy Leader | £15,320.00 |
| Cabinet Member | £10,800.00 |
| Chairman of Scrutiny Management/Leadership Board | £10,237.00 |
| Main Opposition Group Leader | £ 9,479.00 |
| Lead Scrutiny Members | £ 7,583.00 |
| Chairman of Plans Board | £ 7,583.00 |
| Chairman of Licensing Committee | £ 7,583.00 |
| Chairman of Audit Committee | £ 7,583.00 |
| Independent Chairman of Standards Committee | £ 7,583.00 |
| Cabinet Assistants | £ 4,550.00 |
| Speaker of the Council | £ 2,511.00 |
| Other Opposition Group Leader (min of 5 Members) | £ 2,511.00 |
| Chairman of Appeals Committee | £ 2,275.00 |

- The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
- It is a condition of the Scheme that a Member can receive no more than one Special Responsibility Allowance even if he/she occupies more than one position which had a Special Responsibility Allowance entitlement.
- The Scheme allows for an annual uprating of the Basic Allowance and Special Responsibility Allowances in line with the pay award for local authority employees. The annual uprating will be applied at the start of the Municipal Year and backdated to the start of the civic year if the pay award has not been formalised by the date of Annual Council.

- The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council in 2012. **Local Authorities (Members Allowance)(England) Regulations 2003 (as amended)**
- The Mayor/Deputy Mayor are reimbursed expenses in accordance with **Sections 3 and 5 of the Local Government Act 1972**. The Mayor receives £7,005.00 and the Deputy Mayor £2,388.00

All matters relating to Members Remuneration are shown as being Council responsibility in 100 g2 list

Independent Remuneration Panel Terms of Reference

| Issue | Recommendation | Relevant Guidance |
|-------------------|--|---|
| Size | 3 | Councils should avoid large panels which would be unable to be an effective and publicly accountable source of clear recommendations. |
| Membership | | A local authority will need to consider ... its appointments process having regard to ... the need to ensure that this process commands public confidence throughout all the communities in the local authority's area. |
| | | Local authorities may wish to advertise for candidates in local papers or may wish to ask particular stakeholders, e.g. the voluntary sector or the local business community |
| | Professor Steve Leach | Steve Leach is Professor of Local Government in the Department of Public Policy, De Montfort University (Leicester) where he has been working since 1996. Prior to that he held various positions at the Institute of Local Government Studies, University of Birmingham. He also carries out a wide range of consultancy projects for individual local authorities and has chaired Independent Remuneration Panels for a number of Councils. |
| | Richard Sheehan | Managing Director of Shropshire Chamber of Commerce and member of the Local Strategic Partnership |
| | Mick Lloyd | Director of Telford & Wrekin CVS and member of the Local Strategic Partnership |
| Term | 5 years (reviewable at the discretion of full Council) | The panel may become more effective as its knowledge and understanding of members' allowances is increased accordingly local authorities may wish to consider appointing members of the panel for a term of office of several years, perhaps 3-5 years. |
| To review | Basic allowances | 54 |
| | Leader | 1 |
| | Deputy Leader | 1 |
| | Cabinet Members | Up to 8 |
| | Scrutiny chairs | 7 |
| | Opposition group Leaders | Currently 3 |
| | Chairman of Plans Board | 1 |

| | | |
|--|----------------------------|---|
| | Chairman of Licensing | 1 |
| | Chairman of Audit, Appeals | 1 |
| | Chairman Appeals Committee | 1 |
| | Chairman of Standards | 1 |
| | Speaker | 1 |
| | Pensions | |
| | Expenses | |

TELFORD & WREKIN COUNCIL

COUNCIL – 29 APRIL 2010

MEMBERS' ALLOWANCES

REPORT OF THE CHIEF EXECUTIVE

1.0 PURPOSE

- 1.1 To consider whether to convene a meeting of the Independent Remuneration Panel, (“the Panel”) in the light of the recommended changes to the Council’s scrutiny arrangements, and the general economic climate.

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- 2.3 **That members agree to receive the final report from the Independent Remuneration Panel at Council on the 24th June 2010 but that the Panel are asked to report on the basis that any recommendations made by them are backdated to be implemented from the beginning of the civic year on the 21st May 2010;**
- 2.4 **Members consider any further issues that they would like addressed by the independent Remuneration Panel.**

3.0 SUMMARY

- 3.1 The Council has a statutory duty to set up and maintain an advisory Independent Remuneration Panel to review and provide advice on Members Allowances.
- 3.2 The Panel last met and made recommendations for consideration by Council in September 2008 and, subject to some minor amendments, the scheme of allowances agreed at that meeting has been in operation ever since.

3.3 A previous report on the Council agenda on the recommends changes to the Council's scrutiny arrangements which, if agreed, could lead to a change in the current arrangements. Members should also consider whether or not, in view of the current changes to the Council and the current economic climate the arrangements for their allowances ought to be re-visited in any event.

3.3 The Council has discretion whether to accept the report of the Independent Remuneration Panel in its entirety, in part or to reject it. The Council must also decide the effective date for implementation of the recommendations which may vary between different recommendations.

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- The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council in 2012. **Local Authorities (Members Allowance)(England) Regulations 2003 (as amended)**
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| | Cabinet Members | Up to 8 |
| | Scrutiny chairs | 7 |
| | Opposition group Leaders | Currently 3 |
| | Chairman of Plans Board | 1 |

| | | |
|--|----------------------------|---|
| | Chairman of Licensing | 1 |
| | Chairman of Audit, Appeals | 1 |
| | Chairman Appeals Committee | 1 |
| | Chairman of Standards | 1 |
| | Speaker | 1 |
| | Pensions | |
| | Expenses | |

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 17 February, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore (Vice-Chairman), R.G. Chaplin, E.A. Clare (substitute for Councillor F.R. Picken), J.A. Francis, G.M. Green, H. Rhodes and M.J. Smith

PB-87 MINUTES

RESOLVED – that the minutes of the meetings of the Plans Board held on 27 January, 2010 be confirmed and signed by the Chairman.

PB-88 APOLOGY FOR ABSENCE

Councillor F.R. Picken

PB-89 DECLARATIONS OF INTEREST

Councillor I.T.W. Fletcher declared a personal and prejudicial interest in planning application W2009/0168 and indicated his intention to vacate the Chair and leave the room during discussion and determination thereon.

PB-90 TREE PRESERVATION ORDER 2009

The Board was informed that a provisional Tree Preservation Order (TPO) had been issued on 26th August, 2009 in respect of a Group comprising 28 apple trees, 4 damson trees and 1 plum tree within the grounds of 'Stackstones', High Ercall, Shropshire. On 25th September, 2010 an objection to the Order was received from fbc manby bowdler on behalf of the owner of the property.

The objection stated that in the opinion of the owner, 14 of the trees were unstable and dying, possibly due to root dieback and, therefore, he considered that they were lacking in amenity value and contributed nothing to the function of the Group. In conclusion, he accepted the principle of a TPO for the remaining trees but requested that the Council re-inspect the trees to confirm his opinion that the 14 identified be excluded from the Order.

The Council's Arboricultural Officer informed the Board that in his opinion the trees did have amenity value as they were located alongside the road and could also be seen from several vantage points hence the Group designation. He referred the Members to the photographs of the trees, as tabled, which had been taken the previous week. He explained that it was difficult to establish whether the trees were suffering from root dieback at this time of year and there was no evidence of recent ground disturbance work that could have caused this. He, therefore, proposed that the Order be confirmed and a further assessment of the trees be carried out in June when they were in full leaf and a full diagnosis of their health could be made. Any trees then identified as dead or dying could either be removed or remedial action taken. Under the Tree Preservation Order any trees removed would be required to

be replaced. The Board agreed with this proposed course of action and requested that they be informed of the outcome of the June assessment.

RESOLVED - that the Borough of Telford & Wrekin (Trees within the Grounds of 'Stackstones', High Ercall, Shropshire) Tree Preservation Order be confirmed without modification and the Board informed of the outcome of the re-assessment of the trees to be carried out in June 2010.

PB-91 PLANNING APPLICATIONS FOR DETERMINATION

- (a) W2009/0305 – Mere Park Garden Centre, Stafford Road, Newport, Shropshire

This was an advertisement application for the erection of a 7.5m high totem sign at the new entrance to the Mere Park Garden Centre on the A41 Newport by-pass. The proposed sign would be free-standing, double-sided and internally illuminated and comprise acrylic panels for each of the traders on Mere Park to advertise their name and logo, with the Mere Park Garden Centre logo on top and a decorative panel at the base of the sign.

Officers considered that the height of the totem sign was excessive and would be unduly prominent and visually intrusive into this semi-rural stretch of road on the outskirts of Newport where there were no other commercial signs. Amended plans had been requested to show the totem sign reduced in height to around 6m. Whilst a company acting for Whitbreads, who were building the new hotel and restaurant at Mere Park, had submitted amended plans showing the sign reduced to 6m, the applicant had advised that this company was not authorised to act on his behalf.

The applicant had subsequently offered to reduce the height of the sign to 6.75m and to take down the existing 5.7m high blue and white totem sign by the roundabout with the Stafford Road junction, or to reduce the proposed sign to 6m and retain the existing blue and white totem sign. As no revised plans or confirmation of any height reduction had been submitted this application was determined on the basis of the 7.5m high totem, as originally submitted. A photomontage showing the sign had been submitted and shown to the Board but its size had not been confirmed.

The proposed sign was shown located on the northern side of the access splay and would face towards traffic travelling in both directions along the A41. On the originally submitted plans it had been shown positioned on the site behind the existing hedge/fence line but the photomontage appeared to show it positioned at the end of the hedge. The Council's Highways Engineer had advised that this position would encroach onto land that was to be adopted by highways as part of the remaining Section 278 access works and was, therefore, unacceptable.

The Garden Centre currently benefited from a brown "tourist" highway sign opposite the site entrance on the A41 that clearly directed traffic to the site. In addition there was a blue and white totem panel sign at the roundabout on the A41/A518. However, the 5 year advertisement consent for this sign had expired in August 2009 and advertisement consent would need to be applied for if the sign were to be retained.

Advertisements are subject to control only in the interests of “amenity” and “public safety” and officers considered that, while a sign in this location would be acceptable in principle, a 7.5m high, illuminated totem sign would have an adverse impact on the visual amenity of this countryside area. They had advised that a 6m high sign would be favourably considered as being less overbearing and visually intrusive. The agents acting for Whitbreads hotel and restaurant had advised of their satisfaction with a 6m high shared totem sign.

The applicant’s sign agents had submitted a letter in support of the application, a summary of which was set out on the update report tabled at the meeting. In response, officers had commented that there were several planning applications for various new units at Mere Park and two applications to vary the restrictive covenants none of which had yet been determined as there were some wide ranging issues to be resolved regarding the impact of general retailing at Mere Park on Newport Town Centre.

Councillor E.A. Clare indicated her support for the application which she said would provide clear signposting for customers. In addition, she considered that companies bringing jobs and investment into the area should be supported. In response the Head of Planning & Transport informed the Board that the hotel, when built, would be easily noticeable without this sign and that some of the outlets shown on the photo-montage had yet to receive planning permission. The issue before the Board was that of whether the proposed sign was of an appropriate size and scale for a Garden Centre on the edge of Newport. The Planning Officer added that advertisement consent had already been granted for illuminated signs on the hotel and restaurant.

The recommendation that the application for Advertisement Consent be refused was supported although Members did suggest support for a 6m. high sign if a new application was submitted.

RESOLVED – that application W2009/0305 be refused for the reason stated in the report i.e. an illuminated totem sign would have an adverse impact on the visual amenity in the countryside location.

(In accordance with his declaration of interest, Councillor I.T.W. Fletcher vacated the Chair in favour of Councillor N.A. Dugmore and left the room for the following application.)

(b) W2009/0761 – Breidden Place, Land off Severn Drive, Wellington, Telford, Shropshire

The application sought approval for the demolition of 7 out of 8 disused residential blocks with the remaining block of 8 x 3 bedroom units being refurbished to blend in with the proposed new development and for the protection of the colony of rare noctule bats in the loft space of block 1 Cheney Hill Court. Approval was also sought for the erection of a new block of flats comprising 8 x 3 bedroom units and 43 new houses comprising a mix of 22 x 2 bedroom units, 27 x 3 bedroom units and 2 x 4 bedroom units, together with highways and other associated works. The proposal

would improve the quality of housing provision in the area. Whilst there would be a reduction in the number of units from 98 to 59, there would be a comparable amount of bed spaces.

Part of the site around the flats was designated as Green Network and was currently used as communal and play spaces. Policies OL3 and OL4 of the Wrekin Local Plan permitted development in the Green Network if the proposal met the specified criteria, as set out in the report. However, this part of the site failed to meet the aims of the Green Network as it was isolated from the adjacent open space, with no links, was of little ecological importance and, given the over-grown and disused play facility, did not provide any recreational use or create an attractive environment.

The proposal was for 83% affordable dwellings and would, therefore, make a significant contribution to the current backlog in provision, as identified by the Strategic Housing Market Assessment. Furthermore, it was proposed to manage the self-set trees and introduce new berry bearing bushes, etc. to improve the environment of the area and allow for bird foraging. Therefore, officers considered that the scheme would provide community and environmental benefits sufficient to meet the criteria of 'exceptional circumstances' to allow for the loss of Green Network in this location in accordance with 'saved' policies OL3 and OL4 of the Wrekin Local Plan.

The layout of the proposal to the north of the site had been determined having regard to the need to protect the bat roost and flight patterns, and one block of flats would be retained and the other rebuilt in a similar scale and siting. The design of the flats would be modern and contemporary with a palette of colours being carried through from the flatted development to the dwellings to give a cohesive appearance.

The surrounding area was characterised by linear development, in semi-detached format, with no strong architectural style to influence the nature of this development. The proposed layout included a mix of frontage development to Severn Drive, units which turned the corners into the site to give surveillance and enclosed streets, and a mix of parking to front and back. There would also be sufficient distance between the proposed and existing properties to ensure no adverse impact in terms of overlooking or loss of light and the scheme would permit the occupants of Severn Drive to retain views through the site to the parkland beyond. Amended plans had been received to adjust the plot positions of some dwellings to ensure that adequate garden space was provided to ensure no adverse impact to occupants in terms of overlooking or loss of privacy. Alterations had been made to the new flat block to give occupants improved links to the 'private' communal garden space to the rear. There would be improved links within the site and to the park land to the east and Plots 20-31 had been amended to omit unsecure covered walkways with appropriate boundary treatments to ensure that car parking areas etc had sufficient surveillance for a community safety perspective. Car parking was located to be accessible to dwellings with an appropriate mix of allocated and communal spaces. Therefore, officers considered that the layout and design of the scheme was acceptable and in accordance with 'saved' policy UD2 of the Wrekin Local Plan and policy CS15 of the LDF Core Strategy.

