

CABINET - 12 November 2015

MINUTES

Present: Councillors: R Sleigh, I Courts, R Hulland, K Meeson, T Richards OBE, Tildesley, T Diccico, K Grinsell, J Burn, D Evans and J Windmill,

Officers: Nick Page, Andrew Kinsey, Anne Brereton, Paul Johnson, Sally Hodges, Philip Mayhew, Dr Munday, Mike Swallow, Walter Bailey, Perry Wardle and Jane Game

1. APOLOGIES

None were received.

2. DECLARATION OF INTEREST

Cllr Sleigh reminded Members that in relation to item 7 he was Vice-Chairman of the ITA.

3. QUESTIONS AND DEPUTATIONS

No questions or deputations were received.

4. MINUTES

The minutes of the meeting held on 15 October 2015 were submitted for information only.

RESOLVED:

That the minutes of the meeting held on 15 October 2015 be noted for information only, including those in private.

5. SOLIHULL TOWN CENTRE - TOUCHWOOD PROPOSALS

The Cabinet was invited to:

- Receive an update on the outcome progress of further negotiations in connection with an expansion of Touchwood; and
- Approve the use of Compulsory Purchase Powers (CPO) to enable the delivery of the Touchwood Extension.

Before considering the report the Leader referred to the fact that Members of the Council had received a number of letters from residents, following the decision of Planning Committee to approve the planning application. The Leader advised that those letters had been passed to Officers for a response. ..

The Leader of the Council then asked the Solicitor to the Council to clarify the relationship between the Cabinet and the Planning Committee.

The Solicitor to the Council advised Members that the Cabinet was carrying out an executive decision making function in relation to the CPO request, which was separate to the Planning Committee, who carried out the planning function in relation to the

CABINET - 12 November 2015

approval of the planning application. The Solicitor to the Council also confirmed that there was no legal requirement to have planning permission granted before making a CPO.

The Leader of the Council then invited the Solicitor to the Council and the Head of Strategic Land and Property to present the report.

Members were advised that since the last Cabinet meeting negotiations with land owners had progressed and details of those discussions were contained in the private appendix to the report.

In light of the timescales involved in the CPO process, and in accordance with Government guidance, it was prudent to commence the CPO now in parallel with those negotiations. This could also encourage those affected to more readily enter into meaningful negotiations.

The scheme objectives were set out in the report, and Officers explained that the land proposed for CPO was coloured pink and edged red on the plan attached at Appendix 1 to the report. Land coloured blue on the same plan highlighted land where rights only needed to be required by CPO.

The report went on to detail the purpose and justification for use of CPO powers, with the draft Statement of Reasons attached to the report setting this out in full, with paragraph 4 dealing with reasons and paragraph 7 setting out the specific justification for the use of the powers. The report also explained the use of the Council's powers to appropriate land for planning purposes, in relation to land already in the Council's ownership, which might be subject to rights, restrictions or covenants, which would be interfered with as part of the Touchwood Extension Scheme.

The Cabinet Portfolio Holder (CPH) for Managed Growth commented that work on the scheme had been progressing for three years through an all-party Town Centre Advisory Group. Through this Group the scheme had been developed with input from all Members on the Group. The CPH for Managed Growth also confirmed that with a scheme such as this, where there were multiple ownership issues it was not uncommon to have to go through a CPO process.

In considering the report clarification was sought in relation to the issue of covenants, and Officers confirmed that where covenants existed they would be dealt with through the appropriation of land and compensation provided.

Some Members referred to residents' concerns over the planning approval, specifically the Manor House and the perceived intrusion into the conservation area, and asked the Cabinet to continue to negotiate with the Developer on these issues. The Leader in responding to this point reminded Members that all parties had been represented on the Town Centre Advisory Group, and had, had the opportunity to bring up these issues. The Cabinet could not revisit the planning application.

