

## **Cabinet – Meeting held on Monday, 4th February, 2019.**

**Present:-** Councillors Swindlehurst (Chair), Hussain (Vice-Chair), Anderson, Carter, Mann, Nazir, Pantelic and Sadiq

**Also present under Rule 30:-** Councillors Strutton and Wright

**Apologies for Absence:-** None.

### **PART 1**

#### **99. Declarations of Interest**

No declarations were made.

#### **100. Minutes of the Meeting held on 21st January 2019**

**Resolved –** That the minutes of the meeting of the Cabinet held on 21<sup>st</sup> January 2019 be approved as a correct record.

#### **101. Quarterly Financial Update - Revenue, Quarter 3 2018/19**

The Service Lead Finance introduced a report that provided the Cabinet with an update on the financial position of the Council's revenue account for the third quarter of the 2018/19 financial year.

The total net expenditure at the end of December 2018 was £81.360m, which was £2.448m higher than the budget for the period. The forecast year end position was currently an overspend of £2.120m due to in year pressures in areas such as temporary accommodation, adult social care and home to school transport, however, work was taking place in directorates to contain the overspends and identify compensatory savings. The Cabinet received assurance that Officers expected that a breakeven position would be achieved by the end of the year. No new significant pressures had emerged since the previous report to Cabinet and the main areas of overspend were unchanged. Lead Members noted the current position and the detailed work to address the overspend by the end of the financial year.

Approval was sought for the budget virements detailed at paragraph 8.01 of the report and the write off requests at paragraph 8.03. These were considered and agreed.

#### **Resolved –**

- (a) That the reported and underlying financial position of the council as at the third quarter of the year be noted;
- (b) That the management actions being undertaken by officers to reduce the budget pressures be noted;

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(c) That the budget virements as explained in paragraph 8.01 of the report be approved; and

(d) That the write offs as requested in paragraph 8.03 of the report be approved.

### **102. Quarterly Financial Update - Capital, Quarter 3 2018/19**

The Service Lead Finance introduced a report that provided the Cabinet with a summary of spend against capital budgets for the period to the end of December 2018.

The revised capital budget for 2018/19 was £256m of which 54% had been spent to date. It was expected that 85% of the budget would be spent by the end of the year and the 15% slippage rate was a significant improvement on historic levels. The main area of slippage was for some school expansion schemes, particularly £9.3m of the SASH2, £3.3m for SEN Resource Expansion and £2m for the Special School Expansion project which would be moved into 2019/20. It was projected that 82% of the revised Housing Revenue Account capital budget would be spent by the end of the year.

The Cabinet noted the updated position.

**Resolved** – That the Capital activities for the third quarter of 2018/19 (April to December 2018) as set out in the body of the report be noted.

### **103. Five Year Plan 2019-2024**

The Service Lead Strategy & Performance gave a presentation on the Council's updated Five Year Plan 2019-24. The Cabinet was requested to recommend approval of the document to Council on 21<sup>st</sup> February 2019.

The plan set out the vision and priority outcomes and had been developed in close alignment to the Medium Term Financial Strategy to ensure that the strategy informed decisions about resources. The five outcomes were unchanged but there was an increased focus in the plan on early intervention and prevention to reduce future demand for services where possible. The plan had been developed to be evidence based, forward looking and centred on the needs of local people.

The Cabinet supported the greater emphasis on maximising commercial opportunities to support frontline services and contribute to the transformation programme and it was requested that appropriate indicators be identified in the performance scorecard to measure progress. Lead Members also highlighted the importance of ensuring that this approach balanced income and community access so that facilities were well used by residents.

Partnership working with other public bodies, the community and voluntary sector, businesses and other stakeholders was agreed to be critical to

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ensuring the effective delivery of the plan. This was particularly important given the funding pressures locally and nationally in areas such as adult social care for which long term funding reform had been consistently delayed.

The Cabinet agreed to recommend approval of the Five Year Plan to Council on 21<sup>st</sup> February 2019.

**Recommended –** That the refresh of the Five Year Plan attached as at Appendix A to the report be approved.

### **104. Revenue Budget 2019/20**

The Cabinet considered a report that set out the proposed revenue budget for 2019/20 and sought approval to recommend it to Council on 21<sup>st</sup> February 2019.