The Council's Highways Engineers had raised some concerns regarding the length of parking spaces and the use of rumble strips for traffic calming, and had requested details of the split of allocated to communal parking arrangements. Amended layout plans had been received to address these issues, including a raised table along Briedden Road for traffic calming measure. Therefore, there were no objections subject to conditions relating to details of construction and visibility splays.

The proposal will result in the loss of a number of lower quality trees across the site together with hedging to allow the site to be opened up and the views of the park land to the east to be exploited. However, pockets of trees of importance would be retained to ensure the visual quality of the development. The Council's Arboricultural Officer considered that the loss of trees would need to be mitigated with a tree planting scheme and the existing trees protected during demolition/construction works, which could be secured through appropriate conditions. Accordingly, it was considered that the proposal was in accordance with 'saved' policy OL11 of the Wrekin Local Plan.

With regard to planning obligations, in order to promote sustainable travel to and from the site, the Highways Authority had requested a Section 106 contribution of £10,000 towards improvements in the immediate bus infrastructure, with payment on commencement. However the applicant, following negotiations, had agreed to carry out these works under a Section 278 Highways Act 1980 legal agreement with details to be secured through a planning condition. The Council's Sport & Recreation Officer had requested a capital sum for a new youth facility but, as there was no such replacement facility proposed and the number of dwellings would be decreased, it was considered unreasonable to seek a planning gain contribution for open space or play facility. In addition, as the proposal was largely for affordable dwellings, officers considered that there was sufficient community gain to justify a departure from the usual requirement for a replacement facility. To meet the local demand for housing, 83% of the dwellings would be affordable properties with a mix of size of units and tenures to be secured through the Section 106 Agreement.

During the consultation period, one letter of objection was received from a neighbour, as summarised in the report. In response officers considered that the level of parking provision was in accordance with guidance in the Wrekin Local Plan and that the layout, positioning and design of properties would ensure that existing occupiers would maintain some view through the development to the wider parkland beyond. Furthermore, the properties had sufficient distance separation to ensure no adverse impact in terms of overlooking or loss of privacy.

In conclusion, the redevelopment of the existing flats and the loss of some open space were considered acceptable given the community gain and environmental benefits. The site was in a highly sustainable location in relation to Wellington District Centre and had good access to public transport. Having regard to local comments, planning policy and guidance, officers considered, on balance, that the redevelopment of the site in terms of scale, massing detailing and form was acceptable subject to conditions.

Members welcomed the application which would regenerate a site which had long been an eyesore and which would provide a high percentage of affordable housing.

However, Councillor E.A. Clare expressed her concern that the scheme contained no replacement youth facilities and would necessitate the loss of Green Network land. The Head of Planning & Transport responded that, while he appreciated her comments, the benefits accruing from such a substantial amount of new housing to meet local needs had been judged to outweigh the loss of facilities.

RESOLVED – that with regard to planning application W2009/0761 the Head of Planning & Transport be granted delegated authority to grant planning permission subject to the signing of a Section 106 agreement in relation to affordable housing and to the conditions as set out in the report.

(Councillor I.T.W. Fletcher returned to the room and resumed the Chair.)

(c) W2009/1030 – Land to the rear of 9 Bratton Road, Admaston, Telford, Shropshire

This application had been deferred from the meeting of the Board held on 27 January, 2010 to allow Members to make a Site Visit. In addition, as summarised on the update report tabled at the meeting, there had been an exchange of correspondence between the applicant and the Council's Highways Engineer following a site visit made by the latter. A letter in support of the applicant had also been received from Barbers, on behalf of the applicant, as summarised in the update report, and the applicant had sent a letter to all Members of the Board.

The Planning Officer highlighted the reasons for the officer recommendation that the application be refused and drew Members' attention to the reasons for refusal of application W2006/0265 as set out in the Planning Inspector's Decision Notice attached to the agenda. In particular she highlighted the harmful intensification of development, the inadequate access arrangements, and the poor visibility of the farm access with Bratton Road. She also informed the Board that it would not be possible to widen the access track as the land on both sides was in third party ownership.

The Council's Highways Engineer responded to the letters from Barbers and the applicant. The letter from Barbers stated that the track was wide enough for 2 cars to pass without difficulty but he drew Members' attention to the Site Visit, which had shown that this was only possible if one car mounted the verge. With regard to the left-hand visibility splay, he agreed that, while this was sub-standard, it was not critical, contrary to the opinion expressed by the Planning Inspector. However, it would only be acceptable to relax this standard if vehicles on Bratton Road could not overtake each other, and that was not the case at this point in the road.

With regard to the applicant's comments in respect of the planning permission granted for a property in the rear garden of 18 Bratton Road, the Highways Engineer informed the Board that he had raised no objections to this as the availability of parking to the front of the property meant there had been no intensification of use of the access track. The applicant had also made reference to two other planning approvals in the adjacent area but the Board was informed that one had been for an extension and the other had been for the enclosure of part of field within the domestic curtilage, neither of which had resulted in any additional traffic.

In conclusion, the Planning Officer drew the Board's attention to the statement in the applicant's letter that he would be willing to accept a Section 106 Agreement to restrict the proposed property for *"supported frail elderly (ie age related) use occupied as a single family dwelling only in conjunction with No. 9"*; however, this had not been part of the application as submitted and, hence, could not be considered at this meeting.

Members commented that, whilst they had sympathy for the applicant's personal circumstances, following the Site Visit made prior to the meeting they were in agreement with the Highways Engineer opinion that the access track was too narrow to allow two cars to pass safely. In addition, they agreed that granting planning permission would set an unacceptable precedent and there had been no material change in circumstances since the Inspector's appeal decision in 2007.

RESOLVED – that planning application W2009/1030 be refused for the following reasons:

- 1. The proposed development in the rear garden of No 9 Bratton Road would be located in a quiet buffer zone between farmland and the adjacent ribbon development of Bratton Road, subsequently the proposal would constitute as inappropriate backland development, creating a new pattern of development in this semi-rural area. Furthermore, the proposal would set an adverse precedent for further development on this track, and would cause a harmful intensification of development and detrimentally change the character of the area. Accordingly the proposal was contrary to 'saved' policies H6 and UD2 of the Wrekin Local Plan, CS15 of the Core strategy and guidance contained within national planning policy statements PPS1: Delivering Sustainable Development and PPS3: Housing.**
- 2. The proposed development was inappropriate as the means of access off the unmade track was unacceptable due to its restrictive width, construction and substandard visibility; furthermore the existing private drive was currently used by five dwellings, the normal maximum allowed for use of a shared private access; subsequently the proposed intensification of use would prejudice the safety and freeflow of highway users. Accordingly, the proposal was contrary to 'saved' policies H6 and UD2 of the Wrekin Local Plan, and guidance contained within national planning policy statements PPS3: Housing and PPG13: Transport**

(d) W2009/2010/0016 – Newport Girls School, Wellington Road, Newport, Shropshire

This application by Telford & Wrekin Council requested approval for the erection of a single storey extension to be located to the rear of the school and projecting off the south-west corner of the existing building. It would provide improved permanent accommodation, including a music studio, a modern languages suite and a food technology facility.

Officers considered that the proposed design was sympathetic to the 'original' Queen Anne style of the existing building and included red brickwork detailing, dressed stone parapet cappings and a slate roof. It would screen a previous unsympathetic addition to the school and, as such, accorded with policies UD2, CS15 and PPS1. The proposal would also allow the removal of two of the existing demountable buildings which would enhance the visual amenity of the area. The existing car parking arrangements would not be affected and the enhancement of these community facilities was, therefore, compliant with policy CS10.

The proposed extension would result in the loss of a small part of the playing field; albeit not part of a useable pitch due to the proximity of the existing demountable buildings and the slightly sloping topography of the site. Therefore, its loss was not considered to be significant and adequate provision of other facilities would be retained together with a 5-a-side football pitch belonging to and adjacent to Moorfield Primary School. It was considered that the proposed development was an improvement to the current facilities, was sympathetic to the original style of the school, and would have no adverse impact upon the character and appearance of the school or the wider landscape.

However, Sport England had raised a statutory objection, as summarised in the report. The update report tabled at the meeting informed the Board that, although Sport England had acknowledged the school had a variety of sports facilities and it being possible to accommodate the grass athletics track on an alternative area of the playing field, the fact that the area in question had been used as part of a previous grass athletics track indicated that it was a usable area of playing field. It was Sport England's role to seek to ensure that all playing field areas were protected in all but exceptional cases and, accordingly, it was not able to withdraw its objection to the proposal in its current form. However, it was keen to explore opportunities to reconfigure the area to include the proposed extension in a fashion that reduced the impact on the adjacent playing field.

Members were advised that, if they were minded to dismiss Sport England's objection, under the provisions of the Town and Country (Playing Fields) (England) Direction 1998, the application would need to be referred to the Secretary of State via the Government Office for the West Midlands (GOWM) for consideration. There was, therefore, no change to the officer recommendation as set out in the main report.

RESOLVED – that with respect to planning application W2009/2010, subject to Sport England withdrawing their objection with regards to the loss of an area of the sports pitch, delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the conditions: as set out in the report.

PB-92 **SITE VISITS**

None.

PB-93 **PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS (FOR INFORMATION)**

The Board received for information details of the planning applications that had been determined under delegated powers.

The meeting ended at 7.08 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 10 March, 2010 at 6.00 p.m. in the Reception Suite, Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore (Vice-Chairman), J.A. Francis, G.M. Green, Y.C. Hicks (substitute for Councillor F.R. Picken), C.P.R. Mollett (substitute for Councillor R.G. Chaplin), H. Rhodes and M.J. Smith

ALSO PRESENT: Councillor K.S. Sahota (for planning application W2009/0914) and Councillor J.M. Seymour (for planning application W2009/1067)

PB-94 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on 27 February, 2010 be confirmed and signed by the Chairman.

PB-95 APOLOGIES FOR ABSENCE

Councillors R.G. Chaplin and F.R. Picken

PB-96 DECLARATIONS OF INTEREST

None.

PB-97 PLANNING APPLICATIONS FOR DETERMINATION

(a) W2008/0799 – Land at Castle Farm Way, Priorslee, Telford, Shropshire

This application sought planning permission for the erection of 32,484sq.m. of Class B1 floorspace together with associated roads infrastructure and landscaping on the former Celestica site adjacent to Castle Farm Way. It was the applicant's intention to provide a high quality development comprising commercial units to accommodate a mix of uses whilst developing a strong sustainable identity. The scheme utilised a secondary steel framework of brise-soleil and timber panels offset from the actual building envelope, which would serve to create a blurred definition between public and private spaces and enable the mass of the actual building envelope to be less obvious behind its permeable outer façade. Officers considered that the scale, massing and design of the development were in accordance with parameters set in the outline application (W2006/0966) and was of a nature anticipated for commercial development in this important location. The scheme would also provide a gateway feature and entrance to the Telford area as it was approached from the east.

In determining this application, the Board's attention was drawn to the background, as detailed in the main report. The applicant's overall scheme was submitted as an outline planning application for 51,095 sq m of Class B1/B2, hotel, 550 dwellings and open space (W2006/0966) together with an associated outline application for construction of a new access, internal roads and other infrastructure (W2006/0968) in June 2008. Planning permission for these two applications was granted by the

Board at its meeting on 31st October 2007 subject to a S106 Obligation. The applications were reconsidered by the Plans Board on 27th January 2010 and it was resolved that W2006/0966 be referred to the Government Office for the West Midlands for consideration and, if the application was not called in, to grant delegated authority to the Head of Planning & Transport following consultation with the Chairman of the Plans Board to grant planning permission subject to clear design principles and a S106 Obligation.

The purpose of this related full application was to enable the developer to deliver a large portion of the proposed employment development at Castle Farm on an early basis without the need to submit a reserved matters application. Approval of full planning permission would provide certainty to the funders of the development and enable an early start to be made on providing the necessary infrastructure for the wider development scheme. Members were reminded that, under the resolution to grant outline planning permission, the applicant was committed to providing a scheme in accordance with the approved masterplan, which included major benefits, particularly the provision of significant employment opportunities on a previously developed site formerly in employment use.

This application fell within the West Midlands Regional Assembly's (WMRA) criteria upon which it was to be consulted as a statutory consultee. As detailed in the main report, the WMRA had expressed concern that a large scale office development in this location could prejudice office development within Telford Town Centre and that no site specific justification had been provided to relieve these concerns and remove the risk. In conclusion, the WMRA stated that the proposed development was in general conformity with the adopted Regional Spatial Strategy (RSS) but that this position was subject to the imposition of a condition limiting Class B1(a) office development to a maximum of 5,000sq.m. to accord with WMRSS Policy PA11.

The main report also set out the responses of the non-statutory consultees, including that of the Council's Head of Economic Development. In support of the proposal he had stated that, in the current market, a restriction to 5,000sq.m. of B1(a) use could deter commercial investment and have a negative impact on achieving the full development potential of the site to contribute to the Borough Economic Strategy. However, the current market also suggested that the development would need to be brought to the market in phases and the advise of the Head of Economic Development was to support a condition limiting use class B1(a) use to 20,000sq.m. In his view this would be sufficient to enable the development and marketing of the site in the current commercial climate whilst not unduly impacting on the development of the Town Centre and would balance permission granted for a similar use at the Wolverhampton Business Park i54. He has also supported the proviso that this could be varied by written agreement at a point in the future where commercial conditions could be re-assessed.

This site was clearly out-of centre and, as such, officers had sought to limit the amount of B1(a) floorspace, firstly to comply with regional guidance (5,000sq.m) and later, as a compromise, to 10,000sq.m. However, the applicants had maintained that a minimum of 20,000sq.m. was necessary to secure continued funding investment. Officers, being mindful of the advice of the Head of Economic Development were, on balance, prepared to recommend that a limitation be imposed for B1(a) offices of up

to 20,000sq.m. The conditions of any approval would need to be worked to ensure that later phases of employment development did not lead to the total of 20,000sq.m. of B1(a) floorspace agreed at Plans Board on 27th January 2010 in respect of W2006/0966 being exceeded. However, it was brought to Members' attention that by setting a limit that had little planning policy basis, it would be extremely difficult to resist future requests for additional office floorspace at this location irrespective of how the condition was worded. A list of the recommended conditions, which would be subject to amendment, was set out on the update report tabled at the meeting.

Under PPS4 'Planning for Sustainable Economic Development', as published on 29 December 2009, the Government no longer required applicants to demonstrate "need" for the development at edge/out of centre locations instead giving additional emphasis to sequential analysis and town centre impact considerations, providing for a 'town centres first' approach to retail developments that promoted vitality and viability of centres. This was an important additional material planning consideration for Members and needed to be given full weight. The applicants had undertaken a sequential analysis but officers were of the view that the analysis undertaken was not particularly rigorous and the application, at least on the face of it, could prejudice the bringing forward of more central sites for office uses.

