

# **Cabinet minutes**

**Wednesday 2 July 2014 at 6.00 p.m.**

**in Conference Room 2 at the Council House, Walsall**

## **Present**

Councillor Andrew	Deputy Leader and Regeneration and Transport
Councillor Arif	Children's services
Councillor I. Shires	Community engagement and voluntary sector
Councillor Towe	Environment
Councillor Harris	Leisure and culture
Councillor McCracken	Social care and health

## **3161 Apology**

An apology for non-attendance was submitted on behalf of Councillor Bird.

**Councillor Andrew, Deputy Leader in the chair**

## **3162 Minutes**

### **Resolved**

That the minutes of the meeting held on 30 April 2014 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3163 Declarations of interest**

There were no declarations of interest.

## **3164 Local Government (Access to Information) Act, 1985**

### **Resolved**

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

**3165 Petitions**

No petitions were submitted.

**3166 Questions**

There were no questions submitted.

**3167 Forward plan**

The forward plan as at 9 June 2014 was submitted:

(see annexed)

**Resolved**

That the forward plan be noted.

**3168 Darlaston Community Association Sports and Recreation Ground**

Councillor I. Shires presented the report, together with a supplementary report:

(see annexed)

**Resolved**

- (1) That Cabinet note the progress to date with respect to the development of a robust business plan by Darlaston Community Association Sports and Social Recreation Ground (DCA) as requested in the Cabinet report of 19 March, 2014, in order to inform a future decision for investment in this facility.
- (2) That Cabinet support the request to DCA to provide the assurances/ information detailed in section 3.3 of this report, including any additional requirements that emerge as the business plan continues to be developed.
- (3) That a report be submitted to Cabinet once all available information has been provided.
- (4) That the essential works set out in paragraph 3.2 of the supplementary report be commissioned.
- (5) That authority be delegated to the Executive Director, Neighbourhood Services to commission from property services essential works set out in paragraphs 3.2.2, 3.2.3 and 3.2.4 of the supplementary report.

### 3169 **Pre-audit final financial outturn 2013/14**

James Walsh, Chief Finance Officer presented the report:

(see annexed)

Mr. Walsh advised that the statement of accounts had now been published on the Council's website and were currently being audited by the Council's external auditors.

#### **Resolved**

- (1) That the revenue carry forwards approved by the Chief Finance Officer in consultation with the portfolio holder for finance, as set out in table 1 of the report, be noted.
- (2) That the capital re-profiling and carry forwards approved by the Chief Finance Officer in consultation with the portfolio holder for finance, as set out in the main body of the report and appendices 2-4, be noted.
- (3) That the pre-audit revenue outturn overspend of £0.71m and the pre-audit capital outturn underspend of £905k, be noted. This capital underspend will be used to support the 2014/15 capital programme as approved by Council.
- (4) That the financial health indicators for 2013/14 summarised in Appendix 1, be noted.
- (5) That Cabinet note the 2013/14 prudential indicators in Appendix 5 of this report and Walsall's compliance with these indicators.

### 3170 **Corporate financial performance 2014/15**

James Walsh, Chief Finance Officer presented the report:

(see annexed)

#### **Resolved**

- (1) That the pressures outlined in the report be noted and that directorate corrective action plans have been produced to mitigate the potential overspend down to £0.322m.
- (2) That approval be given to action not to appoint an efficiency partner and to approve the alternative action as set out in section 3.3.2 of the report.

- (3) That approval in principle be given, as part of the corrective action, to use of £602k of windfall income, unringfenced grant and an unused earmarked reserve, as set out in table 2, section 3.4, to reduce the potential overspend should this be needed to mitigate the position further. Based on the forecast to date, this would currently deliver a small underspend of £0.28m as set out in table 1.
- (4) That action being taken to manage the cost pressures arising be noted.
- (5) That the risks to the forecast be noted.
- (6) That Cabinet note re-phasing of £3.12m on Council funded and £8.79m on externally funded projects from 2014/15 to 2015/16.

**3171 Medium term financial strategy and capital strategy**

James Walsh, Chief finance Officer presented the report:

(see annexed)

**Resolved**

- (1) That the updated Medium Term Financial Strategy at Annex 1 be approved.
- (2) That the updated Capital Strategy at Annex 2 be approved.
- (3) That the process and timetable for setting the budget be approved.

**3172 Disposal of former Brownhills Market site at Lindon Drive and Silver Street, Brownhills**

Councillor Andrew presented the report:

(see annexed)

**Resolved**

- (1) That approval be given to the disposal of the Council's freehold interest in the land shown edged on the EPMS Plan 3903/5 and extending to approximately 1.47 hectares (3.5 acres).
- (2) That authority be delegated to the Executive Director for Regeneration in consultation with the Cabinet Portfolio Holder for Regeneration to approve the terms for the disposal.

### **3173 Education capital programme 2014/15 – Further schemes**

Councillor Andrew presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the schemes, subject to confirmation of an appropriate school contribution, and budgets set out in Appendix A of this report – including permission to seek tenders and appoint contractors to undertake the work identified.
- (2) That Cabinet delegates to the Executive Director for Regeneration Services in consultation with the relevant Portfolio Holder authority to award contracts (including authorising execution/signature of the contract and ancillary documents) to the most suitable contractors having regard to Best Value for the works/services as set out.
- (3) That Cabinet approves the option to use an appropriate form of procurement and contracting arrangements determined by the Head of Property Services to provide the most efficient and value for money means of delivering the projects. This shall include consideration of traditional procurement and EU compliant frameworks available to local authorities.

### **3174 Sale of site of former Beechdale JMI School**

Councillor Andrew presented the report:

(see annexed)

The Cabinet agreed the principle of the sale of the site.

Councillor Andrew said that the decision relating to this matter would be made in the private session following consideration of a report containing commercially sensitive information relating to the proposed purchaser and price.

### **3175 Property services contract procurement**

Councillor Andrew presented the report:

(see annexed)

## **Resolved**

- (1) That following consideration of the options set out in the Options Appraisal attached to this report at Appendix 1 to start the transformation of Property Services' delivery across the borough over the next year, the adoption of Option iv be approved.
- (2) That Cabinet authorise the Executive Director for Regeneration to commence negotiations with Solihull Metropolitan Borough Council about joining their established framework, known as a Single Partnering Agreement and currently used by Birmingham, Coventry, Nuneaton, Rugby, Sandwell and Warwick Councils, for an initial period of three years (being the minimum term that this framework agreement may be used).
- (3) That the Executive Director for Regeneration report back to Cabinet on the outcome of these negotiations before the Council makes any contract awards using Solihull's framework.
- (4) That Cabinet approve the market testing of longer term procurement options for all Council building related services.

### **3176 Primary authority business advice for regulatory services**

Councillor Towe presented the report:

(see annexed)

## **Resolved**

- (1) That the adoption of Primary Authority be approved.
- (2) That the charge be made to all businesses on all advice within scope of the Primary Authority Agreement.

### **3177 Direct payment support organisations – award of contract**

Councillor McCracken presented the report:

(see annexed)

## **Resolved**

That authority be delegated to the Executive Director of Social Care and Inclusion in consultation with the Portfolio Holder for Social Care and Health, to award the contracts for direct payment support services and to sign or authorise the sealing of contracts, deeds or other documents in relation to the provision of direct payment support services.

### 3178 **Consultation of the future of in house services: Fallings Heath House**

Councillor McCracken presented the report:

(see annexed)

In presenting the report, Councillor McCracken stressed that there was no question of the respite service being closed or withdrawn but that consultation was being undertaken on how best the service could be delivered.

#### **Resolved**

- (1) That the Executive Director of Social Care and Inclusion to undertake a review of the Fallings Heath House respite service and to consult upon all options for the development of better outcomes for users and carers.
- (2) That the Executive Director of Social Care and Inclusion undertake a consultation process with service users, carers, staff, and other stakeholders in relation to the options for future of services at Fallings Heath House
- (3) That the Executive Director of Social Care and Inclusion be instructed to report back to Cabinet on the outcome of this consultation and recommend an appropriate option to deliver the objectives by October 2014.

### 3179 **Private Session**

#### **Exclusion of public**

#### **Resolved**

That during consideration of the remaining item on the agenda, the Cabinet considers that the item for consideration is exempt information by virtue of the appropriate paragraph(s) of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the item in private.

#### **Summary of item considered in private session**

### 3180 **Sale of the site of former Beechdale JMI School**

Cabinet:

- (1) approved the disposal to a named party of the freehold interest in the land at the former Beechdale School shown edged in black on plan number EPMS 3464/10 Appendix A, extending to 4.7 acres (or thereabouts);

provided:

- i) Secretary of State consent is forthcoming under section 77 of the 1998 Act for the disposal;
  - ii) the sale price satisfies the requirement to achieve best consideration;
  - iii) the purchaser secures HCA funding in respect of the site;
  - iv) the site investigations are satisfactory;
  - v) the purchaser bears the Council's surveyor's fees and legal costs; and
  - vi) the transaction does not reach legal completion until the purchaser has obtained detailed planning permission from the Local Planning Authority for the proposed development.
- (2) delegated authority to the Executive Director for Regeneration in consultation with the Cabinet Portfolio Holder for Regeneration and Transport to approve the terms for the disposals of the freehold interest in the site.
- (3) noted that under section 77 of the 1998 Act a proportion of the proceeds of the sale is required to be reinvested and that Cabinet previously resolved that these funds should be allocated to the named project for Rushall Primary School. The proportion to be invested in Rushall Primary School from the disposal of Beechdale JMI School is 28.9% of the total net value of the whole School site.
- (4) further noted that the first call on receipts not covered by Section 77 will be to complete work on the Education Development Centre as agreed by Cabinet in December 2013.