Service Lead Finance summarised the key features of the budget and Medium Term Financial Strategy which included:

- Local authorities continued to face significant funding pressures due to sustained reductions in central Government funding. There was also rising demand for services such as social care and temporary accommodation.
- Strong financial management meant that the Medium Term Financial Strategy showed a balanced budget for the next three years.
- A total of £12.4m worth of savings had been identified, however, frontline services had once again been protected.
- The SBC element of Council Tax would rise by 2.8% for 2019/20 which was an increase of 60p per week for a Band C property.
- There was £8.1m growth in the budget which included service improvements as well as to cover inflationary costs and to increase the base budget in areas such as adult and children's social care and home to school transport to more realistically reflect the rising demand for such support.
- Fees and charges had been considered carefully to promote usage of facilities.
- 96% of income would be from Council Tax and Retained Business Rates which meant the Council was more financially independent.

The Cabinet discussed a number of aspects of the budget and highlighted that the decisions this year were part of the long term approach over the past decade to seek to protect front line services despite the very substantial year on year reductions in funding from central Government. Strong financial management meant that the Council was well placed to meet these challenges and in the future maximise the opportunities of greater financial independence. This was reflected in the Transformation Programme and emphasis on prevention and commercialisation. In relation to Council Tax, the Leader commented that a 2.8% rise was in line with inflation and would be the lowest increase in Berkshire.

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Members also welcomed the additional resources identified for service improvements which included resources to 'deep clean' the town centre and develop the Slough App offering discounts to residents. Additional resources were proposed to tackle the problems of street homelessness and Members discussed how this money would be used to provide support to rough sleepers. Other issues discussed included the introduction of a Brexit reserve and the risks of greater reliance on Business Rates income given the likely reforms and rebasing. Although the future of the Business Rates Retention Pilot was not clear, assurance was provided that robust plans were in place.

The Cabinet thanked Officers for the significant work that had gone into to developing the budget and agreed to recommend approval to Council on 21<sup>st</sup> February 2019.

**Recommended –** That the revenue budget 2019/20 be approved.

As the billing authority, approve the Council Tax amounts for each band in the borough including precepts from The Police and Crime Commissioner for Thames Valley Police and the Royal Berkshire Fire and Rescue Service the whilst noting that both are still to confirm their final council tax precept requirements;

**Council Tax Resolution –** In relation to the Council Tax for 2019/20

- (a) That in pursuance of the powers conferred on the Council as the billing authority for its area by the Local Government Finance Acts (the Acts), the Council Tax for the Slough area for the year ending 31 March 2020 is as specified below and that the Council Tax be levied accordingly.
- (b) That it be noted that at its meeting on 18 December 2018 Cabinet calculated the following Tax Base amounts for the financial year 2019/20 in accordance with Regulations made under sections 31B (3) and 34(4) of the Act:
  - (i) 42,789.8 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 2012 (the Regulations) as the Council Tax Base for the whole of the Slough area for the year 2019/20; and
  - (ii) The sums below being the amounts of Council Tax Base for the Parishes within Slough for 2019/20:
    - a) Parish of Colnbrook with Poyle 1,923.3
- (c) That the following amounts be now calculated for the year 2019/20 in accordance with sections 31A to 36 of the Act:

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- (i) £376,032,584 being the aggregate of the amounts which the Council estimates for the items set out in section 31A (2)(a) to (f) of the Act.  
(Gross Expenditure);
- (ii) £317,437,088 being the aggregate of the amounts which the Council estimates for the items set out in section 31A (3) (a) to (d) of the Act.  
(Gross Income);
- (iii) £58,595,496 being the amount by which the aggregate at paragraph c(i) above exceeds the aggregate at paragraph c (ii) above calculated by the Council as its council tax requirement for the year as set out in section 31A(4) of the Act. (Council Tax Requirement);
- (iv) £1,369.38 being the amount at paragraph c(iii) above divided by the amount at paragraph b(i) above, calculated by the Council, in accordance with section 31B(1) of the Act, as the basic amount of its Council Tax for the year, including the requirements for Parish precepts.
- (v) That for the year 2019/20 the Council determines in accordance with section 34 (1) of the Act, Total Special Items of £102,583 representing the total of Parish Precepts for that year.
- (vi) £1,366.98 being the amount at paragraph c (iv) above less the result given by dividing the amount at paragraph c (v) above by the relevant amounts at paragraph b (i) above, calculated by the Council, in accordance with section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- (vii) Valuation Bands

<b>Band</b>	<b>Slough Area</b>	<b>Parish of Colnbrook with Poyle</b>
	<b>£</b>	<b>£</b>
A	911.32	32.93
B	1,063.21	38.42
C	1,215.09	43.91
D	1,366.98	49.40
E	1,670.75	60.38
F	1,974.53	71.36
G	2,278.30	82.33
H	2,733.96	98.80