In addition, the Central Telford Area Action Plan currently had no weight in terms of development control decisions. However, the Council was investing heavily into its town centre, with the Southwater Core offering a substantial office floorspace opportunity. PPS4 advocated a 'town centre first' approach and this proposal, if left entirely open ended in terms of B1 (a) office use, had the potential to undermine efforts to promote genuine town centre locations. In addition, Members needed to balance the economic development opportunity at Lakeside with the risk of establishing an undesirable precedent.

Officers recognised that this proposal was a significant regeneration, investment and job creation opportunity at a time when few genuine economic development proposals were coming forward. Members were reminded that this site competed head on with the i54 Business Park on the edge of Wolverhampton, which had also faced similar policy implications with regard to out of centre office accommodation and for which there had been some support from the respective authorities to accepting larger office floorspace than RSS policies would normally tolerate subject to stringent conditions. Telford was also directly competing with other out of centre business parks, such as Shrewsbury, where, due to historic planning permissions, there were no restriction in terms of volume of office floorspace. Under these circumstances, officers considered that Telford must remain competitive and continue to be able to offer a selection of sites both in-centre and out-of-centre.

It was clear that the viability of the scheme had been threatened by the recent economic downturn and officers wished to avoid a situation where the development placed undue strain on public services. Therefore, the planning obligation package had been reduced from the level originally envisaged. A viability assessment had been undertaken and independently assessed by the commercial arm of the Valuation Office Agency (DVS). This had shown that the viability of the scheme was in the balance at present, although with a modest upswing in residential values, the situation could change.

The planning obligations and infrastructure improvements offered by the developers now included the following:

- Contribution to public transport - £150,000
- New junction serving the employment land - £1,323,000
- New residential junction - £912,000
- Priorslee Avenue junction - £776,000
- M54 junction 4 improvements - £603,000

It was also recommended by officers that the Section 106 Obligation contributions should include a further £10,000 towards monitoring the Travel Plan and a contribution of £10,000 towards the ongoing monitoring and administration of the Agreement

An e-mail had been received from Telford Friends of the Earth on 9th March, 2010 which noted that the proposal had *“the potential for a low carbon site development capable of being a replicable best practice example of a low and zero carbon mixed use development site for the West Midlands area and further afield.”* It was the view of officers that this matter could be dealt with by condition.

In conclusion, having considered the evidence put forward by the applicant, notwithstanding the policy considerations regarding location of office space and requisite planning obligations, it was felt on balance that the benefits of the scheme to the Borough as a whole in investment, regeneration, best use of previously used land and job creation were considerable and constituted significant material considerations. Therefore, the scheme was recommended for approval with a limiting condition restricting the amount of B1(a) floorspace to a maximum of 20,000 sq.m. in association with other B1 proposals on the wider Castle Farm site in order to help safeguard the future of the town centre as the primary focus for office development. Given recent appeal decisions and the advice given by the DVS, it was also officers' firm opinion that strict review (to be carried out by DVS for continuity purposes and paid for by the applicant) clauses on planning obligations tied to the phasing of the proposal should encourage development of the site now and safeguard the public purse should the market improve.

The Board welcomed the application which would allow work to commence on the site and so provide employment opportunities for the surrounding area.

RESOLVED – that planning application W2008/0799 be referred to the Government Office for the West Midlands for consideration and, if not called in, delegated authority be granted to the Head of Planning & Transport following consultation with the Chairman of the Plans Board to grant full planning permission subject to the receipt and written approval of clear design codes/rules/principles and the signing of a S106 Agreement to provide financial contributions for sustainable transport, travel plan monitoring and a S106 Agreement monitoring together with terms to ensure that the 9 viability related objectives for the Section 106 Agreement as mentioned in the main report were achieved and subject to appropriate conditions to be prepared by the Head of Planning & Transport.

(b) W2009/0911 – 26 Quarry Lane, Ketley, Telford, Shropshire

This planning application related to extensions and alterations to an existing two-bedroom bungalow, dating from the 1930s, to create a two storey house. The existing property, of brick design with a hipped and tiled roof, was in a poor state of repair and had been empty for some considerable time. Ketley Parish Council had requested that the application be considered by the Plans Board.

The proposed development would entail a small single storey extension on the southern side of the property and a larger two-storey extension on its western side, which would be possible due to the change of ground levels within the site boundary. The proposed eaves height of the building would remain as existing and the overall height of the dwelling would only increase by 0.5m. The two-storey extension would have a hipped roof which matched that on the existing bungalow.

The proposed dwelling would have three bedrooms, a bathroom, snug and living room on the ground floor, and a kitchen and dining/family room on the new lower ground floor. The existing bungalow had a floor area of 98 sq.m. and the proposed dwelling would have a floor area of 196sq.m. and the proposed external materials would match those used on the existing dwelling. An existing flat roof single garage would be replaced by a new double garage which would be set into the garden embankment and the existing driveway would be widened to allow vehicles to turn round and exit the site in a forward gear.

One letter had been received from a neighbouring resident which, whilst welcoming and supporting the application, made a number of comments, as summarised in the report, relating to the fact that the property had been unoccupied for almost twelve months. The Parish Council had expressed concern that the proposed building was out of scale with the existing dwelling and its surroundings and was, therefore, inappropriate.

Given the current condition of the existing property, the proposed development would improve its overall appearance and provide modern facilities for the future occupants. It was considered that the proposal was sympathetic to the appearance of the existing bungalow and that the size of the resulting dwelling would be commensurate with that of the application site. As the present bungalow possessed no particular architectural quality, the extended dwelling would positively enhance the character and appearance of the site and the surrounding area. The extensions and alterations to the dwelling would not adversely affect the residential amenities presently enjoyed by the occupiers of adjoining and existing developments by virtue of any undue overlooking, loss of light, or any overbearing effect.

Councillor H. Rhodes said she had concerns about the height and siting of the proposed extensions and recommended that the Members have a site visit before determining the application.

RESOLVED – that determination of planning application W2009/0911 be deferred until the meeting of the Board on the 31st March, 2010.

(c) W2009/0914 – Land at Southwater, St. Quentin Gate, Telford Town Centre, Telford, Shropshire

This was an outline planning application by Telford & Wrekin Council and the Southwater Event Group with means of access (part) for a mixed use development comprising offices and civic offices (B1a/sui generis); residential (C3) (up to 330 units); retail, cafes/restaurants, financial and professional services, drinking establishments (A1,A2,A3,A4); Learning and Media Centre (to include the replacement of Meeting Point House), leisure pool, cinema, hotels, energy centres, conference and event facilities including outdoor events space and a Medical Centre (C1, D1, D2 and sui generis); associated landscape improvements to the public realm, replacement and construction of Southwater Lake, boundary treatment and new and reconfigured access; construction of basement, undercroft, surface and multi storey car parking; and all associated and ancillary works. It further included the retention, refurbishment and extension of the existing Ice Rink building, the bowling and bingo building, retention of the existing hotels (the Holiday Inn and International Hotel) and the event centre facilities (The International Centre).

The site was split into two parts with a secondary area on the northern side of St. Quentin Gate. For the purposes of the planning application, the site had been divided into twelve 'Development Zones', the principal elements of which were set out in the report.

The application had been advertised in the local press and on site as an application the subject of Environmental Impact Assessment, as a departure application and of major significance. In addition, 107 immediate neighbours, including businesses, had been notified of the planning application. A Statement of Community Engagement had been submitted with the application, summarising the measures taken to consult and involve the community prior to the submission of the application. The report detailed the consultation responses and Members' attention was drawn to those from the Highways Agency, West Mercia Police, and Meeting Point Trust Limited.

The application site was located almost entirely within the town centre with the exception of the Hollinswood area located in the north-east of the site. The town centre was defined by the Adopted Wrekin Local Plan (2000), the policies within which, as summarised in the report, supported the principle of the proposals, which would contribute to the Town Centre's multi purpose sub-regional role. In addition, the retail, office, hotel and conference, leisure and commercial uses were all supported. The emerging policies within CTAAP also supported a vibrant mixed use scheme of retail and employment to be developed within the Southwater area. The principle of development was, therefore, entirely consistent with both adopted and emerging policy against which the proposals were to be assessed.

Although objections had been received to certain elements of the proposal, overall the principle of development had been well received with objections generally relating to further clarification or mitigation/compensation for suggested effects. As an outline application, it had been difficult to require the agreement of Design Codes for each Development Zone but, to achieve design quality, the applicants had agreed that the D&A and Public Realm Guide would provide the base requirements,

followed in turn and prior to the submission of Reserved Matters applications of individual Development Briefs. This sequence could be controlled by planning condition.

With regard to response from the West Mercia Police, substantial representations had been lodged in relation to this application but, in essence, as set out in the main report, the Police Authority was seeking a contribution of £5m. to provide new custody facilities at Malinsgate to compensate for potential impacts of the development: In response officers considered that such a request was premature and there was no planning policy requirement to insist that such contributions be made.

Meeting Point Trust had submitted an objection to the proposals and stated that any replacement for Meeting Point House would need to be a detached building and not part of a multi-occupancy/multi-use building. The tabled update report summarised a further letter from Eversheds on behalf of the Trust stating that it was unwilling to withdraw its objection for the reasons set out. The tabled update report also summarised the representations from the Telford Trustee No. 1 and Telford Trustee No. 2 through Drivers Jonas, which were generally supportive of the application and those received from the Rank Group and Telford Friends of the Earth.

The proposals showed retention of some existing access points to the site, alongside improved and new access points, as described in the report. The main access to the development in the early phase would be the existing traffic light controlled junction which served the Telford Ice Rink and the International Centre via Coach Central/St. Quentin Gate. The Transport Assessment had demonstrated that initial phases of the proposals could be developed without requiring improvements to this junction but any S106 Agreement would incorporate a covenant requiring the applicant to enter into a Section 278 Agreement under the Highways Act to undertake this work at an appropriate point. On site, pedestrian and cycle movements would be given high priority and a high level of permeability and connectivity were proposed in response to the current issue of physical barriers that limited movement through the site.

The Highways Agency had objected to the proposals and sought clarity on a number of detailed points. At the meeting the Planning Officer informed the Board that detailed discussions were continuing with the Agency on the level of mitigation required to the Forge Roundabout together with other planned growth. The Agency supported a plan-led approach but the issues of mechanism and timing remained to be resolved.

The Town Park was a dominant influence on the southern boundary of the site and a key issue had been to address this positively through design principles to ensure that the proposed built development did not encroach into the defined Town Park boundary. Part of the application site included land just within the Town Park, in Development Zones A and B. Zone A would include the remodelling and re-positioning of Southwater Lake, which would provide an opportunity for the integration of the edge of the Town Park and the new development. This would have an impact on the existing toddler play area to the south of the new Southwater Lake which it was proposed to relocate it to a new adjacent location to be secured through the Section 106 Agreement.

The Design and Access Statement provided a landscape strategy at the heart of which was a refinement of the physical relationship between the Town Centre and the Town Park. As one of Telford's most positive and cherished attributes, the physical relationship between the Park and the Town Centre required improvement. A series of new buildings along the edge of the Park, but not within it, would address the current poor spatial definition by creating an interface that 'fused' landscape with built form through 'fingers' of landscape which would interact with architectural elements to create a "serrated" edge. The response of the Council's Landscape & Recreation Service, in support of the application, was set out in the tabled update report.

The proposals included the removal of a number of elements on the northern edge of the Town Park including Spout Farm House, the public toilets, the play area, and the Ranger base. However these would either be replaced within the proposals or addressed by financial contributions secured through the Section 106 Agreement. An Environmental Impact Assessment had been undertaken and included the habitat and species surveys detailed in the report. The redevelopment of both the natural and built environment had been assessed within the Environmental Statement and, had identified the key issue of the potential for impact upon bat habitats and foraging areas, which would be addressed by way of a Bat Mitigation Strategy, to be submitted pursuant to a pre-condition on any planning permission.

The report accompanying the Environmental Statement aimed to identify background noise levels and proposed noise levels from the new development, as described in the report. Officers had met with the applicants and had broadly agreed that appropriate mitigation for the new development should be secured through a planning condition relating to Noise Management Plans. Whilst, ideally, a single Noise Management Plan would have been required for the site, given the scale and mix of the development being brought forward in discrete stages over a lengthy period of time, the applicants had suggested that this would not be feasible. Furthermore, it was recognised that the existing facilities within the application site had extant planning permissions under which they would wish to continue. However it was also recognised that cumulative noise impact could be problematical and noise from existing development might impact on the ability of new development to meet reasonable noise limits/reasonable amenity levels. But, on balance, officers accepted that it would be difficult and unreasonable to revoke existing permissions or introduce new or additional controls and noise emitted by existing operations would form the baseline noise data for new development and inform Noise Management Plan Zones.

The application included facilities for a night time economy and Environmental Health and Public Protection Officers had been closely involved in discussions on how best to design out potential problems. The Environmental Health Officer was satisfied that the Design & Access Statement, as revised, provided dedicated pedestrian routes as a way of mitigating noise from people participating in the night time culture. However, he had warned that it might not be feasible to locate residential development immediately adjacent to the proposed Event Cube at the TIC. This was a matter of detail to be addressed at the Reserved Matters stage and within the Noise Monitoring Plan(s).

With regard to affordable housing, the application included 330 dwellings spread across four areas of the site, as described in the report. The applicant proposed that a minimum of 10% be affordable dwellings provided on and off site to be secured through a Section 106 Agreement. However, officers considered that 20% should be sought as matter of principle and might well be achieved through HCA Social Housing grant funding.

With regard to retail impact considerations, the proposals for up to 5,000sq.m. of Class A1-A4 uses within the development were not considered to have a significant impact on the existing town, district or local centres. In respect of the wider impact considerations, the redevelopment of Southwater would add a new mixed 'quarter' to the Town Centre and provide leisure, community, employment and residential land fully integrated to create a new piece of townscape.

As joint landowner, the Council was an interested party so the traditional approach of a Section 106 Obligation under the Planning Act was not open to the Plans Board as far as the Council's land was concerned. Therefore, commitments would be made on behalf of the Council as landowner to abide by the planning 'obligations' and, should the land be transferred, to make it a condition of that transfer that the new owner would have to enter into a Section 106 Agreement to ensure that the obligations bound future owners. In relation to the other joint Applicant, Southwater Events Group, a straightforward section 106 Obligation could be sought. The matter then rested with the various landowners to apportion the contributions as necessary. Details of the recommended Section 106 contributions were set out in the update report tabled at the meeting.

Members' attention was drawn to the two update reports as tabled the second of which included a request from the applicant that, following a review of the draft condition the previous evening, Condition 20 be revised so that Level 3 of the Code of Sustainable Homes was achieved. In addition, the update set out the revised recommendation together with full details of the conditions, subject to amendment of the precise wording.

This was an application submitted by two of the major landowners in partnership was commendable and would secure the future of one of the Borough's prestigious commercial operations thereby contributing significantly to economic development.

