

CABINET - 10 October 2019

MINUTES

Present: Councillors: I Courts, K Grinsell, K Hawkins, A Mackiewicz, K Meeson, T Richards OBE, A Rolf, R Sleigh OBE, J Tildesley, J Burn and G Slater

Officers: Nick Page, Paul Johnson, Deborah Merry, Andrew Kinsey, Jenny Wood, Ruth Tennant, Louise Rees, Alan Brown, Dr Perry Wardle, Anthony Watson, Martin Clayton, Paul Langham, Kim Allen, Paul Tovey, Alison McGrory, Clare Rudge and Jane Game

1. APOLOGIES

None received.

2. DECLARATION OF INTEREST

In relation to item 10 Cllrs Courts and Sleigh reminded Members of their connection to the WMCA. The Chief Executive advised Members that as the Returning Officer for the Solihull BID election he would leave the room at item 9.

3. QUESTIONS AND DEPUTATIONS

None were received.

4. MINUTES

The minutes of the meeting held on 5 September 2019 including those in private were presented for information only.

RESOLVED:

That the minutes of the meeting held on 5 September 2019 be received for information only.

5. DSG FINANCIAL RECOVERY PLAN

The purpose of the report was to:

- Provide Members with the detailed financial position of the High Needs Block within the Dedicated Schools Grant (DSG) in the current year, the factors influencing that position, actions already taken and the proposal to address the deficit through a DSG Recovery Plan; and
- Set out the additional resources required to develop the DSG Recovery Plan and the governance arrangements established in order to address the DSG financial position.

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The report before Members detailed the background to the DSG High Needs Block financial position, as well as the recent guidance from the Education and Skills Funding Agency (ESFA), which required all local authorities that had a cumulative DSG deficit of 1% or more to submit a recovery plan, outlining how the deficit would be brought back in to balance in a three year time frame.

In the current financial year period 4 the latest financial forecast position for the DSG High Needs Block had an adverse variance of £5.602m, against a budget of £24.073m.

The report detailed what was driving the pressures in Solihull and what had already been done to address this pressure. The report referenced the national picture as well.

Members were provided with details of the DfE Recovery Plan requirements, and the resources required to develop, implement and monitor the DSG recovery plan actions as set out in paragraph 3.28 to 3.35 of the report.

Cabinet was being recommend to set aside £400,000 per annum through the current MTFS process to provide the additional capacity with effect from 2020/21. It was proposed to fund this for three years from the Budget Strategy Reserve if Members agreed.

On receiving the report Members acknowledged the scale of the problem not only nationally, but also in the local context to Solihull, and the fact that there was no quick fix, as measures/actions put in place would take time to have an affect.

Members recognised the need to take the necessary steps to improve the wellbeing of vulnerable children in the borough. The Director of Children's Services and Skills confirmed that there was a back log of annual reviews for EHC Plans, some 480 to 500 had missed the deadline for annual review. The Director also updated Members on the progress of the Free Autism School and voiced her disappointment that DfE were planning to open the school in 2023, and she would try and push for an earlier opening time.

RESOLVED:

- (i) That £1.2m of funding over three years from the Budget Strategy Reserve, to be included in the update to the Medium Term Financial Strategy (MTFS) being considered by the Budget Strategy Group to support the additional capacity detailed in paragraphs 3.28 to 3.34. of the report be approved; and
- (ii) That it be agreed that officers present the DSG Recovery Plan for final approval in February 2020.

6. VALLEY PRIMARY SCHOOL

Members were invited approve in principle the consolidation of the existing split campus arrangements for Valley Primary School onto one site in line with the Feasibility Study prepared in consultation with key stakeholders.

On receiving the report Members asked a number of questions particularly around the financial aspects of the proposal and felt that they needed further information before they could make a decision.

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RESOLVED:

That the report on Valley Primary School be deferred and Officers provide Members with further details on the proposal especially around the financial implications.

7. **DIGITAL CONNECTIVITY – IMPLICATIONS ARISING FROM THE ELECTRONIC COMMUNICATIONS CODE AND THE NATIONAL PLANNING POLICY FRAMEWORK**

Members were provided with an update on the implications for the Council acting as landowner arising from the introduction of the revised Electronic Communications Code 2017 (ECC) and invited to consider the Council's approach, as landowner, to future requests to install electronic equipment that fall within the scope of that Code.