Being the amounts given by multiplying the amounts at paragraph c (iv) and c (vi) 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 amount to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (viii) Calculate that the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) is £58,492,641.
- (ix) That it be noted that for the year 2019/20 the Thames Valley Police Authority precept has been increased by 13.2% in accordance with Home Office guidance in the provisional police grant settlement. The Police and Crime Panel are meeting on the 1<sup>st</sup> February to consider the PCP's precept proposals. The following amounts are stated in accordance with section 40 of the Act, for each of the categories of dwellings shown below:

<b>Band</b>	<b>Office of the Police and Crime Commissioner (OPCC) for Thames Valley £</b>
A	137.56
B	160.49
C	183.41
D	206.34
E	252.19
F	298.05
G	343.90
H	412.68

- (x) That it be noted that for the year 2019/20 the Royal Berkshire Fire Authority has proposed increasing its precept by 2.99% in accordance with section 40 of the Act, for each of the categories of dwellings shown below:

<b>Band</b>	<b>Royal Berkshire Fire Authority £</b>
A	44.19
B	51.55

C	58.92
D	66.28
E	81.01
F	95.74
G	110.47
H	132.56

***These precepts have not been formally proposed or agreed by the Royal Berkshire Fire Authority and may be subject to further revision.***

- (xi) Note that arising from these recommendations, and assuming the major precepts are agreed, the overall Council Tax for Slough Borough Council for 2019/20 including the precepting authorities will be as follows:

<b>Band</b>	<b>Slough</b>	<b>Office of the Police and Crime Commissioner (OPCC) for Thames Valley</b>	<b>Royal Berkshire Fire Authority</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
A	911.32	137.56	44.19	1,093.07
B	1,063.21	160.49	51.55	1,275.25
C	1,215.09	183.41	58.92	1,457.42
D	1,366.98	206.34	66.28	1,639.60
E	1,670.75	252.19	81.01	2,003.95
F	1,974.53	298.05	95.74	2,368.32
G	2,278.30	343.90	110.47	2,732.67
H	2,733.96	412.68	132.56	3,279.20

- (xii) That the Section 151 Officer be and is hereby authorised to give due notice of the said Council Tax in the manner provided by Section 38(2) of the 2012 Act.
- (xiii) That the Section 151 Officer be and is hereby authorised when necessary to apply for a summons against any Council Tax payer or non-domestic ratepayer on whom an account for the said tax or rate and arrears has been duly served and who has failed to pay the amounts due to take all subsequent necessary action to recover them promptly.
- (xiv) That the Section 151 Officer be authorised to collect (and disperse from the relevant accounts) the Council Tax and National Non-Domestic Rate and that whenever the office of the Section 151 Officer is vacant or the holder thereof is for any reason unable to act, the Chief Executive or

such other authorised post-holder be authorised to act as before said in his or her stead.

- (xv) That in the event that there are any changes to the provisional precept of the Fire Authority, arising from their precept setting meeting being held on 25 February, the Section 151 Officer is delegated authority to enact all relevant changes to the Revenue Budget 2019/20, Statutory Resolution and council tax levels.

#### **Fees and Charges –**

- (d) Resolve to increase the Council's fees and charges as outlined in Appendix E for 2019/20.

#### **The Robustness Statement**

- (e) Note the statutory advice of the Chief Finance Officer outlined in Appendix G, The Robustness Statement. This is required to highlight the robustness of budget estimates and the adequacy of the reserves.

#### **Top-up funding for children and young people with special educational needs and disabilities**

- (f) (a) Note the mechanism outlined in Appendix J to access top-up funding to support children and young people with Special Educational Needs which is currently under review.  
  
(b) Note the move to adjust our local factors to 65% toward the National Funding Formula factors from 2019/20 as outlined in paragraph 5.4.1

#### **Use of Flexible Capital Receipts –**

- (g) Resolve to agree the Use of Flexible Capital Receipts Strategy outlined in Appendix K.

#### **Pay Policy –**

- (g) Note the Pay Policy Statement agreed at the Employment and Appeals Committee on 24<sup>th</sup> January 2019 as detailed in Appendix L.

#### **Business Rate Pilot –**

- (h) Agree to participate in the 2019/20 Berkshire Business Rates Pilot Scheme.

#### **Court Costs**

- (i) Agreed:



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- (a) That the Court Costs associated with non-payment of Business Rates remain at the same level for 2019/20 as the current year.
- (b) That the Court Costs associated with non-payment of Council Tax be increased to £144.95 in total for 2019/20.