Councillor Kuldip Singh Sahota was invited to address the Board on behalf of the Meeting Point Trust. He told the Members that the Trust was not opposed to this project and was willing to co-operate with the Council as it had done in the past. However, the Trust had a number of specific concerns and he referred Members to the letter dated 5 March 2010 from Eversheds on behalf of the Trust. In particular the Trust was seeking a detached replacement building 30,000sq.ft. in size. Secondly, it considered that the development would not provide adequate access or parking facilities and, again, sought assurances that the building would have its own entrance and that car parking spaces for volunteers and tenants would be provided rather than them having to use an adjacent multi-storey car park. Thirdly, given the religious nature of the use of Meeting Point House, the Trust was concerned that its new location was not next to an inappropriate facility such as a nightclub. Finally,

although the Council was willing to pay the legal and surveyors costs of moving to a new building, the Trust was seeking to have all the costs of all its tenants met. In conclusion, Councillor Sahota said that Meeting Point House was a very well used community building and he wished this to continue when it had moved to its new location. These concerns were supported by Councillor G.M. Green.

Councillor Green also sought clarification of the term 'sui generis' in respect of the new Civic Offices in Southwater and the Planning Officer explained that because the new buildings contained civic functions, etc they could not fall within Use Classes Order Class B1(a) – office use – and, indeed, would not fall within any specific use class.

Councillor N.A. Dugmore raised concerns about the level of S106 contribution sought by West Mercia Police for new custody suite facilities, which he felt was extraordinary and could not be entirely attributable to this development. He considered that the demand for and provision of additional facilities would evolve to meet changing circumstances in the Southwater area.

In conclusion, the Head of Planning & Transport accepted that the Meeting Point Trust, which was a very important facility and service for the community, had concerns regarding the application. Some of them could be addressed through the planning process but others, such as the costs of moving, were not planning issues and would have to be dealt with by the landowning parties as part of their transactions. The application before the Board was at an appropriate outline level and more detailed proposals would be brought back to them at the reserved matters stage. Representatives of Meeting House Trust had met the Leader of the Council and the Chief Executive and had been given assurances on the ways in which their concerns would be approached but no fundamental issues had been raised at the meeting which would affect the Board's consideration of the outline application.

With regards to the contribution sought by West Midlands Police the Head of Planning & Transport said that the Police Authority was an important member of the Local Strategic Partnership and, this body addressed security and safety issues for the Borough as a whole. He considered that the Partnership would continue to be the vehicle for debating the level of provision of security features necessary within the Borough. However, in this instance the requested level of funding could not be substantiated through the planning process.

RESOLVED - that having fully considered the Environmental Statement submitted with the application and the Statement of Conformity with the Environmental Statement, and provided that the Highway Agency had withdrawn its Holding Direction and subject to the Council as landowner agreeing that the land would be bound by the obligations in respect of the provision of affordable housing and financial contributions as outlined in the Table at the end of the tabled update report at Appendix A and the signing of a Section 106 Obligation by Southwater Event Group agreeing to the same (in both instances where appropriate apportioning the liabilities appropriately between the landholdings and development zones) and to the planning conditions as set out in the tabled update report (the detailed wording BOTH TO CONDITIONS AND OBLIGATIONS if required to be altered was delegated to

the Head of Planning & Transport), the Head of Planning & Transport was authorised to grant planning permission.

(d) W2009/0055 – 21 Bratton Road, Bratton, Telford, Shropshire

This application sought outline planning permission for the erection of five dwellings, including access, layout and scale, on the site of a now demolished bungalow. The central position of the site access and the layout, position and orientation of the dwellings had been designed according to pre-application discussions in order to resolve the reasons for refusal of previous applications. The site lay within the established residential area of Bratton and was accessed off the existing highway. To the north of the site was a private unadopted narrow track giving access to Moor Farm and rear access to a number of other properties that fronted Bratton Road.

The principle of five dwellings on the site had been established by outline planning permission (W2005/1419) and the repositioning of the site access to a central location on to Bratton Road had addressed the previous highways objections. The proposed access driveway would curve around the frontage of Unit 1 and continue running parallel to the private access road from Unit 2. 12 parking spaces were indicated to be provided by integral garages and front driveways together with a turning space.

Unit 1 would front both the main highway and the private access road, thus providing an active frontage and addressing the street, with the remaining properties being orientated north-south. The layout of development would be slightly staggered and comprise individual house types, with gable roofs. The position of the site access meant Unit 1 would be located 9m. from the shared boundary of the site with the adjoining property, No.22 Bratton Road, although the outlook of the new dwelling would be on to the garden frontage and garage of No.22, thus not adversely affecting its private amenities.

The remaining four units would be located at least 14m. from the southern boundary of the site, ensuring no detrimental impact to No.22 Bratton Road. Existing dormer windows on the rear elevation of Moor Farm Cottage would overlook the garden of Unit 5 but indicative planting of a boundary hedge would help to maintain mutual privacy. The indicative streetscene suggested Unit 5 would be designed to have minimum impact on light and outlook to Moor Farm Cottage, with a catslide style roof and low eaves adjacent to the shared boundary and with a similar ridge height to the adjoining property. Units 2 to 5 were indicated with accommodation within the roofspace and, as the distance to the boundary and the private access road would be some 12.5 metres, it would not lead to the overlooking of Nos. 18 to 20 Bratton Road.

Wrockwardine Parish Council had no objections but had raised concerns relating to the likely increase in traffic and the nature of the access to the property. Nine letters of objection had been received from residents on Bratton Road, as summarised in the report. However, the Council's Highways Engineer had no objections subject to the imposition of appropriate conditions, in particular those relating to the visibility splays.

Councillor A.G.P. Williams had submitted observations stating that he considered there were discrepancies between the Land Registry plan showing ownership of the land and the application drawings, which had implications for the access to Moor House Farm Lane. However, the applicants had confirmed that they owned all the land within the application site.

The Applicant had requested that the time limit for submission of the reserved matters be extended from 3 years to 5 years but officers did not consider that sufficient justification had been submitted to recommend approval of this request.

Officers considered that the amendments made to the design would ensure the creation of a more appropriate scheme which better reflected the prevailing character of development along Bratton Road and on the adjacent modern residential estates. It was, therefore, considered that the revised scheme now met the criteria of both national and local planning policies and was an acceptable proposal.

Councillor J.M. Seymour, Ward Member, was invited to address the Board on behalf of the applicant. She referred to one of the points of objection made regarding the covenant relating to the provision of a stand for the milk churns at the end of the lane to Moor Farm and assured the Board that the applicant fully intended to retain this.

Councillor N.A. Dugmore said that his initial concerns regarding visibility onto Bratton Road and had now been addressed and he supported the application which would tidy up the site.

RESOLVED – that with regard to planning application W2009/1067 planning permission be granted subject to the conditions as set out in the report.

- (e) W2010/0055 – Telford International Centre, St. Quentin Gate, Telford, Town Centre, Telford, Shropshire

This application was for temporary planning permission for the extension and reconfiguration of the parking arrangements at and adjacent to Telford International Centre (TIC) including new fencing, footpath link and lighting. The existing parking provision comprises 547 spaces over the two car parks and coach parking and this proposal was for 734 spaces with 15 accessible spaces. The update report tabled at the meeting informed the Board that additional amended plans had been received which would ensure that the development did not affect the extent of land provision at the existing junction deemed necessary for any future development relating to the wider Southwater Scheme. Furthermore, the existing footpath link across St. Quentin's Gate from the site and the Town Park to the Cherry Pink Car Park and beyond would be maintained.

Temporary planning consent was sought following the continuing success of the International Centre and to meet future requirements arising from its extension, as detailed in planning application W2009/0914. Consent would provide a solution to current parking issues in advance of the changes proposed under that application, which would include a number of multi- storey car parks and the car parks relating to this application would be retained with one being undercroft to a new hotel or office

development and the other having multiple uses as an outdoor events area and parking.

The design and layout of the parking proposal had taken into consideration the long term aims of the Southwater Core, including leaving adequate land for any potential alteration to the junction on St Quentin's Gate. The proposal would create a larger car park to the front of the TIC by incorporating the existing coach park and reconfiguring the parking spaces. This area would be enclosed by a landscaping strip including fencing to create a visually attractive, whilst secure environment. A number of trees within the site would be removed but sufficient numbers would be retained and subject to an appropriate condition and would be supplemented by new planting. Therefore, officers considered that, overall, the character and appearance of the area would be retained and the approach up the access drive enhanced.

The other car park would have a new entrance created off the existing road to reduce queuing of traffic on busy event days and retain adequate traffic flows. An existing embankment would be cut back and regraded to allow for a reconfiguration of the parking spaces and to increase the parking capacity of the site. An existing landscape strip would be retained to ensure that the softened green corridor into the Town Park was retained and enhanced the visual amenities of the area. There was an existing footpath link to the TIC across the coach park which would be relocated to run adjacent to the road and would continue to provide and reinforce pedestrian linkages from St Quentin's Gate/Coach Central and the wider Town Park as well as the TIC. The extent and level of the new lighting was considered acceptable and would ensure that the ambience of the area was in keeping with the surrounding area and would not have a detrimental impact on the adjacent Telford Town Park.

The tabled update report informed the Board of the solutions being put forward to compensate for the loss of the existing coach park as part of this application and the Southwater application. It was considered that these alternative arrangements had been adequately considered and addressed to ensure that users of facilities arriving by coach could access the area and park adequately with no prejudice to highway safety. However, the lack of a long term solution at this juncture should not be used to oppose the development.

Originally, the proposal had included moving the security cabin and entrance barrier but, following concerns about access to the park and the potential queuing impacting on the St. Quentin's Gate Junction, the applicants had now omitted this element from the scheme and would implement an alternative method of payment collection for parking provision.

The update report tabled at the meeting informed the Board that, following receipt of amended plans which addressed highways concerns relating to the ability to improve the existing junction as necessary and the realignment of the existing footpath link to the Town park, the Highways Engineer had no objection to the proposals, subject to the imposition of two conditions to ensure that the car park layout was to an appropriate standard and that the proposed footpath link replacement would be available prior to the new car park being brought into use.

The scheme, as amended, would create an integrated layout which would be compatible with any potential future redevelopment as part of the wider Southwater Scheme. Accordingly, the proposal would positively influence the appearance and use of the local area in accordance with Policy CS15 of the LDF Core Strategy. Furthermore, it would respect and integrate with the setting, protect and enhance pedestrian movements and produce a safe and secure environment in accordance with Policy UD2 of the Wrekin Local Plan.

RESOLVED – that with respect to planning application W2010/0055 the Head of Planning & Transport be authorised to grant temporary planning permission subject to the conditions as set out in the report and to the two additional conditions as set out on the update report tabled at the meeting.

PB-98 SITE VISITS

RESOLVED - that a Site Visit be made in respect of planning application W2009/0911 at 4.30 p.m. on the 31st March, 2010.

PB-99 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Board received for information details of the planning applications that had been determined under delegated power.

The meeting ended at 7.04 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of the meeting of the Plans Board held on Wednesday, 31st March, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore (Vice-Chairman), J.A. Francis, R.G. Chaplin, E.A. Clare (substitute for Councillor M.J. Smith), G.M. Green, F.R. Picken and H. Rhodes

ALSO PRESENT:

PB-100 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on 31st March, 2010 be confirmed and signed by the Chairman.

PB-101 APOLOGY FOR ABSENCE

Councillor M.J. Smith

PB-102 DECLARATIONS OF INTEREST

Councillor G.M. Green declared a personal and prejudicial interest in planning application W2010/0039 and stated that she would leave the room during determination thereof.

Councillor I.T.W. Fletcher declared a personal interest in planning application W2009/1005 and stated that he would vacate the chair in favour of the Vice-Chairman and leave the room during determination thereof.

PB103 APPLICATIONS FOR DETERMINATION

(a) W2009/0911 – 26 Quarry Lane, Ketley, Telford, Shropshire

This application for the erection of extensions and associated alterations for the creation of lower ground floor accommodation and excavation to create a double garage and alterations to the access following the removal of the existing garage had been deferred at the previous meeting of the Board to allow Members to make a Site Visit.

Councillor H. Rhodes said that, having attended the Site Visit, she still had concerns relating to the application given the size of the proposed extension and the ability of the local road layout to cope with the traffic from the site, which were supported by Ketley Parish Council. In addition, she requested clarification of the permitted hours of working on the site and the measures to be taken in respect of the slope stability of the site. In response the Planning Officer said that the hours of working would be standard and a report would be required to be submitted to the Council's Geotechnical Officer. Other members of the Board indicated their support for the application.

RESOLVED – that planning application W2009/0911 be granted planning permission subject to the conditions as set out in the report.

(Councillor I.T.W. Fletcher having previously declared an interest in the following application left the room during determination thereof and Councillor N.A. Dugmore took the Chair).

(b) W2009/1005 – Abraham Darby Comprehensive School, Ironbridge Road, Madeley, Telford, Shropshire

This application requested full detailed planning permission for the demolition of the existing Abraham Darby Academy and the erection of a 1050 place Academy, a 420 place Primary School, incorporating ancillary Primary Care Trust office and consulting space, a community Leisure Centre, playing fields and associated facilities and works. The application site also included the property known as 9 Ironbridge Road. Acceptance, in principle, for the construction of a new senior school, primary school and leisure and community centre at this site had been established by outline planning permission W2008/1290 granted in March 2009.

These proposals were part of the Building Schools for the Future programme (BSF), which sought to rebuild or remodel every state secondary school in the country over the lifetime of the programme in line with the initiative launched by the Department for Education & Skills in February 2004. This was the first such application in the Telford & Wrekin programme and was particularly important due to its location in an area of low attainment levels.

The report outlined the responses from the statutory and non-statutory consultees. The Commission for Architecture and the Built Environment (CABE) was the Government's advisory body on architecture, urban design and public space and, as it had been involved in pre-application reviews of the proposals, it was consulted on the application scheme as submitted. CABE's panel of assessors had, however, found the overall design quality rating to be unsatisfactory. There had been 13 representations made in respect of the application, 7 of which were objections and 6 of which were observations, as outlined in the report.

The proposal was for the north of the existing Abraham Darby Academy site to house the new Abraham Darby Sports and Learning Community and associated facilities. This siting would enable the existing facility to continue whilst construction works were underway and, when completed, to allow for a transfer to the new facility without significant interruption followed by the demolition of the old facility. The location of the existing school buildings within the site would be moved to a new configuration where the major elements of the complex were to be built on the sloping portion of the site between the existing school and Ironbridge Road with the Primary School being situated on the flat south facing upper location to the north. This basic arrangement would maximise the playing fields available for both schools and the community leisure facility use. The whole site Masterplan was organised around a series of axis and vistas to provide a seamless transition between internal and external spaces. Circulation would be provided within atria and walkway spaces.