Members were advised that Council had for many years a moratorium on the installation of microwave dishes and radio antennae on Council owned land and buildings except for the adopted highway where operators had benefited from statutory powers that overrode the Council's position.

The Department for Digital, Culture, Media and Sport advised local authorities in March 2019 of the Governments commitment to supporting investment in high quality, reliable, digital connectivity whilst its Future Telecoms Infrastructure Review set ambitious targets for nationwide full fibre coverage by 2033 and for the UK to be a world leader in 5G with the majority of the population covered by 2027.

With that in mind the Government wanted to make it easier for operators to deploy the necessary infrastructure and in order to achieve this, the Electronic Communications Code which underpinned the agreements between communication network providers and site providers (public and private sector) had been reformed.

The explicit aim of the reforms was to make it easier and more cost effective for network providers to deploy and maintain digital infrastructure.

As a consequence Local Authorities needed to ensure that they had effective procedures and policies in place that provided effective engagement with the digital communications industry and minimised barriers to deployment. In that context there was a need to review the Council's historic position that had been previously established.

The report went on to detail the implications for the Council as land owner and the implications for the National Planning Policy Framework 2019 in relation to the Council as Planning Authority.

With regard to the health implications the main advice from Public Health for England (PHE) regarding exposure to radio waves from base stations was to limit emissions to those that fell within the ICNIRP guidelines. Operators would be required to provide proof that their proposals complied with these guidelines and provide confirmation that the likelihood of any future health issues would be within the Governments acceptable limits.

Members were advised that the Resources and Delivering Value Scrutiny Board on the 16th September 2019 had considered this issue, and in light of the information

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presented at that meeting agreed unanimously that Cabinet should review the moratorium.

On receiving the report Members stated their support for 5G and recognised the benefits 5G would bring. However, Members sought clarification on a number of points especially around planning issues, and welcomed the input from Group Manager-Development Management, who responded to planning concerns.

Members noted recent legal action which required in the case of redevelopment, the responsibility to fund the full cost of relocating the Code Operators equipment could sometimes fall to owner/developer of the site. Officers advised that early negotiations between the Council and the Operator should help to avoid such a situation as it was in the Operators interests to find a site for the long term, not short term.

With regard to health implications Members were reassured that Operators were required to provide proof that their proposals complied within ICNIRP guidelines.

On considering the recommendations Members felt it was appropriate to include in consultation with the relevant Cabinet Holder in relation to recommendation (iv).

RESOLVED:

- (i) That the provisions of the revised Electronic Communications Code and National Planning Policy Framework as set out in the report and the implications for the Council as both landowner and planning authority be noted;
- (ii) That the conclusions of the Resources and Delivering Value Scrutiny Board that considered the matter on the 16th September 2019 be noted;
- (iii) That it be agreed, given the content of the Code, that the Council's historic moratorium on the installation of electronic equipment can no longer be maintained; and
- (iv) That the authority to agree requests to install equipment on Council owned assets be delegated to the Director of Resources and Deputy Chief Executive in consultation with the Cabinet Member for Resources (subject to the granting of planning permission).

8. HIGH SPEED RAIL 2 SCHEDULE 4 PART 3 APPLICATION A452 KENILWORTH ROAD / PARK LANE - PROPOSED PERMANENT HIGHWAY WORKS

The Cabinet was invited to consider an application made by HS2 Limited under Schedule 4 Part 3 of the High Speed Rail (London – West Midlands) Act 2017 (“the Act”) to construct a new permanent roundabout junction on the A452 Kenilworth Road, at its junction with Park Lane, and the realignment of Park Lane to create space for the HS2 railway line.

Members were advised that the HS2 design team had worked collaboratively with the Council's Highway Services team to produce a compliant design that had evolved from that contained within the Act. The proposal included improvements that would help all road users' travel through the junction safely in the future. The proposal was in line

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with that assessed during the Act making process and therefore, it was recommended that the Council had no grounds on which to refuse the application.

RESOLVED

That HS2 Limited's application submitted under Schedule 4 Part 3 of the Act to construct a new roundabout on the A452 Kenilworth Road at its junction with Park Lane and the associated realignment of Park Lane as shown in Appendix C1 and C2 to the report be approved.

9. SOLIHULL BUSINESS IMPROVEMENT DISTRICT

The Cabinet was provided with an update on the proposed renewal of the Solihull Business Improvement District (BID) for a third term (2020 – 2025) and invited to approve for the Council to vote **Yes** in the BID ballot to be held during October 2019.