RESOLVED:

(i) That the Council be authorised in making a Compulsory Purchase Order ("the CPO") for the land shown coloured pink) ("the Site") on the plan contained at Appendix 1 ("the CPO Plan"), under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), because it thinks that:-

- (a) the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Site; and

CABINET - 12 November 2015

(b) development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of Solihull Metropolitan Borough.

(ii) That authorisation be given to the acquisition of new rights as necessary under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, to facilitate the development, redevelopment or improvement on or in relation to the Site;

(iii) That authorisation be given in principle and subject to the confirmation of the CPO the appropriation of the Council's freehold land as shown coloured green (on the plan contained at Appendix 4) to a planning purpose (to the extent that it is not so held already) to allow the redevelopment of the Site, pursuant to section 122 Local Government Act 1972;

(iv) That the Director of Resources be authorised:-

(a) to take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of all relevant notices and the presentation of the Council's case at any Public Inquiry;

(b) to approve terms for the acquisition of legal interests (including new rights) by agreement including for the purposes of resolving any objections to the CPO;

(c) to transfer the land and property acquired pursuant to the exercise of the CPO as provided for under the terms of the agreements made between the Council and Lend Lease Retail Partnership dated 20th October 2014 ("the Development Agreement") and a further agreement dated the same date and between the same parties the ("Compulsory Purchase Order Indemnity Agreement");

(d) to take all necessary steps to resolve any compulsory purchase compensation claims, including, if necessary, by way of making (or responding to) a reference to the Upper Tribunal (Lands Chamber); and

(e) subject to (iii) above authorise the Director of Resources (following the confirmation of the CPO) to appropriate the land referred to in (iii) to a planning purpose.

6. COUNCIL HOUSE REFURBISHMENT - DECANT STRATEGY

The Cabinet was invited to approve a level of financial risk up until June 2016 relating to the decant of staff to alternative premises.

Members were reminded that the Council would need to reduce the size of its accommodation by approximately one third to enable the Touchwood expansion to proceed. The report detailed the timeline of approvals already provided and the involvement of the relevant Scrutiny Board. Members were provided with the draft minutes of the Resources Delivering Scrutiny Board meeting on 3 November 2015, when they last considered the issue.

CABINET - 12 November 2015

The report before Cabinet related to the requirement to decant Council staff to allow the Council House redesign works to take place and invite the Cabinet to approve spending £279,000 at risk up to the point of a further report being submitted to Cabinet in June 2016.

The report provided the time frame for when staff would need to vacate offices and that through the Development Agreement with Lend Lease, the costs of decanting staff, being recovered from Lend Lease. Members were advised that discussions with Lend Lease on the working options and associated estimated costs were on-going. A further viability check would be carried out in November, so both parties could review the commitment to ongoing work and expenditure.

Officers reported that CBRE had been appointed to act as Property Agents to identify potential short term office facilities, and two options had been identified as detailed below, with a decision on a decant strategy being made in January 2016:

- Temporary occupation of office accommodation in or around Solihull Town Centre, plus existing office accommodation on Poplar Road estimated cost £279,000; and
- A Temporary Accommodation village within Monkspath Hall Road Car Park estimated cost £200,000.

The report provided further details on the value of costs to be spent at risk up until June 2016. Further costs were anticipated with overall costs for decant period estimated to be in the order of £1.5m to £2m. The decant costs would be funded from working balances pending reimbursement from Lend Lease.

RESOLVED:

- (i) That a maximum 'at-risk' spend of £279,000 until June 2016, on the proposed decant strategy be approved; and
- (ii) That it be noted that a further report will be brought to Cabinet in June 2016 to assess the latest position with the Development Agreement and the further financial risks to be taken up until 'Unconditionality'.

7. CONNECTING EUROPE FACILITY - BIRMINGHAM INTERNATIONAL STATION INTEGRATED (TEN-T) TRANSPORT HUB STUDY

The Cabinet was advised that the European Commission Innovation and Networks Executive Agency's (INEA) "Connecting Europe Facility (CEF)" had awarded 875,000 Euro to complement equivalent match-funding in undertaking a 'Birmingham International Station Integrated (TEN-T) Transport Hub Study'.