The individual building components, the Academy, the Primary School and the Leisure Centre, would be articulated as discrete and recognisable units, stepping down the hillside. Each would have its own, defensible, arrival space and front door, and dedicated external space. The Academy and the Primary School would be linked together by the shared dining space and the Academy and the Leisure Centre by a shared changing room complex so that they could operate as a single entity or as separate buildings. The overall design approach had been influenced by the wider site context, addressing the hill, landscape and the Ironbridge World Heritage Site. The palette of materials to be used included brickwork, concrete, render and timber, although the details would have to be submitted to and agreed in writing with the Local Planning Authority.

The Primary School would be situated on the upper plateau and would be a low rise building appropriate for children. It would incorporate a sedum, inverted green roof and ancillary primary care trust offices. There would be 56 cycle spaces and 50 staff/visitor car parking spaces, 3 DDA spaces and 3 enlarged DDA staff spaces. The Academy building would be much more dominant to the street scene and built into the side of the bank, thereby using the change in levels to accommodate 4 storeys of accommodation with a partially glazed dome at roof level. There would be 120 cycle spaces, 88 staff/visitor parking spaces, 8 DDA spaces and 5 enlarged DDA staff spaces. The Leisure Centre would also be set at the lower end of the site and, although 3 storeys in height, would be set back from Ironbridge Road to the rear of the Academy car park. It would have 72 cycle spaces, 99 staff/visitor parking spaces, 6 DDA spaces and 3 enlarged DDA staff spaces available.

The design had evolved through both the BSF bid and the planning application process, during which a series of design user group meetings with the end users and Telford's educational advisors had helped determine the final scheme, as set out in the main report. The design approach had also been rooted in an appreciation of the fact that the Abraham Sports and Learning Community would sit at a key strategic location on the route to the Ironbridge World Heritage Site. In addition, one of the key drivers in the master plan for the site was to maximise the amount of high quality external space for sports provision and informal/social play, whilst still ensuring that the proposed landscape & buildings sat comfortably within the existing topography and visual character of the surrounding areas. It was, therefore, officers' opinion that, notwithstanding CABE's comments, that the design brief had on the whole been met and on balance had led to an acceptable scheme subject to a condition to secure an amended plan to show an improved arrival space at the main entrance to the Academy. This compromise had one some way to meet the requirements of inclusive design whilst securing the end users remit for safety purposes.

With regard to transport and access the proposed access arrangements had been amended during the planning application process to respond to the concerns of the Council's Highways Engineers, public consultation and in response to the Road Safety Audit Stage 1. The existing access off Ironbridge Road would continue to be the major access point via a priority junction to the site, serving the Academy and the Leisure Centre. An additional access point to the west of The Keep, as a priority junction, would be the access point for the Primary School and the Primary Care Trust/Children's Services. The access point at Wrekin View/Hermitage Way would continue to be for occasional service access and a secondary pedestrian access.

The proposal also included improvements to pedestrian access points, through new toucan crossings, which related to existing bus stops along Ironbridge Road. The detail of these pedestrian improvements would be agreed through a Section 278 Agreement.

Right of Way number 136 (Madeley) ran through the middle of the site, although it was not surfaced or directed. It was considered that, in the interests of safety, security and the efficient operation of the new combined facility, this should be closed. A School Travel Plan Framework had been set out so that a relevant Plan could be developed by the school.

Part of the Abraham Darby Sports & Learning Community site was designated within the Wrekin Local Plan as part of the 'green network'. A copy of the Green Network Plan relating to this application had been appended to the update report for information but Members were reminded that this matter of principle had been resolved in the approval of outline planning permission by the Plans Board on 25th February, 2009.

Whilst there would be an overall net gain of open space as part of the proposed development, there would be some loss of usable playing field. However, part of this would be as a result of a greater range of outdoor sports provision being re-provided, the new indoor facilities as part of the Leisure Centre and the improvement to quality and drainage. It was, therefore, the Local Planning Authority's opinion supported by Sport England, that this outweighed any concerns about a loss of playing field space.

With regard to landscape, the Tree Protection Plan/Bat Mitigation Plan associated with the proposal demonstrated that the mature trees present along the boundary of the site would be retained, with the exception of a small number of trees located at the pedestrian entrance to the Academy. Similarly, the boundary hedgerow would be retained with the exception of new access points into the site, which would create a strong link with the existing woodland to the north of Ironbridge Road. A large number of trees would also be retained across the site and native tree and shrub planting in the form of woodland infrastructure planting would be planted to reinforce the existing vegetation. The proposal would not, therefore, adversely impact on protected species and mitigation of any identified risks would be addressed in line with the local policy context and PPS9: Biodiversity and Geological Conservation.

While any development of this scale would have a significant impact upon its surroundings, the proposal was a replacement for a facility that already made a significant impact. The existing school had grown and developed over the years and as a result was rather disjointed and parts of the building were at the end of their usable life. However, the proposal had been designed to reduce its impact as much as possible whilst being a modern joined-up facility that should be a significant improvement visually to the existing buildings.

A Lighting Strategy had been submitted as part of the planning application, although the detailed design was to be finalised. Given the site's prominent position it had been confirmed that the proposal did not include any floodlighting to sports pitches or any feature lighting to highlight the buildings. The proposed lighting scheme had been designed to have minimal impact on the surrounding environment and the

exterior lighting installation work would be within British Standard parameters and criteria. In addition, the principles of Secured by Design, supporting natural surveillance and security on the site would be applied to the overall lighting design strategy for the proposal.

With regard to the operating noise of the site: the building would be constructed in accordance with current acoustic standards. Background noise levels had been used to determine suitable limits for plant/external plant terminations in order to prevent disturbance at the nearest noise sensitive receptors. There were currently outdoor activities at the site, which would continue, and it was considered that any increase in activity and associated noise would not adversely affect adjacent users.

The update report tabled at the meeting set out a number of comments made by the applicant's agent for the Board's further information. In presenting the report, the Planning Officer informed the Board that the Principal of the Academy wished to emphasise the importance of having secure perimeter fencing, which was an Ofsted requirement. The Council's Highways Engineer had also requested the imposition of additional conditions relating to the extension of the footway south of Ironbridge Road.

Councillor G.M. Green, Ward Member for Madeley, welcomed the inclusion of No. 9 Ironbridge Road into the application site. Other Members spoke in support of the application which they were pleased to see coming to fruition.

RESOLVED – that with respect to planning application W2009/1005 delegated authority be given to the Head of Planning & Transport to grant full planning permission subject to appropriate conditions as set out in draft in the main report and an additional highway condition pertaining to the widening of the footpath on the southern side of Ironbridge Road.

(Councillor I.T.W. Fletcher returned the room and resumed the chair for the remainder of the meeting).

- (c) W2009/1078 – The Stables Flat, Greenacre Farm, 13 Crudgington Green, Crudgington, Shropshire

The Chairman informed the Board that this application needed to be deferred to allow for a separate application relating to a change of use of the land to be submitted.

RESOLVED – that determination of planning application W2009/1078 be deferred to enable officers to make further enquiries with regard to the appropriate designation of the land.

- (d) W2009/1107 – Former Watkins Nursery, Apley Castle, Leegomery, Telford, Shropshire

The proposal was for the partial demolition of the west wall to create a pedestrian and vehicle access in association with the development for the erection of 18 dwellings within the listed walled kitchen garden (W2009/011). The wall was

approximately 4 metres in height and was largely in good condition. There was an existing access point on the northern elevation, which was previously used as access to the Nursery.

It was considered that this was the preferred location for access to the site, as it would have a more limited impact on the character and appearance of the area. This location would result in a loss of approximately 6% of the wall's total length which was the minimum amount to meet adoptable road standards and have adequate pedestrian access. Any alteration to the existing access would be unacceptable, as this elevation was dominant within the street scene, and would adversely affect the character and appearance of the area. The proposed scale of demolition was appropriate and an element of rebuild would be required. In addition, salvaged brick work would be used to replace damaged areas of brickwork which had been highlighted by the architectural survey and conditions report as submitted with the application. The proposal also sought to improve the northern elevation fronting the road by removing an existing canopy and making repairs. Furthermore, the proposal included strengthening, as necessary and identified in reports submitted with the application, to ensure the long term survival of the wall.

Hadley & Leegomery Parish Council had submitted an objection on the grounds that the proposed demolition of a section of the south-west corner of the wall to provide access for a new dwelling was not necessary. The update report tabled at the meeting informed the Board that the Conservation Officer's comments with regard to the justification statement submitted by the applicant had been considered in accordance with the new national guidance for the Historic Environment, PPS5, which had been issued since drafting of the main report. An additional condition relating to the details of repair to preserve the character and appearance of the Listed wall was also set out in the update report.

RESOLVED – that the Head of Planning & Transport be granted delegated authority to grant Listed Building Consent subject to the conditions as set out in the report and to the additional condition relating to details of repair to preserve the character and appearance of the wall, as set out in the update report tabled at the meeting.

(e) W2010/0011 – Former Watkins Nursery, Apley Castle, Leegomery, Telford, Shropshire

The proposal is for the erection of 18 dwellings within the Listed walled kitchen garden together with the construction of a new vehicular and pedestrian access through demolishing part of the west wall of the kitchen garden wall and provision of additional parking spaces off Apley Castle. Following discussions with officers, the proposal had been amended to exclude the conversion and extension of the lean-to Listed Building to allow for additional bat survey work to take place at the appropriate time of year. A proposed additional detached dwelling unit to the south of the site falling outside the kitchen garden wall had also been omitted from the drawings submitted as part of the initial application as this would have necessitated creating a second break in the Listed kitchen garden wall.

The application site was located within the built-up area of Telford and was

approximately 0.4 hectares in size. Whilst the proposal did not strictly meet the relevant criteria relating to housing development on sites of up to 1 hectare, in this case the development related to a Grade II Listed Wall and, officers, therefore, considered that the long term security of the Listed Building and kitchen garden wall might benefit from this development. Accordingly, the proposal was acceptable in principle and was generally in accordance with 'saved' Policy H6 of Wrekin Local Plan.

It is considered that the access would provide reasonable highway standards and be designed as a shared courtyard to give a low-key highway solution in keeping with the Listed structures. The update report tabled at the meeting informed the Board that the Council's Highways Officer was satisfied that the detail submitted were sufficient to ensure that refuse vehicles could access the site and turn to leave in forward gear. He had no objections in principle subject to conditions regarding parking and loading, access prior to other operations and details of a new road and footway and an informative regarding permission. In addition, Members were asked to note that there would be adequate garden space for refuse bins to be located within gardens rather than in a separate storage space.

Hadley & Leegomery Parish Council had submitted objections to the application, as set out under W2009/1107, and was please to note that the dwelling outside the Listed wall and the second breach of the wall had now been omitted. However, its comments relating to other issues still remained. Councillor K. Blundell, Ward Member for Apley Castle, had submitted an objection to both applications relating to the proposed demolition of the Listed wall on the south side of the development to make way for a single dwelling. The update report tabled at the meeting set out in detail her objections, including one relating to parking provision. In response the Planning Officer had stated that this related to 6 spaces in front of the wall, currently used for parking. The proposal would alter the layout of the spaces to ensure that cars did not overhang the footpath, a current issue, which would be reinforced through appropriate boundary treatment, as set out in the update report.

The development would be contained within the existing walled garden, the height of which and the level of separation distance from existing properties would ensure that the new development would not have an adverse impact on adjacent properties in terms of overlooking, loss of light or loss of privacy. The layout of the development was based around a courtyard style development, which had been identified as an appropriate form of development in this unique setting by the Council's Urban Designer. Amended plans had been received to change the siting and style of plots 4 to 7 to reinforce the courtyard approach and to remove the standard sub-urban form previously proposed and also to remove the additional dwelling proposed outside the wall.

The detailing of the buildings, with window cill details, timber windows, corbelled eaves, window headers and plain roof tiles, was reflective of the existing Listed lean-to barns and was considered appropriate and in keeping with the character and appearance of the surrounding area and the Listed Building. The plot division and landscaping with use of walls, estate fencing etc. all reinforced the courtyard style of development and complemented and reinforced the context of this unique development within the walled garden. Accordingly, the development was

considered to comply with 'saved' policy UD2 of the Wrekin Local Plan and policy CS15 of the LDF Core Strategy.

The scale of development would have an impact upon existing education and leisure provisions and a contribution of £36,101.79 was required for primary education I and a contribution of £10,200 for improvements to leisure and recreation facilities in the local vicinity, as no play facility was to be provided as part of the development. As the development was for more than 15 dwellings Policy H23 sought to secure affordable housing and, due to the issues relating to the renovation of the Listed Wall and associated costs, evidence had been provided to demonstrate that a reduction in the level of affordable housing to one dwelling, which was to be a shared ownership tenure, would be appropriate. Following publication of the main report, continuing negotiations with regards to the contribution for primary education had result in this figure being revised down to £27,600. For the Board's clarification the leisure contributions of £600 per dwelling would be required for all properties of 2 or more bedrooms, including affordable dwellings. The recommendation before the Board had, therefore, been amended to reflect these two changes.

Councillor R.G. Chaplin commented that she was sad to the closure of the Nursery and stressed the need for the development to be sympathetic to the existing dwellings in the vicinity, to take great care of the access arrangements and for adequate parking to be provided.

RESOLVED – that with respect to planning application W2010/0011 the Head of Planning & Transport be given delegated authority to grant planning permission upon the signing of a Section 106 Agreement for £27,600 for primary education, £600 per dwelling (including affordable) for leisure and recreation and one affordable dwelling to be shared ownership tenure and subject to the conditions as set out in the update report tabled at the meeting.

(f) W2010/0017 – Land at Isombridge Farm, Isombridge, Shropshire

This application sought full planning permission for the conversion of a redundant farm building into a 3-bedroom, self contained dwelling. The applicant's agent had advised that the reason for the application was that the existing farmhouse was too large for the applicant and his sister, who required ground floor accommodation due to a disability. The buildings were positioned close to the main farmhouse and opposite the existing cattle sheds beyond the farm track/Definitive Right of Way. The farmhouse fronted the highway with an adjacent row of 17th century timber-framed cottages which, together with the adjacent barn were Grade II listed buildings.

As set out in the report, the proposal would be contrary to Policy CS1 of the Core Strategy which, for consistency with the spatial development strategy, stated that housing needs in the rural area would be met by approximately 170 new dwellings, a threshold which had already been met by dwellings already built or having received planning permission. In addition, Policy CS7 stated that development within the rural area should be focussed on the three key settlements of High Ercall, Tibberton and Waters Upton. Isombridge was not one of these and neither did it constitute one of the 13 suitable settlements in Policy H9 of the Wrekin Local Plan (superseded by

CS7). Therefore, any new residential development would be limited to agricultural, forestry or other occupational dwellings or affordable housing, having regard to national policy guidance but this proposal had not been identified as any of these exceptions.