### **Empty Property Relief**

- (j) Agreed:
  - (a) That the long term empty premium for properties that are empty for more than two years is increased from April 2019 to 100% thereby doubling the charge.
  - (b) That the long term empty premium for properties that are empty for more than five years is increased from April 2020 to 200%
  - (b) That the long term empty premium for properties that are empty for more than ten years is increased from April 2021 to 300%

### **Council's Public Room Booking**

- (k) Agreed:
  - (a) The proposed changes to the Council's Public Room Booking Policy and Terms & Conditions (Appendix M), as summarised in Section 8 of this report.
  - (b) The updated pricing schedule (Appendix N), as summarised in section 8 of this report.
  - (c) All users of our public buildings will be required to pay rates as per the updated policy and pricing schedule and that no exclusions will be made for any group, charity or other organisations without the consent of the Service Lead, Building Management in conjunction with the Council's S151 Officer.

## **105. Capital Strategy 2019-2024**

The Service Lead Finance introduced a report that requested the Cabinet to recommend to Council the approval of the Capital Strategy 2019-24 and the capital programme 2019/20.

The core principles of the strategy were to be affordable, support the Five Year Plan priorities and maximise the Council's assets. A programme of £239m was proposed for the next year which included a range of projects such as £40m for school expansions; £62m for improvements to Council housing stock; £41m for James Elliman Homes; £25m for the new hotels schemes on the Old Library Site and £15m for the development of new

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community centres/hubs. There was also provision to continue the Community Investment Fund to invest in neighbourhood level projects identified by Ward Members.

The Cabinet welcomed the ambitious programme to would help deliver the strategic priorities in the Five Year Plan. The financing of the programme was discussed including the impact on borrowing and the use of Section 106 receipts. The Overview & Scrutiny Committee had discussed this issue at their meeting on 31<sup>st</sup> January and had asked for a more detailed report to ensure Section 106 monies were maximised and effectively managed. The Cabinet requested a report on this matter prior to it being considered by the Overview & Scrutiny Committee.

It was noted that the total revenue financing required to fund the capital strategy's borrowing requirements of £139.5m was £4.188m over five years. The strategy was closely aligned to the Treasury Management Strategy to ensure the financing was in place to support the programme.

At the conclusion of the discussion, it was agreed to recommend approval of the Capital Strategy and capital programme to Council.

### **Recommended –**

- (a) That the capital strategy of £239.3m and the Minimum Revenue Provision be approved and recommended to full Council.
- (b) That it be noted that the notional costs of borrowing for the capital programme to the revenue budget would be an increase of up to £4.188m per annum -commencing during the period of the capital strategy to fund borrowing.
- (c) That the principles underpinning the capital programme in paragraph 5.1.2 of the report and the Minimum Revenue Provision principles in Section 6 be approved.
- (d) That appendices A and B to the report detailing the capital programmes be approved.

## **106. Treasury Management Strategy 2019/20**

The Service Lead Finance introduced a report that requested the Cabinet to recommend approval to Council of the Treasury Management Strategy 2019/20. The strategy set out how the Council would manage the treasury risks and fund the capital programme.

The Council currently had £460m of borrowing and an average investment balance of £45m throughout the year. Officers worked closely with treasury advisors Arlingclose. The Cabinet noted that the highest forecast of Capital Financing Requirement during the next three years was £671m and the total

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debt for 2019/20 was expected to be £569m. It was therefore confirmed that the Council would be operating within its borrowing limits for the year ahead.

After due consideration, it was agreed to recommend approval of the Treasury Management Strategy to Council on 21<sup>st</sup> February.

**Recommended –** That the Treasury Management Strategy for 2019/20 be approved.

### **107. Care Leavers Council Tax Exemption Policy**

A report was considered that sought approval for a policy to exempt Slough's Care Leavers from Council Tax as part of the Council's commitment to support Looked After Children (LAC).

The policy had been developed following a Children's Society report in 2015 titled 'Wolf at the Door' which recommended such as exemption to support young adults through the challenges in the transition from care to independent accommodation. The Cabinet had previously agreed to introduce a scheme in Slough for which care leavers living both inside and outside of Slough would be eligible. It was noted that in the 9 months that the scheme had been in operation 34 care leavers living in the borough and 3 who lived outside had been awarded the discount at a cost of £26,108.79. It was requested that the Cabinet agree that the pilot scheme be made permanent.

The Cabinet was fully supportive of the policy to assist such young people transition into adult life. It was noted that it was part of a much wider piece of work to support LAC such as leisure passes to promote their health and wellbeing. Lead Members recognised the important role that the Reach Out! Group had in identifying the priorities of LAC which had included the idea of the Council Tax exemption.