The report detailed the background to the BID, the purpose of the BID along with the benefits. As set out in Section 4 of the report the proposal built on the views of the Solihull BID businesses, gathered consistently since the Solihull BID was first established in 2010. The BID continued to play an important role in maintaining and enhancing the profile and vibrancy of Solihull Town Centre, as well as providing a strong voice for the local business community.

In supporting the recommendation Members recognised the success of having a Solihull BID, and the work the BID had done to encourage footfall in to the Town Centre.

RESOLVED:

- (i) That approval be given for the authority to vote "Yes" in the Solihull BID ballot to be held in October 2019; and
- (ii) That responsibility for casting the Council's vote be delegated to the Assistant Director - Growth and Development in consultation with the Portfolio Holder for Stronger and Safer Communities.

10. KINGSBURST VILLAGE CENTRE PLANNING BRIEF & COMMUNITY SPACE PILOT

Members were:

- Provided with feedback from the public consultation on Kingshurst Village Centre draft Planning Brief;
- Invited to approve Kingshurst Village Centre Planning Brief; and
- Invited to approve Kingshurst Community Space Pilot.

The report before Members provided the Cabinet with the outcome of the public consultation undertaken in recent months on the Kingshurst Village Centre draft planning brief. Detailed in the report was a summary of what the community liked and disliked about the draft planning brief, and some suggestions for change. The next stage would be for extensive design development and viability appraisal work to be undertaken, to inform the proposed scheme, which would be presented to Cabinet at the end of the year.

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With regard to the Kingshurst Village Centre Community Space Pilot, Members were provided with an outline of what was trying to be achieved in relation to improving health and wellbeing and supporting people to be engaged and involved in their local community. Discussions with community leaders had provided an insight as to what was needed, but further work was needed, hence the 12 month pilot to understand what the issues were.

One issue which had already been highlighted was the need for additional community facilities, hence the request for Members to approve the reopening of the ground floor of the former youth centre to use as a temporary community space at a cost of £12,000, to bring the building up to usable standard.

Members very much welcomed both elements of the report, recognising that this was another important milestone for the local area. The community engagement aspect was particularly pleasing, and Members recognised the importance of encouraging health partners to engage with the proposals, especially with regard to a well run GP surgery.

Members confirmed that they would like to see regular update reports as the proposal progressed with the Pilot.

RESOLVED:

- (i) That the Planning Brief for Kingshurst Village Centre attached to the report at Appendix 1 be approved; and
- (ii) That the establishment of Kingshurst Community Space Pilot be approved.

11. SHIRLEY ECONOMIC GROWTH PLAN

The purpose of the report was for Members to consider a plan for Shirley Town Centre, incorporating funding secured from the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) to develop a new Economic Growth Plan, alongside supporting activities including public realm improvements, business engagement, marketing and events.

Members were reminded of the background to the report along with actions and work taken since the unsuccessful Shirley BID ballot was held in May 2018.

Members were advised that a number of options had been considered to further this work and in essence Members were recommended to continue with the GBSLEP updated Economic Plan, alongside additional short term business engagement, marketing and environmental activities, examples of which were detailed in the report.

The approach being recommend would, maximise the use of external funding, to create an updated and formal plan for the area whilst engaging with local businesses and stakeholders and deliver short term improvements that would build and sustain momentum. This co-ordinated approach would ensure that early engagement was undertaken, identifying 'Ambassadors' to take forward activities.

On receiving the report Members recognised the changing patterns within retail and the challenges that faced the retail market. It was agreed that work needed to be undertaken to support the ongoing viability of Shirley Town Centre, and the proposals

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referenced in the report would go a long way to sustaining Shirley Town Centre, along with the £25,000 GBSLEP funding and Council funding of up to £25,000.

It was confirmed that ward members would be consulted with regard to the proposals, and that there would be Christmas lights in Shirley Town Centre this year.

RESOLVED:

- (i) That it be agreed to accept the grant funding from the GBSLEP for Shirley Town Centre;
- (ii) That the planned approach for updating the Economic Plan for Shirley be approved; and
- (iii) That the use of up to £50k to support early delivery and fund activity additional to the GBSLEP Grant be agreed.

12. 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 1 of Schedule 12A to the said Act.

13. PRIVATE MINUTES

14. STRATEGIC ENVIRONMENT CONTRACT OPTIONS REVIEW

The meeting concluded at 8.05 pm