Regard had also to be taken of Policy H18 of the Wrekin Local Plan, which stated that the conversion of non-residential buildings to residential use in the rural area would be strictly controlled by defined criteria, as set out in the report. Where a proposal was outside of the three key settlement areas, the conversion of non-residential buildings would only be permitted where the Council considered the buildings to be of sufficient architectural or historic merit, made a significant contribution to the character of the local area, or the dwelling was required to provide accommodation for an agricultural or forestry worker.

The application stated that the buildings were of sufficient architectural or historic merit, however they were not listed or locally listed, and the Council's Conservation Officer had assessed the buildings and considered that they were of no architectural merit or historic merit. Thus, whilst the application had demonstrated marketing of the buildings, this would have been to meet the criteria for conversions in the list of suitable settlements, which did not include Isombridge, and the buildings were not deemed to be of sufficient merit to justify conversion. Furthermore, there were no exceptional planning circumstances for the conversion of the building to a dwelling.

Following discussions between the architect and the Council's Conservation Officer, amended plans had been submitted, which proposed the retention of the pig sties and utilisation of the existing garage. Whilst this was an improvement to the original submission, officers remained of the view that the principle of new residential development in an unsustainable rural location and the fact that the buildings were not of such significant architectural or historic merit to justify retention and conversion to residential use had not overcome the fundamental policy issues.

Rodington Parish Council supported the application, stating that, whether or not the site was within the Core Strategy, it was meeting the local need for housing and specialist facilities needed by the applicant.

Councillor J.M. Seymour, Ward member, was invited to address the Board and spoke in support of the applicant. She informed the Board that the applicant was the head of a farming family that had been resident at Isombridge Farm for nearly 100 years. The applicant currently lived in the farmhouse but now that he was semi-retired he wished to move into the proposed property together with this disabled sister. His nephew, who had a growing family, would move into the vacated farmhouse. The applicant's agent believed that all the properties on the farm belonged to and were occupied by members of this actively farming family and could not be sold on independently.

Councillor Seymour further represented the agent in noting that she was led to believe that the The applicant had previously had a site visit with a Planning Officer who had advised him to give consideration to converting these particular buildings. Given Core Strategy Policies CS1 and CS7 and the difficulties of building new properties in rural areas outside of the main settlements and following the approval

on appeal of the barn conversions at Longdon-on-Tern the applicant's planning advisor and architect had ensured that a thorough process took place to establish a sound basis for this application. Throughout the application process no particular issues were brought to the applicant's attention until the application was referred to the Conservation Officer who indicated 'a lack of support' for the historical and architectural merit of the application. In view the agent's comments, Councillor Seymour asked that the Board consider making a site visit before determining the application.

Members made reference to a letter they had all received from the applicant's solicitor a copy of which had not been seen by the planning officers. The Head of Planning & Transport said that in view of this new information it would be helpful to defer the application and make a site visit before determining this application. He added that while Councillor Seymour had made reference to a number of farming issues but none of these had been mentioned by the applicant in support of the application.

RESOLVED – that determination of planning application W2010/0017 be deferred until the meeting of the Plans Board on 21st April, 2010 to allow Members to make a site visit.

(g) W2010/0029 – Unit 10, Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire

The Chairman informed the Board that officers had advised him that this application and the associated application, W2010/0030 should be deferred until the next meeting of the Plans Board to enable a technical issue to be resolved.

RESOLVED – that planning application W2010/0029 be deferred until the meeting of the Plans Board on 21st April, 2010.

(h) W2010/0030 – Unit 10, Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire

RESOLVED – that planning application W2010/0030 be deferred to the meeting of the Plans Board on 21st April, 2010.

(Councillor G.M. Green having declared an interest in the following application left the room during determination thereof.)

(i) W2009/0039 – Red Lion Public House, Park Street, Madeley, Telford, Shropshire

This application sought planning permission for the change of use of the existing Red Lion Public House (A4 use class) to a Veterinary practice (Sui Generis) to enable the relocation of the existing Old Pound Vets practice from No.44 Park Street to these larger premises with improved facilities.

Madeley Parish Council had made a response stating that it might be necessary to establish that there was a local need for the facility and that it would not have

adverse impacts on the amenity of nearby residential dwellings in terms of the comings and goings of clients and vehicles. If approved, the premises should be conditioned that it provided consultation and treatment for only small domestic animals. Councillor A.A. Mackenzie, Ward Member for Cuckoo Oak, had stated that this public house was a community facility the loss of which would have an effect on the local community and exacerbate traffic problems. Four letters of objection had been, as summarised in the main report. In addition, one letter had been submitted confirming no objection to the change of use, but querying work to a wall at an adjacent site and boundary dispute; however this was a civil matter.

The Design & Access Statement submitted with the application asserted that the Vets practice would treat small domestic animals, principally cats and dogs, and would enable minor and emergency surgery to take place. The relocation of the Vets to the larger premises with greater parking provision would enable an increase in the number of consultations from 25 currently to 32 from Monday – Friday, 9 a.m. to 11 a.m. and 3 p.m. to 6.30 p.m., and an additional 24 consultations on Saturdays between 9 a.m. and 1 p.m. No external changes were proposed to the building and minor internal alterations would include the creation of reception, waiting area, 2 consultancy rooms and a dispensary. Theatre and kennels would be located at first floor level above the existing store with the existing first floor serving as a staff room and overnight facilities in association with the Veterinary practice. The Agent had confirmed that there would be no overnight accommodation of animals, and that emergency operations out of hours would be carried out at the Much Wenlock practice.

Officers considered that the change of use of the public house to a Veterinary practice would not constitute the loss of a community facility, as outlined in CS10 of the Core Strategy, as the function of the building would remain as a commercial use and there were a number of other commercial premises within Park Street and other public houses within Madeley. The Park Inn, the adjacent public house on Park Street was currently vacant, however it was not for sale and the 5 year tenancy agreement would not be suitable for the applicants' requirements.

This Veterinary practice was already located on Park Street and provided a service to the local community. With regard to the vehicle movements and parking provision associated with its expansion, the Highways Engineer had raised no objection. Furthermore, it was considered that it would not have a detrimental impact on the residential amenities of the adjoining properties on Park Street by virtue of the hours of opening, which would be significantly shorter than those of the Red Lion Public House. Thus, whilst the proposed use might create more traffic movements, the opening hours of the practice would cause far less noise and disturbance in the evenings or at night.

As the application proposed no external changes to the building, therefore the development would not affect the existing character or appearance of the building or the streetscene and area.

The update report tabled at the meeting included a indicating the location of the existing Old Pound Veterinary Practice in relation to its proposed relocation to the adjacent Public House on Park Street. The Agent had sought clarification from the

Veterinary Practice with regard to ensuring that no activities occurred outside the opening hours proposed on the application and they had responded that if there was a major emergency and it was in the animal's best interests, it would be treated out of the opening hours proposed. In addition, as the existing Veterinary Practice had no restriction on opening hours although it was attached to a residential property and there would be no increase in the number of consultation/treatment rooms, they had queried why a restrictive hours condition was required. In response officers considered that, in order to maintain the residential amenity of the area, it was necessary to impose a condition to restrict the hours of opening, as set out in the update report, unless otherwise agreed in writing by the Local Planning Authority. This would enable officers to re-assess opening hours if necessary.

Councillor A.A. Mackenzie, Member for the adjoining Ward of Cuckoo Oak, was invited to address the Board and tabled a number of relevant photographs. He did not support the application on the grounds he considered there was sufficient land to the rear of the existing Veterinary Practice to accommodate an extension to the facilities rather than moving to the proposed site, which was still a viable business. In addition, this particular public house was a community asset which raised money for a number of charities and should be retained in view of the number of other public houses in the area which were closing. Councillor Mackenzie was also concerned at the potential impact of the proposal upon the existing traffic on Park Street which he considered had been increasing for some time and asked the Board to consider making a site visit before determining the application.

In response the Highways Engineer said that a signing scheme was required in this part of Madeley which would direct through traffic via Parkway rather than Park Street. In addition, the new Tesco Supermarket provided 200 parking spaces with no restrictions on use, therefore there was no need for Park Street to be used for parking. The Planning Officer responded to Councillor Mackenzie's comments by saying that, while the loss of a public house was regrettable, there was no reason based upon planning policy for refusing the application, which would be difficult to uphold at appeal. In addition, legal advice had been sought which had confirmed that a veterinary practice was classed as a community facility. The Head of Planning & Transport advised the Board of the need to focus upon planning issues in determining this application.

On being put to the vote, the Board was not in favour of making a site visit.

RESOLVED – that with respect to planning application W2010/0039 planning permission be granted subject to the conditions as set out in the main report and the update report tabled at the meeting.

(Councillor Green returned to the meeting)

(j) W2010/0085 – Land at 4 Merlin Coppice, Leegomery, Telford, Shropshire

This was a retrospective application for the conversion of the detached double garage into living accommodation, which the applicant had stated would be ancillary to the use of the house. In 2004 an enquiry had been made to the Planning Department regarding change of use of this garage and the owners had been

advised that this would only be acceptable if its use was incidental and ancillary to the occupation of the house. However, in 2005, following advertisement of the garage to rent as separate accommodation, a Planning Contravention Notice was served on the owners and the garage vacated. In late 2008 the letting of the garage was again brought to the Council's attention had which resulted in the serving of an Enforcement Notice in November 2008.

One letter had been received from a neighbour in Merlin Coppice objecting to the application on the grounds that the short term rental of the garage had resulted in parking problems, there were no other properties in multi-occupancy in the area, the garage should not have been converted and the proposal represented undesirable expansion of occupancy. The principle of the creation of a separate habitable unit occupied independently of the house was considered to be unacceptable in this area where subdivision within the curtilage of dwellings would harm local character and amenity. However, the applicant had now proposed that the converted garage would be occupied by a family member only.

With regard to the impact on the street scene, the appearance of the garage from the street was unchanged as the garage doors remained in place albeit now effectively cosmetic. The driveway was at least 12m. long which it was considered would provide adequate parking space to serve the dwelling and the annexe. Therefore, the converted garage had little additional impact on the street scene.

RESOLVED – that with respect to planning application W2010/0085 planning permission be granted subject to the applicant entering into a Section 106 Agreement which would restrict the occupation of the converted garage to ancillary accommodation incidental to the house and prevent further subdivision or selling off separately and subject to the conditions as set out in the report.

(k) W2010/0100 – Telford Town Park, Telford, Shropshire

This application by Telford & Wrekin Council sought planning permission for various improvement works to increase awareness of the heritage within the Town Park and educational and social facilities along with improvements in accessibility. These would be achieved through improvements to the entrances with better signage, the addition of new heritage and nature trails together with small activity and meeting areas in key areas around the park. The application arose out of Telford & Wrekin's 'Parks for People' Project Group, the aim of which was to encourage more use of the site for educational and leisure purposes.

Great Dawley Parish Council supported improvements to access but had raised concerns that the placing of a gateway under the Stirchley Lane railway bridge might suggest a movement of the boundary of the Park. However, it was noted that no such changes were part of this application. Stirchley & Brookside Parish Council had raised concerns over the proposed gateway off Stirchley Road adjacent to Stirchley Grange, as the road was used to access the dwellings at Grangemere along with the proposed dwellings at the Grange subject to a current application. However, the proposed archway would have sufficient room to allow large vehicles such as fire engines, coaches and refuse lorries to pass through.

Policy CS4 of the adopted Core Strategy stated that development should be encouraged that enhanced the role of the Telford Town Park as a valuable sport, recreational, open space and leisure asset for the Central Telford area. Policy LR1 of the Wrekin Local Plan supported the provision of community facilities whilst seeking to ensure they were in highly accessible locations, such as the Town Centre, Dawley Centre, and Stirchley Centre. In addition, Policy CS9 – Accessibility and Social Inclusion, aimed to ensure that everyone was afforded reasonable opportunity to access sports facilities, recreation and open space and sought the promotion of sustainable forms of transport such as cycling and walking through improved accessibility and signage. The application sought to improve signage throughout the Town Park to ensure the routes were well marked and to encourage usage. Concerns have been raised about the proposed access adjacent to Stirchley Grange,

The application would provide new community facilities through the multi-use games areas, meeting areas, trails along with learning zones and interpretation areas. Although some of this development was to be constructed on open space, the proposals were to provide significant community benefits through the provision of social, recreational and leisure facilities, in compliance with Policy CS11 – Open Space. As the proposal would take place within the Local Nature Reserve Policies, CS12 of the Core Strategy and OL2 of the Wrekin Local Plan were relevant, as they sought to ensure that these areas were protected and enhanced. The application had been accompanied by an ecological statement and the Council's Environmental Planner had raised no objections subject to the placing of a condition with regards to a method statement being submitted.

All of the Town Park was situated within the Green Network and the proposed development complied with Policies OL3 and OL4 of the Wrekin Local plan as they were complimentary to the aims of the Green Network and the provision community facilities were an integral part of the proposal. The proposed development would help to protect and enhance the cultural and historic environment of the area by increasing awareness and protecting the heritage assets, such as the locally listed Stirchley Chimney, therefore, the proposed alterations would comply with Policy CS14 by helping to underpin the overall quality of life for the community and visitors alike.

Policy UD2 of the Wrekin Local Plan sets out a design criteria for developments within the Borough, which the proposed improvement works complied with. The proposal would integrate and respect the wider setting by making the Park and its facilities more accessible to the neighbouring communities whilst the new facilities would be based far enough away from neighbouring properties so as not to be detrimental to their amenities. The development would also enhance local features of architectural, historical, landscape and nature conservation value, such as Stirchley Chimney. Finally, the increasing signage for the routes through the Park would maximise permeability and reinforce existing movement patterns.

The update sheet tabled at the meeting made reference to the concerns raised by the Highways Officer relating to structures crossing the highway, namely Dark Lane, Stirchley Grange and the Silkin Way Bridge, which would require a Section 178

licence to be granted under the Highways Act 1980 and to be shown as an informative on the approval. The Highways Officer had also recommended that conditions be attached to the approval requiring the applicant to demonstrate that the height clearance and the structures were acceptable for vehicles using the routes on which they impacted and to ensure they were constructed in a safe manner including foundations; an issue relating to building regulations control. It was also general practice to indicate the clearance height of any structure over a highway if it was less than 5.03m by means of a hanging sign attached to the underside of the arch and this would need to be conditioned unless otherwise agreed in writing with the Local Planning Authority. Members were, therefore, advised that the conditions and informatives set out on the update sheet should be amended to read:

- 1 – Archaeological watching brief
- 2 – Highways condition with regards to access by emergency vehicles
- 3 – Highways informatives with regards to highways licences

RESOLVED – that with respect to planning application W2010/0100 planning permission be granted subject to the conditions as set out in the main report and the update report tabled at the meeting.