The Cabinet agreed the policy to exempt Care Leavers from Council Tax.

**Resolved –** That the policy for Care Leavers exemption from Council Tax as set out in Appendix A to the report be approved.

### **108. Alpha Street Car Park - Appropriation to Planning**

The Director of Regeneration introduced a report that sought approval to appropriate the Alpha Street Car Park site to planning. The Cabinet had already agreed the principle of disposing of the site for development as part of the Small Sites Development Strategy approved on 14<sup>th</sup> March 2016.

The intention was to utilise the site as a donor site to the residential element of the Old Library scheme to deliver 14 homes for affordable housing in accordance with the Section 106 agreement. Cabinet approval was required to change the sites status from car parking to planning to enable this development.

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After due consideration, the Cabinet agreed the recommendations in the report.

### **Resolved –**

- (a) That the Alpha Street Car Park site (shown on the plan at Appendix 1 to the report) which belonged to the Council was no longer required for the purposes for which it was presently held;
- (b) To appropriate the Alpha Street Car Park site (shown on the plan at Appendix 1 to the report) which belonged to the Council for planning purposes to facilitate the carrying out of development, re-development or improvement on or in relation to that land.

### **109. Proposed (Tower and Ashbourne) Compulsory Purchase Order 2019**

The Service Lead Housing Development and Contracts introduced a report that sought approval for the Council to use its compulsory purchase powers for the acquisition of land necessary for the delivery of the redevelopment of Tower House and Ashbourne House for approximately 197 affordable homes.

Appendices C, D and E to the report contained exempt information and were considered in resolving the matters in Part I of the agenda without disclosing any of the exempt information.

If the Cabinet agreed to use CPO powers in relation to the Order Land it would not undermine due process of pursuing negotiation with the final leaseholder with whom agreement had not been reached. However, negotiation had been ongoing for some time and a summary of the negotiations was included at Appendix C. The Cabinet recognised that the use of CPO powers should be a last resort however it considered that extensive efforts had been made to reach a negotiated agreement and the redevelopment of much needed affordable homes should not be unduly impeded. It was therefore agreed to use CPO powers, if required, as set out in the report and appendices.

### **Resolved –**

- (a) That the Council makes a compulsory purchase order (the CPO) for the acquisition of land for the purposes of facilitating development, redevelopment and improvement of the Order Land.
- (b) That the Cabinet delegates to the Director, Regeneration, following consultation with the Cabinet member for Corporate Finance & Housing, the power to effect the making, confirmation and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the following procedural steps:

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- i finalise a Statement of Reasons to properly reflect the Council's position regarding the proposed CPO so as to properly present the Council's case;
- ii making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
- iii acquire for planning purposes all interests in land and new rights within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO;
- iv approve agreements with land owners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land or new rights from the CPO;
- v make any additions, deletions or amendments to the plans at Appendix A and to seek any requisite modifications to the CPO Order and any CPO maps;
- vi seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary;
- vii publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area;
- viii referral and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber); and
- ix make an application to the Secretary of State under section 19(1)(aa) of the 1981 Act to ensure any land found to be open space is preserved and managed as such.

### **110. References from Overview & Scrutiny**

There were no references from the Overview & Scrutiny Committee or scrutiny panels.

**111. Notification of Forthcoming Decisions**

The Cabinet considered and endorsed the Notification of Decisions published on 4<sup>th</sup> January 2019 which set out the key decisions expected to be taken by the Cabinet over the next three months. It was noted that a further notice had subsequently been published for the extraordinary Cabinet meeting to be held on 25<sup>th</sup> February 2019.

**Resolved** – That the published Notification of Key Decisions for the period between February to April 2019 be endorsed.

**112. Exclusion of Press and Public**

**Resolved** – That the press and public be excluded from the meeting during the consideration of the items in Part II of the agenda as they involved the likely disclosure of exempt information relating to the financial business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 the Schedule 12A the Local Government Act 1972.

Below is a summary of the matters considered during Part II of the agenda.

**113. Part II Minutes - 21st January 2019**

The Part II minutes of the meeting held on 21<sup>st</sup> January 2019 were approved.

**114. Proposed (Tower and Ashbourne) Compulsory Purchase Order 2019 - Appendices C, D and E**

Appendices C, D and E which summarised the negotiations with the remaining leaseholders, the schedule and potential costs and funding issues were considered and noted.

**115. Commercial Update**

The Cabinet agreed the way forward about the future of one of the Council's major contracts which was critical to the delivery of the transformation programme.

Chair

(Note: The Meeting opened at 6.36 pm and closed at 8.18 pm)