The Cabinet Portfolio Holder for Managed Growth provided Cabinet with the detail relating to the award and study scope, and invited them to approve that the Council accepts responsibility for receiving the award and coordinating the project through work with the West Midlands Integrated Transport Authority.

In the context of the UK Central programme and the vision for the development and infrastructure investment around the wider area known as the Hub at UKC it was considered appropriate for the Council as the strategic local authority and promoter of UKC to act as the accountable body and "Beneficiary" for the award. It was anticipated that the study would determine and help develop an outline design for the most

CABINET - 12 November 2015

appropriate interchange hub solution, facilitating seamless travel between transport modes and activities within the UK Central Hub area.

The report went on to detail as “Beneficiary” what the Council would be responsible for, what the advantages the role would bring and the financial implications which would involve match funding.

Members welcomed the report and emphasised the need to have an integrated transport system, which included the airport, and not just a people carrier.

RESOLVED:

- (i) That the INEA award, the scope of the proposed study and the associated funding commitments be noted; and
- (ii) That it be agreed that SMBC, as award ‘beneficiary’, manages the *Birmingham International Station Integrated (TEN-T) Transport Hub Study* work programme through appropriate delegations to the Director of Managed Growth and Director of Resources; ensuring that appropriate systems are established to manage the budget, and to report on progress to the Connecting Europe Facility Awarding Body.

8. HIGH SPEED 2: ADDITIONAL PROVISION 4 - BICKENHILL HOUSEHOLD WASTE RECYCLING FACILITY

The Cabinet was advised that the construction of HS2 would prevent the continued operation of the Bickenhill Household Waste Recycling Centre. Consequently, ‘Additional Provision 4 and Supplementary Environmental Statement 3’ proposes the relocation of the facility to an area of land that HS2 Ltd. had identified that it considered as being suitable.

The Cabinet Portfolio Holder for Managed Growth drew Members attention to the report which provided the detail on the proposal. The report set out the current size and usage of the Bickenhill Household Waste Recycling facility, which was managed by the Council and was the only waste and recycling facility in the Borough. The report detailed the impact HS2 would have on the facility which in effect meant the facility could not operate, so relocation was the only option.

HS2 Ltd and the Council had continued to evaluate a number of alternatives, but HS2 Ltd had now proposed the relocation of the facility to land immediately to the east of the proposed HS2 alignment and south of the A45. The Council had not reached a view as to whether the proposal could be considered as optimal, but it would cater for the immediate impact generated as a result of HS2 construction. Further work would be undertaken in relation to the Borough’s long term needs.

In responding to questions the Cabinet Portfolio for Managed Growth assured Members that as the proposal was being promoted by HS2 Ltd they would cover the costs, this would not be the case if the Council pursued an alternative site. Members agreed that the Council could not afford to lose this facility.

RESOLVED:

- (i) That it be noted that the construction of HS2 would prevent the continued operation of the Bickenhill Household Waste Recycling Centre, and that HS2 Ltd therefore proposed its relocation; and

CABINET - 12 November 2015

- (ii) That in the absence of alternative options that could be delivered prior to HS2 construction commencing; it be agreed to accept the proposal identified and promoted by HS2 Ltd, whilst committing that the Council undertakes a review of its appropriateness in the long-term and considers alternative options, with a view to promoting, through relevant processes, an alternative if viable.

9. REVENUE AND CAPITAL MONITORING FOR PERIOD 6 (UP TO SEPTEMBER 2015)

The Cabinet received a report which:

- Informed Cabinet of the financial position as at the end of September 2015 (Period 6);
- Summarised the reports to the individual Cabinet portfolio meetings during October and November 2015; and
- Provided details of all the budget virements which had taken place for Months 5 and 6 of the financial year, as required by Financial Regulations and the revised budget resulting from those virements, which Members were asked to approve as set out in Appendix A to the report.

The Director reminded Members that the 2015/16 budget included savings of £14.821m and individual Portfolio reports showed progress against all the savings for the current year. The Director reported that there was a forecast favourable variance for Core Council of (£83,000) and (£190,000) for the Dedicated Schools Grant (DSG). The position in each Portfolio was detailed in the report along with key variances.

The Director drew attention to the Health and Wellbeing Portfolio, where there was a small favourable variance at the moment. Cabinet was being asked to support in principle a contribution to the existing Adult Social Care contingency reserve to support the additional costs for residential care resulting from the re-provision of Brookvale Care Home.

With regard to the Capital budget the total Capital Programme was £46.400m for 2015/16, with actual expenditure up to the end of September at £17,607m. The current forecast showed a favourable variance of (£3.843m).

The Director confirmed that there were no red risks to report at this stage, but Officers would continue to liaise with project managers to identify any possible re-phasing requirements on schemes.

RESOLVED:

- (i) That the current financial position be noted;
- (ii) That the budget virements made during Period 5 and 6 of 2015/16 summarised in Appendix A be approved; and
- (iii) That it be agreed that in the event there is a favourable variance on Adult Social Care for the current financial year, this may be contributed to the existing Adult Social Care contingency reserve, subject to the overall Council year end financial position. This would provide funding towards the additional costs of residential care provision resulting from the re-provision of Brookvale Care Home.

CABINET - 12 November 2015

10. LOCAL PLAN REVIEW INITIAL CONSULTATION

The Cabinet was invited to consider the draft Solihull Local Plan Review (2015) Scope, Issues and Options document for consultation.

The Cabinet Portfolio Holder for Managed Growth provided Members with the background to the report which set out the developments which had occurred since the Local Plan was adopted in December 2013. The report set out issues such as High Speed 2 Interchange and Adjoining area and the Strategic Housing Need which needed to be reviewed. The broad options as the basis for commencing the review were set out in the consultation document. At this stage views were being sought on the scope of the review, the issues that ought to be taken into account, and the options that should be considered.

The consultation would be undertaken for nearly 8 weeks from 30th November 2015 to 22nd January 2016. The consultation process would be undertaken in accordance with the Council's Statement of Community Involvement, including notification of stakeholders, publicity on the Council's website, Press Notices, availability of documentation at libraries and engagement with community and other groups, as appropriate. The opportunity would also be taken to maximise the use of other communication channels – e.g. social media.

Following consideration of the consultation responses, a preferred option would be developed next year, which would be agreed for consultation in the autumn of 2016. A Pre-Submission Draft would then be prepared for approval in early 2017 for formal publication, and this would form the basis for the Submission later in 2017.

The Cabinet Portfolio also reminded Members a supplement had been issued which provided a summary of the main document. The Cabinet Portfolio also advised that the illustrations on pages 155 and 156 needed to be amended to indicate expansion of Blythe Valley Park as a potential option. All settlements that were inset from the Green Belt needed to be included as noted in the text.

Members welcomed the report and stressed the importance of having a good communication strategy in place so people understood what the process was all about and so they could be engaged. The Director of Managed Growth also confirmed that the relevant Scrutiny Board would be involved.

RESOLVED:

- (i) That the draft Solihull Local Plan Review (2015) Scope, Issues and Options document be approved for consultation;
- (ii) That Delegated authority be given to the Director for Managed Growth to make minor drafting/presentational changes to the document in order to assist clarification and/or explanation prior to it being published; and
- (iii) That Delegated authority be given to the Director for Managed Growth, in consultation with the Cabinet Member for Managed Growth, to update the Council's Local Development Scheme in accordance with the timetable set out in this report.

CABINET - 12 November 2015

11. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED:

That, pursuant to Section 100A (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for the remainder of the business to be transacted, on the grounds that there would be disclosure to them of exempt information in terms of paragraph 3 of Part 9 of Schedule 12A to the said Act.

Meeting ended at 19:15