(l) W2010/0100 – Apley Castle Woods, Apley, Leegomery, Telford, Shropshire

This was an application by Telford & Wrekin Council for the installation of an ‘eco toilet’ among trees near to the entrance of this part of the woodland at the eastern end of Apley Castle. The size of the eco toilet would be 2.2m. x 1.64m. and 2.2m. high, which would allow for wheelchair access. It would have a mono-pitch roof with ventilation pipe and, externally, would be finished in dark grey cladding. The installation would be a composting, urine-separating toilet with waste being composted in the underground storage chambers, which would be emptied approximately once a year/every 18 months based on its intended usage. The unit would be self-contained with no water supply required.

The toilet would provide an essential facility for those working on the improvement and management of the woodland as well as contributing to improved access to this woodland for community and education groups. Through the emptying of waste it would also provide natural composting. The toilet would not be for use by the general public and access would be limited to designated key holders.

Given that this area of woodland provided an area of high amenity value in relative close proximity to residential parts of north Telford, the main issue was the visual impact of the toilet installation. The proposed site did not immediately adjoin the footpath and had been chosen so that the toilet would be relatively unobtrusive and naturally screened amongst verdant surroundings. Further planting was intended to reduce its visual impact and, therefore, the structure would not adversely affect the amenities of the surrounding area. Therefore, the siting of the toilet would generally accord with the objectives of Green Network Policy, as contained in Policies OL3 and OL4; by providing environmental and community benefits and with a size and appearance which would not significantly affect the function and appearance of the Green Network.

One letter has been received from a nearby resident in support of the application.

RESOLVED – that with respect to planning application W2010/0124 planning permission be granted subject to the conditions as set out in the report.

(m) W2010/0126 – Lord Hill Public House, High Street, Dawley, Telford, Shropshire

This was an application by Telford & Wrekin Council for a temporary two year change of use of the former public house to use class B1 business (offices). The building was currently vacant and it was proposed to operate the former public house as site offices, meeting rooms and public displays in relation to the Dawley Regeneration projects.

The building was currently a vacant public house with bar, kitchens and toilet facilities at ground floor and living accommodation including kitchen and bathroom at first floor. The proposal would involve minimal disruption to the general layout of the building by re-using existing kitchen and toilet facilities, whilst converting the bar and lounge area at ground floor to office space and public meeting areas, with conferences space and meeting rooms on the upper floors. There was existing parking associated with the building which the proposed use would utilise. The Highways Engineer had raised no objection to the proposal.

There would be no external alterations to the building and, therefore, no adverse impact on the character and appearance of the building and the proposal would have no adverse impact on the amenities of the adjacent properties.

As the site was within the secondary retail zone of Dawley, B1 office use at ground floor would be a permitted change, subject to size, design and impact on the centre being acceptable, in accordance with saved Policy S19. It was considered that the re-use of the property would be of benefit to the High Street and the B1 office use would not undermine the vitality and viability of the primary retail zone. In addition, it would help to preserve a vacant building while decisions were made as to its ultimate use. Long term, the building could revert back to an A4 public house use.

RESOLVED – that with respect to planning application W2010/0126 planning permission be granted subject to the conditions as set out in the report.

(n) W2010/0133 – Charlton GM School, Severn Drive, Wellington, Telford, Shropshire

This application by Telford & Wrekin Council sought approval for the change of use of open land, comprising a grassed area to the front of the school, to a car parking area to provide an additional 32 spaces for school staff. Retrospective permission had recently been granted for a similar proposal for a temporary car park on the site and this current application would provide a permanent solution to the existing problems of insufficient parking.

As there were 102 full time members of staff at the school with a current provision of 47 parking spaces and 2 disabled parking spaces, the proposed car park would help

to alleviate problems of double parking within the existing car park and on-street parking on adjoining residential streets; although it would still constitute a shortfall of more than 60 spaces to the requirements of the Parking Standards identified in the Wrekin Local Plan.

The parking area would be of a standard design and materials with tarmac surfacing, which would be in keeping with the existing parking and drive access. The level of the car park would be slightly lower than the existing ground level to reduce the visual impact of the tarmaced area at the front of the school site and in the streetscene. Its position would require the removal of existing trees and vegetation, although the majority of the trees on the site would be retained and enhanced with the addition of 9 further trees.

The proposal would not lead to a significant loss of open space or a loss of playing field, as this site did not constitute playing field area to the school. Members noted that the existing Travel Plan for the school had not been updated since 2004 and it would, therefore, be necessary to condition that an updated Green Travel Plan be carried out to include assessment of staff travel and parking need, as well as consideration of alternative, sustainable travel modes. Following discussion with the Highways Engineer, officers considered that this should not be a pre-commencement condition, as a rapid resolution to the current parking shortfall and congestion on adjacent streets was required. Therefore, it was suggested that the Green Travel Plan be submitted within 3 months of commencement of the development.

The update report tabled at the meeting confirmed that the Council's Drainage Engineer had no objections to the proposal and included a plan indicating the existing and proposed car parking areas at the school for Members' clarification.

RESOLVED – that with respect to planning application W20100133 planning permission be granted subject to the conditions as set out in the report.

PB-104 SITE VISITS

RESOLVED – that a Site Visit be made in respect of planning application W2010/0017 at 4.30 p.m. on Wednesday, 21st April, 2010.

PB-105 PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS

The Board received for information details of the planning applications dealt with under delegated power.

The meeting ended at 7.26 p.m.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 2nd February 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D.Wright (Chairman), I.T.W.Fletcher (Vice-Chairman), R.K.Austin, L.Lomax and W.L.Tomlinson.

OFFICERS PRESENT: Ken Clarke – Head of Finance, Jonathan Eatough – Head of Governance, Jenny Marriott – Audit & Risk Manager, Pauline Harris – Corporate Finance Manager, Bernie Morris – Finance Manager: Capital & Treasury, Clive Jones – Head of Regeneration & Housing and Andrew Roberts – Democratic Services Officer.

AUC-45 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on 3rd November 2009 be confirmed and signed by the Chairman.

Members were referred to the final paragraph on page 4 in relation to Business Continuity and it was pointed out that the current review following the corporate restructure would not be available until the end of March 2010. It was agreed by the Committee that this item should be deferred until the June 2010 meeting.

AUC-46 APOLOGIES FOR ABSENCE

Councillor J.A.Dixon

AUC-47 DECLARATIONS OF INTEREST

None

AUC-48 TREASURY MANAGEMENT – INTERNAL AUDIT REVIEW AGAINST THE AUDIT COMMISSION “RISK AND RETURN” REPORT – FOLLOW UP RESULTS

The joint report of the Head of Finance and the Audit & Risk Manager was received which sought to update members on the follow up work undertaken by Internal Audit on the previous Internal Audit report on the Council's Treasury Management arrangements which was undertaken as a result of the Audit Commissions report entitled “Risk & Return”.

Members were reminded that the Committee's terms of reference included responsibility for reviewing the Council's Treasury Management arrangements and making recommendations to Cabinet. Internal Audit had carried out a review of Treasury Management practices against guidance issued by the Audit Commission in their publication Risk & Return March 2009. The result of this review was reported to this committee at its previous meeting in September 2009.

The Committee was reminded that the original audit review was undertaken during July 2009 and it provided the Head of Finance with an action plan for the Treasury Management Team to implement to ensure that best practice was being followed for investment and borrowing by the Authority. It was further reported that Internal Audit had undertaken a follow up to this review to ensure that the required actions had been implemented. It was concluded that the Treasury Management team had implemented the majority of the recommendations.

Members were advised that there were a small number of recommendations which were still in progress because CIPFA had now produced a revised guide 'Treasury Management in the Public Sector' code of practice and cross sectoral guidance notes 2009. The Treasury Team were currently checking that Council documentation complied with this guidance as well as the Audit Commission Guidance and it was anticipated that this work would be completed by 31 March 2010.

Members were also referred to the complete audit follow up report which was attached as Appendix A to the report which detailed the actions that had been implemented to ensure that the Treasury Management function was compliant with the Audit Commission's best practice guidelines.

RESOLVED – that the progress achieved on the actions arising from the Treasury Management Summary follow up report as detailed within Appendix A of the report be noted.

AUC-49 DRAFT TREASURY MANAGEMENT STRATEGY

The joint report of the Chief Finance Officer and the Head of Finance was received by the Committee which sought to inform of the Council's Treasury Management activities during 2009/10. The report also presented the Treasury Management Strategy which included the proposed borrowing limits and prudential indicators, the Minimum Revenue Provision Policy and the Annual Investment Strategy for 2010/11, all of which were required to be formally approved by Council. Members were informed that the strategies and proposals followed CLG and CIPFA guidance (namely the revised CIPFA Treasury Management Code of Practice and the revised CIPFA Prudential Code and the latest Investment Guidance).

Councillor Tomlinson enquired as to the protocol in connection with any comments that might arise from this particular committee. The Head of Finance responded by stating that the Audit Committee was only scrutinising the Treasury Management Strategy and that any agreed comments could be incorporated within the report which would be presented to Cabinet.

Members received details of the Council's projected overall portfolio position and the Treasury Limits and Prudential Indicators which stated the projected outturn for the 2009/10 financial year together with the estimates for 2010/11, 2011/12 and 2012/13. Details were also provided in connection with the estimated borrowing requirement and the projected interest rate forecast for both bank base rate and varying PWLB terms for the same periods.

The Committee were also advised of the Council's Borrowing Strategy which would be required to be flexible in order to take account of changing market conditions. This Strategy would be amended in the light of a number of factors, which included;

That as interest rates were forecast to rise during the year that longer term borrowing would be considered when opportune; that PWLB loans would be taken as appropriate; that fixed rate market loans at 25-50 base points below PWLB rates would be considered; that reduction of investments to fund new or replaced borrowing might provide opportunities to secure best value and/or reduce risk and rescheduling opportunities would be continually monitored with any potential savings being used to balance against re-financing costs.

In relation to borrowing in advance of need the Committee was informed that the Council would only borrow in advance of need under defined specific circumstances and in particular where there was a requirement to fund the capital programme and that also borrowing in advance of need would not be undertaken when it would be undertaken purely to gain profit.

The Committee were also advised of the Council's Investment Policy which underpinned the Council's Investment Strategy, which were based on principles which in order of priority were – the Security of capital; the Liquidity of its investment and the optimum Yield. Members were further informed that the aim was to achieve the optimum rate of return on its investments, commensurate with the proper levels of security and liquidity and that in order to preserve security of its investments the Council's adopted risk appetite was low. It was also unlawful for the Council to borrow purely to invest or lend in order to make a return was prohibited and it was confirmed to the Committee that the Council would not undertake any such activity of this nature.

Members were also advised on the Council's Creditworthiness Policy. This was underpinned by the creditworthiness service that was provided by Sector Treasury Services and included the use of credit ratings from rating agencies, which included Fitch, Moodys and Standards and Poors. This information combined credit ratings, credit watches, credit outlooks and credit default swaps, also other market intelligence supplemented the service that was provided to the Council. Credit ratings would be monitored daily and checked prior to making any investment decisions. Members were informed that if a downgrade resulted in a counterparty no longer meeting the Council's required minimum criteria any investment would be immediately withdrawn. Councillor Tomlinson made comment in connection with the Creditworthiness Policy and the need to include the usage of intelligence should also be included as a mechanism. He also suggested that the word "disinvestment" should also be included within the final paragraph of 6.10.2.

The Committee also received guidance on the principles that were applied to the Council's exposure to risk and in particular reference was made to Sovereign Exposure i.e. investment exposure to one country. The Committee was reminded that there was no limit that could be invested in the UK. However, in relation to exposure in other countries the Strategy proposed that the maximum that could be invested in any single foreign country would be limited to 25% of the Council's investments. Other principles included

guidance in order to reduce a liquidity risk should the Council have insufficient funds to meet costs and market/interest rate risk which would reduce financial loss due to changes in interest rates.

Finally guidance was received by the Committee on the Minimum Revenue Provision Strategy – with MRP being the minimum amount that had to be set aside for the repayment of any external loans. The Council was required to make prudent provision backed by prudential borrowing and further details were outlined of the factors and methods by which the MRP would be calculated.

Councillor Tomlinson referred to the prudential indicator table that was provided on page 10 and noted in particular the increase in Council Tax (band B in a total year) – he noted that the probable outturn for 2009/10 would be £4.22 but raised enquiries on how the subsequent figures had been calculated and requested further information as to how these figures had been calculated. He also requested that an additional statement should be added to the Strategy that provided indicative details as to the assumptions that were made based on the estimated Council investments and borrowings. Councillor Austin also enquired as to why the average figure was based on a Band B property when for the majority of comparable figures Band D levels were cited. In connection with the quoted council tax valuation band B was provided as this level was the most prevalent within the Borough.

Councillor Tomlinson further referred to the Capital Financing Requirement that was quoted within the table on page 10 – and he noted that there were no details provided of future financial receipts and he also questioned as to whether the Committee could be provided with further details of the assumed level of capital receipts that had been estimated in future years beyond the details that had been provided. The Head of Finance confirmed that these assumptions could be provided.

Councillor Tomlinson also raised a concern as to the proposed percentage level of the Council's investments that could be invested in a single country – and he considered that 25% was too high. Councillor Lomax further enquired as to whether the Council had ever invested an amount that had approached this percentage level. The Finance Manager responded by stating that the maximum had never been exceeded although the Council had been close to this maximum limit on an occasional basis. He further stated that based on a maximum available investment fund of approximately £85m would amount to a sum of approximately £20m. There was a discussion as to what level the Committee would consider to be appropriate – a limit of 10% was initially suggested, however the Head of Finance stated that this level would be too tight given not only the level of investment placed internally within the Council but also to enable the Council's External Treasury investment managers to operate effectively within their current instructions. At the conclusion of the discussion it was felt that the limit should be reduced to 20%.

Councillor Tomlinson enquired as to whether in relation to the Council's liquidity risk all of the current capital projects had been built into the projections that had been provided. The Head of Finance confirmed that all current projects had been encompassed within the MRP Strategy.

Following a further discussion the Committee following scrutiny of the draft Treasury Management Strategy wished to raise the following comments subject to the provision of additional information that had been requested.

That in relation to the incremental figures of the impact of capital investment decisions that the Committee noted the increasing annual cost.

Although CIPFA only required the Committee to consider the estimated indicative figures and indicators for three years the Committee considered that there was a requirement to receive additional information for a further two years. The Head of Finance was requested to provide this further information.

In relation to the limit on the Sovereign Exposure Limit the Committee felt that the maximum limit should be 20% and that measures should be in place for a decision making mechanism when the maximum limit was close to being realised. The Head of Finance confirmed that the programmed monthly meetings would allow this level to be monitored and provide sufficient notice should there be a requirement to amend the investment parameters.

The Committee noted that there could be an increase in the level of significant level of borrowing against future major capital projects and that the present review of the Treasury Management Strategy was purely based on the basis of the current assumptions and knowledge that was available to the Committee at this time.

Members also considered that it was not possible to reach a formal conclusion on the proposed Treasury Management Strategy and requested that the information that had been requested should be obtained and referred back to the Audit Committee. Following a further discussion it was agreed that the meeting should be adjourned until the 10th February 2010.

RESOLVED – that consideration of the draft Treasury Management Strategy be deferred to a further meeting of the Audit Committee that would meet on Wednesday 10th February 2010, commencing at 5.00 pm.

AUC-50 REVIEW OF THE EFFECTIVENESS OF THE AUDIT COMMITTEE 2009/10

The Committee received the report of the Head of Governance which sought agreement on how they would measure the effectiveness of the Audit Committee. It was noted that the results of any review would be reported to the Audit Committee at the forthcoming March 2010 meeting.

Members were reminded that a survey was undertaken in February 2009 to review the effectiveness of the Audit Committee. The results of the 2009 survey were used to decide if a co-optee was required and to identify further training for Audit Committee members. The appointment of a co-optee was not agreed following the 2009 survey but further training had been provided to members of the Audit Committee.

The survey needed to be repeated again to assess the continued effectiveness of the Audit Committee and to re-visit the decision on whether to

appoint any co-optees. In order to provide a consistent review and for comparison purposes it was proposed to use the same survey as 2009 including the additional questions on co-optees. The Committee were referred to Appendix A of the report which detailed the proposed survey.

It was proposed that the survey would be issued to the Members of the Audit Committee, Councillor A Lawrence previously the Cabinet Member Resources and Cllr Sean Kelly Cabinet Member Efficient Community Focussed Council; the Chief Executive, Chief Financial Officer (Corporate Director Resources), Head of Finance, Head of Governance and the Audit & Risk Manager and the External Auditor (KPMG).

RESOLVED – that

- (a) the Committee agree to the publication of the survey as detailed within the report at appendix A; and,**
- (b) that the results should be reported to the March 2010 Audit Committee meeting where a decision will be made in connection with the appointment of co-optees.**

AUC-51 ANNUAL AUDIT LETTER 2008/09

The Committee received the report of KPMG which summarised the work that had been undertaken by KPMG at the Council in their role as the authority's external auditors. The Committee was reminded that the auditor's responsibilities were outlined within the Audit Commission's Code of Audit Practice (the Code). Under the Code KPMG were required to review and report on two main areas which included – the Use of Resources and the Financial Statement of Accounts and the Annual Governance Statement. Members were informed that the report covered the financial year 2008/09.

The Committee was referred to the key areas from the 2008/09 audit work. These being –

Use of Resources assessment this was the first assessment in connection with this aspect under the Audit Commission's new UoR regime. This demonstrated that the Council had got sound processes in place and there was evidence revealed of positive outcomes in all three themes (managing finances, governing the business and managing resources). This had resulted in the Council achieving a level 2 score against each of the three themes. Members were further advised that each of these three themes were scored with reference to areas within the themes. In respect of Risk Management and Internal Control and Strategic Asset Management there was strong evidence that the Council was delivering outcomes and received individual scores of 3.

It was pointed out that another key message was how well the Council managed and improves its services and contributes to wider community outcomes and in particular how successful the Council was in delivering its corporate priorities. In connection with this part of the assessment the Council scored at a level 2 out of 4 score. Whilst it was noted that the Council had

some good and excellent services such as Adult Social Care other areas were judged as not achieving the same progress.

Members also noted that the Council had achieved an unqualified opinion on the Council's accounts on 25th September 2009. It had been reported that a number of adjustments had been identified to the Council's 2008/09 draft accounts the aggregate of which had been considered to be material however all of these had been successfully addressed and as a result the unqualified opinion had been issued in advance of the statutory deadline. The Committee were also requested to note that the number of adjustments were lower than for the previous year.

The KPMG report also highlighted and identified a number of future issues that would face the Council in forthcoming years. These included the requirement from 2010/11 that Councils would be required to prepare their financial statements under the International Financial Reporting Standards and that the Council would need to prepare for this transition. KPMG had begun to meet with the Council to discuss the preparations and had agreed areas where KPMG could provide assistance. Members were also informed that HM Treasury was also developing guidance for 2010/11 which would require all public sector bodies to report publically on sustainability performance in annual reports. The Committee was advised that CIPFA was in discussion with the Treasury about how this would impact on local authorities. Finally the report referred to the extreme pressure that would be placed on the UK public expenditure forecasts for the medium term and the consequent pressure that would be placed on local authority funding. It was anticipated that future financial settlements would be extremely tight increasing the need for council's to have comprehensive efficiency programmes supported by sound financial management arrangements. KPMG had noted that the Council had reduced its structure from five portfolios to four and had also commenced restructuring based on no portfolios at all and this was acknowledged as a means to reducing its cost base but that these cost reductions would need to be maintained in the future.

Councillor Tomlinson referred to the chart that appeared on page 7 of the report and the position that Telford & Wrekin Council had been judged as a Level 2 Council which had resulted in them being placed in the lower half. He commented that he would like KPMG to express its views on how the Council could improve its ranking. By way of response the Audit & Risk Manager advised the meeting that the Council had enquired as to whether Telford & Wrekin could be compared on a like for like basis with other similar Unitary Authorities rather than all but the report had not been changed by KPMG to reflect this. The Council had also used the feedback from KPMG to inform the self assessment for the 2009/10 Use of Resources assessment which was now in progress.

Councillor Tomlinson further enquired as to whether a further report should be submitted to the Committee from KPMG and the need to invite the Cabinet Member: Efficient Community Focussed Council to explain future proposed actions in order to improve the current scores.

Councillor Fletcher referred the meeting to the minutes of the Audit committee meeting held on 3rd November 2009 that had been approved earlier in relation to an update that had been provided in the minutes to the earlier meeting held on the 23rd September 2009. The minutes stated that the Head of Finance had confirmed that KPMG would include within the Annual Audit Letter specific guidance following a reflection of the Council's Use of Resources scores and other measures within their remit. The Audit Committee requested that this specific guidance should be sought.

RESOLVED – that the contents and conclusions contained within the KPMG Annual Audit Letter for 2008/09 be noted. Members also agreed that the Cabinet Member: Efficient Community Focussed Council should be invited to the next meeting.

AUC-52 CATERING

Members were referred to the previous meeting of the Committee that was held in November 2009 when an enquiry was raised in relation to catering and the implementation of a trial cashless system within two schools. It was agreed that an invitation would be extended to the Head of Resources, BSF and Social Regeneration to attend at a future meeting to provide an update report in relation to school catering.

The Committee was addressed by the Head of Regeneration & Housing who provided an update in connection with school catering.

The meeting was reminded that the supplier of the Council's existing cashless system went into administration in August 2008 and since this time the Facilities Management Team had limped along with limited support from former employees of the company and ICT. It was acknowledged that the nature of the system made it a very difficult system to support, with some schools having resorted back to more cumbersome procedures for reconciliation, cash collection and meal recording.

Members were also informed that following the completion of the recent external review of the facilities management service undertaken by Northgate Kendric Ashe (NKA) it had been concluded that there was no case for replacing the failing cashless catering system and that a manual system would offer greatest benefit to the service. This conclusion was received with some measure of surprise as there were some significant advantages with a cashless facility particularly with the provision of improved management information for parents, priority leads, service managers and back office systems.

It was reported that through the Borough Towns Initiative to rebuild or remodel sports and learning communities, funding had been set aside to evaluate options for the introduction of a single payment card or device. It was envisaged that this would incorporate a cashless catering option. Users of the card or device would be able to purchase credits through use of the Councils online payments system which would also allow payment by debit or payment card. As part of the projects commitment to research and development funding had been provided through the Building Schools for the Future

Programme and DCSF Capital Grant to trial one possible solution. It had been proposed that the trial would take place within the Phoenix School and a further primary school.

It had been acknowledged that a modern electronic single device system (including a cashless catering option) would assist in maintaining sound systems of internal control. For example an electronic reconciliation system would highlight for managers occasions where a school failed to bank income for immediate investigation. ICT were also currently preparing a business case for the implementation of a single payment card/device with these findings from the review being incorporated into the business case.

In conclusion it was recognised that until the Council was equipped with a universal full electronic system in place it would be necessary to continue with the current manual systems of reconciliation to ensure that systems of control were maintained.

A number of members whilst acknowledging the conclusions that had been published by NKA expressed surprise at their conclusion that there was no case for replacing the cashless system with a replacement.

AUC-53 INTERNAL AUDIT QUARTER 3 2009/10 AND RISK MANAGEMENT UPDATE REPORT

The report of the Audit & Risk Manager was received by the Committee which sought to update members on the work of Internal Audit during quarter three – October to December 2009; together with an update report in connection with risk management. Members were reminded that the Committee received a quarterly update of the work of Internal Audit. This report included the update report for quarter three October – December 2009. The Audit Committee also received assurance on the Council's risk management arrangements and this report also included an update on activity in this area.

The report also provided information on the work of Internal Audit during October to the end of December 2009 together with an update on the progress of previous audit reports issued in the period January 2008 to September 2009.

Internal Audit activity during this period had focussed on the completion of the audits set out in the Internal Audit Plan including the few carry forwards from quarter 2. The key theme during quarter 3 had been the completion or good progress on the fundamental audit areas that had been previously identified by the external auditor. It was confirmed that the work in these areas was scheduled to be completed by the end of February 2010 prior to KPMG reviewing the work in mid March 2010 as part of their final accounts audit.

The Committee were referred to the Appendices as attached to the report which included a list of the final graded reports issued in quarter three together with details of budgeted time, actual time, percentage variance and comments. Also attached to the report was a list of all work undertaken for quarter three of 1 day or more and details of previous graded reports from

January 2008 to September 2009 with their current status and further information on the 1 red and 3 amber reports issued this quarter.

Members commented on the late circulation of some detailed papers and the Audit & Risk Manager apologised and said these would be more timely in future.

Members were referred to Appendix A which provided information on the 18 final reports issued in quarter 3. The catering investigation at a Primary School was a red report and took 38 days due to the need to review records from January 2008 to September 2009, several interviews and liaison with third parties. It was reported that a further management issues report had been issued and was in the process of agreement. Further details were provided within the exempt paper as contained within Appendix D of the report.

The following areas had received an allocation of time over that originally planned including Council Tax/NNDR, the off contract spend and the Email/Internet review for the identified reasons as detailed within the report.

Further details of amber reports in relation to the Confirm system and the Residential Services review were also outlined in Appendix D.

Members were also advised that a review of the strategic risk register was undertaken in September/October 2009 but the review and agreement of the results by CMT had not yet occurred due to the Council's re-organisation. The Committee was further informed that existing risks were being managed by the appropriate Corporate Director and Heads of Service. As part of the Priority Improvement and Service Delivery Planning Processes the strategic risk register would in the future be reviewed and CMT would identify what risks they wished to monitor on a regular, exception basis.

The Council's Risk Management Strategy would be updated once on-going processes had been agreed. However the methodology - the identification and management of risks continued across the Council, including within projects and partnerships.

RESOLVED – that the Internal Audit Update Report on Quarter 3 2009/10 (October – December 2009) and the Risk Management Update Report be noted.

AUC-54 DATES OF FUTURE MEETINGS

The Committee noted the remaining date of the meeting in the 2009/10 Civic Year was scheduled to be held on Tuesday 30th March 2010, commencing at 6.00 pm.

AUC-55 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the

likely disclosure of information, as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

**AUC-56 APPENDIX D OF THE INTERNAL AUDIT QUARTER 3
2009/10 AND RISK MANAGEMENT UPDATE REPORT**

Members were referred to Appendix D that had been submitted with the Internal Audit Quarter 3 2009/10 report that contained exempt information as defined in Paragraph of Part 1 of Schedule 12A Local Government Act 1972. The appendix contained details in relation to recent Internal Audits that had been undertaken within this reported quarter. One of the audits contained information that had been reported to the police and also had resulted in individual personnel issues being dealt with by the Council.

The Audit Committee was informed that procedures within the particular area had been reinforced to ensure that a repeat of the issue was not repeated.

The meeting ended at 8.00 pm.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Wednesday, 10th February 2010 at 5.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D.Wright (Chairman), I.T.W.Fletcher (Vice-Chairman), R.K.Austin and W.L.Tomlinson.

OFFICERS PRESENT: Paul Clifford – Corporate Director, Ken Clarke – Head of Finance, Pauline Harris – Corporate Finance Manager, Bernie Morris – Finance Manager: Capital & Treasury and Andrew Roberts – Democratic Services Officer.

AUC-57 APOLOGIES FOR ABSENCE

Councillors J.A.Dixon and L.Lomax.

AUC-58 DECLARATIONS OF INTEREST

None

AUC-59 SCRUTINY OF THE TREASURY MANAGEMENT STRATEGY

The joint report of the Chief Finance Officer and the Head of Finance was received by the Committee which presented the Treasury Management Strategy which included the proposed borrowing limits and prudential indicators, the Minimum Revenue Provision Policy and the Annual Investment Strategy for 2010/11, all of which were required to be formally approved by Council.

Members were reminded that the draft Treasury Management Strategy had been updated following the previous meeting that had been held on 2nd February in view of the comments that had been made by the Committee. The Head of Finance confirmed that all of the comments that had been made by the Committee had been accepted in full and had been incorporated within the revised document and Members were referred to the highlighted amendments in red. The Head of Finance stressed again that there was a requirement to separate the scrutiny of the Treasury Management Strategy from the overall Council Budget decisions.

Councillor Tomlinson enquired of the Head of Finance as to whether he was content with the public release of the information that had been supplied beyond the initial three year period that had been outlined within the original documentation. The Head of Finance responded by stating that he was content with the information that had been supplied and that he further acknowledged that the Committee had been very effective in its scrutiny of the overall Treasury Management Strategy.

The Corporate Director whilst acknowledging the debates that had occurred in connection with the perceived view that the Treasury Management Strategy was linked closely to the overall Council budget – he again stressed that there was a need to separate the two as the Treasury Management Strategy only

indicated the various methods that the Council utilised in order to provide the required cashflow that would enable the Council to operate.

Councillor Tomlinson commented that his view was primarily based on the wording contained in the top paragraph on page 4 of the Strategy which referred to affordability, sustainability and prudence. In his view the debate centred on the total quantum of borrowing and to the extent that any possible future borrowing would place a strain on the overall budget position. He also stated that it was his view that sustainability would cover the required revenue budget that would be required to support the overall strategy and that in his opinion the Committee should have an opinion on the impact on the revenue budget implications of the Treasury Management Strategy.

Following a further discussion, it was;

RESOLVED – that

- (a) the Committee believed that the figures provided within the draft Treasury Management Strategy were prudent and robust;**
- (b) the total capital borrowing based on the additional information provided on the projected capital receipts was sustainable;**
- (c) the Committee agreed that the revenue cost of the borrowing requirement appeared to put a strain on the revenue budget in future years; and,**
- (d) the Committee agreed that they would closely monitor the Treasury Management Strategy through the quarterly update reports received by the Committee**

The meeting ended at 6.10 pm.

Chairman:

Date: