

Cabinet minutes

Wednesday 18 March 2009 at 6.00 p.m.

in Conference Room 2 at the Council House Walsall

Present

Councillor O'Hare	Leader of the Council
Councillor Andrew	Deputy Leader and regeneration
Councillor Zahid Ali	Children's services
Councillor Perry	Communities and partnerships
Councillor Walker	Environment
Councillor Harrison	Leisure and culture
Councillor Arif	Procurement, transformation and performance management
Councillor McCracken	Social care, health and housing
Councillor Harris	Transport

2143 Apology

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

2144 Minutes

Resolved

That the minutes of the meeting held on 4 February 2009 copies having been sent to each member of the Cabinet be approved and signed as correct records.

2145 Declarations of interest

Councillors Andrew and Walker declared a personal and prejudicial interest in item 21 on the agenda relating to the Pension Policy statements.

2146 Sneyd School

The report of Children and Young People Scrutiny and Performance Panel was submitted for information:

(see annexed)

For the benefit of the public in attendance, Councillor Zahid explained the background to the issue and read out the recommendations of the scrutiny panel. He explained the next steps and that the intention was to report further to the next Cabinet meeting on 22 April.

Resolved

That the recommendations of the Children and Young People Scrutiny and Performance Panel be noted.

2147 Forward plan

The forward plan as at 9 March 2009 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2148 Local Area Agreement – refresh

Councillor O'Hare presented the report:

(see annexed)

Resolved

- (1) That the refreshed Local Area Agreement targets set out in Appendix 1 of the report be approved;
- (2) That Cabinet delegates approval of outstanding targets in respect of National Indicators 30 (Assault with injury crime rate) and 172 (VAT-registered businesses in the area showing growth) and any minor amendments to other targets contained in Appendix 1 of the report to the Chief Executive, in consultation with the Leader;
- (3) That Cabinet endorses recommendations made by the Walsall Partnership Board as set out in paragraph 3.5 of the report;
- (4) That Cabinet agrees the sum of £1,967,156.69 as the amount of Local Area Agreement Performance Reward Grant it could receive from Government depending on the level of achievement against the 25 main targets at 2010/11.

2149 Legal services – case management

Councillor O'Hare presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the current informal process (detailed in paragraph 3.11 of the report) for information sharing in respect of managing and settling high profile court cases.
- (2) That Cabinet delegates power to agree the case strategy on such cases to the Assistant Director of Legal and Constitutional Services in consultation with the Chief Executive, the Leader and Deputy of the Council or their nominees.
- (3) That Cabinet delegate power to settle such cases to the Assistant Director of Legal and Constitutional Services in consultation with the Chief Executive, the Leader and Deputy Leader of the Council or their nominees

2150 Area Based Grant

Councillor O'Hare presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the recommendation for the funding allocations for 2008/09, for those projects listed at section 3.8.9, are divided across financial years 2009/2010 and 2010/11. (Appendix 1 indicates the revised allocations.)
- (2) That Cabinet approve that OJEU processes are put in place for those projects, listed at section 3.9 of the report.
- (3) That Cabinet approve the transfer of £10,000 for The Older People's Strategy, for financial year 2008/09 from Neighbourhood Renewal Fund to Working Neighbourhoods Fund.
- (4) That all projects, highlighted in appendix 1 of the report , funded through Working Neighbourhoods Fund be approved.
- (5) That the current position statement, as set out in appendix 2 of the report be noted.

- (6) That the impact on Walsall's indicative Working Neighbourhoods Fund allocation for financial years 2009/10 and 2010/11 from the proposed revision of the third criteria used to allocate funds to Local Authorities be noted.
- (7) That the progress regarding Target Action Planning, as set out in appendix 3 of the report be noted.

2151 Corporate Plan 2009/10 to 2011/12

Councillor O'Hare presented the report:

(see annexed)

Resolved

That the Corporate Plan for 2009/10 be approved as part of the Council's policy framework.

Resolved to recommend to Council

That the Corporate Plan 2009/10 be adopted.

2152 City Region Multi Area Agreement

Councillor O'Hare presented the report:

(see annexed)

Resolved

- (1) That Cabinet support engagement in the development of the MAA for the West Midlands City Region and authorise officers to sign the final MAA submission to Government expected during March or April 2009.
- (2) That Cabinet requests that all future resource decisions and allocations made or considered at the City Region level pay full regard to the needs and interests of Walsall, its people and its economy.
- (3) That Cabinet give delegated authority to the Chief Executive and Executive Director for Regeneration to participate in the development of the MAA and to act as signatories for Walsall on their behalf.

2153 Bentley Road South Canal Bridge

Councillor Harris presented the report:

(see annexed)

Resolved

- (1) That Cabinet authorise the acceptance of the arithmetically corrected tender received from Messrs Barhale in the sum of £743,679.58 and appoint them to undertake the reconstruction of Bentley Road South Canal Bridge.
- (2) That Cabinet approve that an allocation of £1.2m be set aside to ensure that the Council can deliver the bridge strengthening works. This allocation is made up of £0.8m from the integrated transport block of the LTP and £0.4m from European Regional Development Fund (ERDF) resources allocated to the West Midlands Region. This allocation covers the total anticipated costs of construction, Statutory Undertakers diversion costs, British Waterway's costs, design and site supervision fees, and a contingency sum for any unexpected ground conditions.

2154 Education capital programme: further schemes

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the schemes and budgets set out in Appendix B of the report;
- (2) That Cabinet delegates authority for the expenditure of the Primary Capital Programme contingency sum detailed within the report to the Interim Director of Children's Services.

2155 Integrated Young People's support

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

- (1) That the Governance arrangements for the development of an integrated young people's support services in Walsall and the development of a shadow young people's Board be approved.
- (2) That the Executive Director of Children's Services be authorised, in consultation with the portfolio holder, to develop a service delivery model to meet the needs of young people in Walsall and approve the leadership structure (ref 3.6) to implement the model. The delivery model developed will be in line with meeting identified efficiencies within the 2009/10 budget and will include the delivery of any connexions contract as an integral part of IYPSS.

2156 Determination of admission arrangements

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

- (1) That the admission arrangements for primary and secondary community and voluntary controlled schools for the academic year 2010/11, as set out in Appendix A of this report, be agreed.
- (2) That the publication of the associated statutory notice be approved.
- (3) That Walsall Children's Services - Serco be asked to inform all consultees of the determination of the admission arrangements for 2010/11.

2157 The Governance of Pool Hayes Arts and Community College

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

That Cabinet agree the transfer of assets and staff to the Foundation at Pool Hayes Arts and Community School on 1 April 2009.

2158 Walsall Adoption Service six monthly report

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

- (1) That the contents of this report which describe the progress of Walsall adoption service, for the period April 2008 to September 2008 be noted.
- (2) That Cabinet note key management activity and service outcomes contained within this six monthly adoption service report.

2159 Walsall Fostering Service six monthly report

Councillor Zahid Ali presented the report:

(see annexed)

Resolved

- (1) That the contents of this report and the work of Walsall Fostering Service be noted.
- (2) That Cabinet receive reports on the progress of the fostering service on a six monthly basis in line with good practice.

2160 Equality and diversity strategies

Councillor Perry presented the report:

(see annexed)

Resolved

- (1) That Cabinet agrees to bring all equality and diversity policies under one common equality framework and Single Equality Scheme.
- (2) That Cabinet agrees the draft Sexual Orientation Equality Scheme and action plan (appendix 1).

2161 Provision of Council services through Post Offices

Councillor Perry presented the report:

(see annexed)

Resolved

That Cabinet agrees in principle to the development of an informal partnership with the post office for the provision of information points in post offices and delegate responsibility to the Executive Director of Neighbourhood services for implementation.

2162 Corporate financial performance

James Walsh, Chief Finance Officer, presented the report in the absence of Councillor Griffiths:

(see annexed)

Resolved

That the following currently predicted year end forecasts be noted:

- a net revised revenue overspend of c £1.5m (0.23%) of the current gross budget following inclusion of corrective action.
- slippage of c £8.54m on the capital programme some of which is expected to be carried forward into 2009/10.

2163 Corporate risk management

Rory Borealis, Executive Director presented the report in the absence of Councillor Griffiths:

(see annexed)

Resolved

That the activity undertaken in further embedding risk management across the organisation in 2008/09 be endorsed.

2164 Pension policy statements

Councillors Andrew and Walker withdrew from the room during consider of this item, having declared a personal and prejudicial interest.

James Walsh, Chief Finance Officer, presented the report in the absence of Councillor Griffiths:

(see annexed)

Resolved

- (1) That the new Policy Statements and guidance notes at Appendix 1 and Appendix 2 be approved.
- (2) That publication of the policy will be made within one month and be applied where applicable from that date.

2165 Beacon index quarter 3

Councillor Arif presented the report:

(see annexed)

Resolved

That the quarter three position of the Beacon Index as detailed in Appendix 1 of the report be noted.

2166 Proposed transfer of almshouses

Councillor McCracken presented the report:

(see annexed)

Resolved to recommend to Council

- (1) That the Council as trustee apply to the Charities Commission for consent to transfer the trusteeship and the freehold interest in the 11 almshouses at 1-7 Heather Close and 80-83 Sandbank, Bloxwich to a Registered Social Landlord.
- (2) That the Council as trustee delegates authority to the Executive Director, Regeneration to negotiate the transfer to the Registered Social Landlord which can best meet the criteria set down by the Council and Charities Commission.

2167 Social care and inclusion adult transport contract

Councillor McCracken presented the report:

(see annexed)

Resolved

That authority be sought in accordance with Section 10.3 10.6 and 12.2 of Walsall Council's Financial and Contract Rules for the following:

- (a) authorise the competitive tendering of independent sector minibuses, taxi and private hire services as outlined in this report.
- (b) delegates authority to the Executive Director for Social Care and Inclusion for the award of this contract from 1 October 2009 and any subsequent extension to this contract deemed necessary within the constraints of the contract and in accordance with the Council's Financial and Contract Rules in consultation with the portfolio holder

2168 Adult Social Care CSCI judgement

Councillor McCracken presented the report:

(see annexed)

Resolved

That Cabinet note the production of an action plan that sets out further improvements to adults social care services in 2009.

2169 West Midlands Transport Plan Settlement

Councillor Harris presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the proposed 2009/10 transport capital programme as summarised in Table 1 (full details included in Appendices A and B attached)
- (2) That Cabinet delegate authority to the Executive Director Regeneration to manage the programme to ensure delivery within budget limits, but that all changes are consulted on with affected Councillors and Cabinet members.

- (3) That Cabinet note the ongoing concern regarding revenue support for transport capital projects (3.2)
- (4) That Cabinet endorse an efficiency review in conjunction with Audit of the development and implementation processes and procedures for capital projects to ensure that the use of limited capital resources are maximised. (3.3)
- (5) That Cabinet approve the use of any slippage occurring from the Integrated Transport Block during the 08/09 financial year, for use by the Darlaston Strategic Development Area project to fund property acquisition, Bentley Canal Bridge and Detailed Design to ensure the advancement of the construction of the major scheme. (3.5)
- (6) That Cabinet delegate authority to the Executive Director Regeneration to identify what schemes may be placed on hold should any additional reserves be required to fund the completion of the TCTP scheme from within the overall programme (IT Block and Maintenance) but that all changes are consulted on with affected Councillors and Cabinet members. This will mean that some schemes identified within the Appendix A demonstrating a lower priority may not be started during the 09/10 financial year.

2170 Strengthening of Leamore railway bridge

Councillor Harris presented the report:

(see annexed)

Resolved

- (1) That the Council enter into an Agreement for Network Rail to procure and implement the strengthening of Leamore Lane Railway Bridge
- (2) That authority be delegated to the Executive Director, Neighbourhoods to agree with Network Rail the terms for this work in accordance with nationally negotiated Agreements, including any estimated and final costs, so long as these costs fall within the available budget. Whilst the wording of the Agreement will be agreed in consultation with Legal Services, the formal Agreement document will be signed and sealed by them.

2171 A4148 Red Route Scheme - Broadway North

Councillor Harris presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the outcome of the public consultation exercise undertaken in June 2008, demonstrating 63% public support for the scheme.
- (2) That Cabinet approve the proposals as shown in the plans attached at Appendix A to be taken forward to detailed design and implementation.
- (3) That Cabinet delegate responsibility for resolving any minor scheme amendments to the Executive Director Regeneration, all changes should be in direct consultation with Cabinet members and local Councillors, specifically to include:
 - Finalising the location of any loading bays and parking arrangements along the A4148 Broadway North.
 - Finalising an agreement with adjoining land owners for any environmental mitigation and improvement measures required along the route.
 - Finalising the location of crossing points.
 - Finalising the detail design of the Sutton Road/Broadway North roundabout.
- (4) That Cabinet approve the undertaking of a mini tendering exercise within the Framework Contract in accordance with the Council's Financial and Contractual Rules, to undertake the construction of the Red Route proposals.
- (5) That Cabinet delegate authority for the acceptance of tenders and award of contract to the Executive Director Regeneration, following an assessment of received tenders for 'Value for Money' and quality, subject to the scheme remaining within the identified budget limits.

2172 Special Urgency items

(a) Green Rivers Community Association

Reason for urgency: A decision on the granting of the lease is required urgently as any delay would result in the loss of grant funding for the Borough.

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That approval be given to the granting of a 125 year lease to Green Rivers Community Association, or any amalgamated body of Green Rivers and Pleck Boxing Club, of the Council owned land shown edged blue on plan EPMS 3114/17 for £1 per annum, for use as a community facility with a focus on children and youth work.
- (2) That approval be given to the taking of a lease up to 125 years from British Waterways for the land shown edged green on plan EPMS 3114/17, on terms to be agreed, and approve the subsequent sub-letting of this land to Green Rivers Community Association, or any amalgamated body of Green Rivers and Pleck Boxing Club, for the same length of term as the Head Lease less 5 days.
- (3) That approval be given to the taking of a lease of up to 125 years from New Deal: New Horizons of the land shown edged red on plan EPMS 3114/17, on terms to be agreed, and the subsequent sub-letting of this land to Green Rivers Community Association or any amalgamated body of Green Rivers and Pleck Boxing Club, for a term of the same length as the Head Lease less 5 days.

(b) LNP Team transition funding

Reason for urgency Grant funding for the LNP team terminates in June and staff are therefore at risk of redundancy

Councillor Perry presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the establishment of a working group to review and develop the full report, and to produce an agreed action plan for the way forward.
- (2) That Cabinet approves the allocation of £197,000 of Performance Reward Grant to the current LNP team to sustain it from June 2009 until March 2010.

2173 **Private Session**

Exclusion of public

Resolved

That during consideration of the remaining items on the agenda, the Cabinet considers that the items for consideration are 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 items in private.

Summary of items considered in private session

Councillor I. Shires remained in the room for this item as a member of the Regeneration Scrutiny and Performance Panel

St. Matthews Quarter redevelopment: Market management

Cabinet endorsed, in principle, the preferred approach to the long term management of the market, in its new permanent location in Lower Hall Lane, of a joint venture arrangement with a private sector partner, subject to a full financial appraisal to be assessed in the Development Agreement of the viability of this option; noted the recommendations made by the Regeneration Scrutiny and Performance Panel on the 12 March 2009, delegated authority to the portfolio holder for Regeneration and the Executive Director for Regeneration to agree the details of the development agreement for the St Matthew's Quarter redevelopment; and approved in principle the making of necessary CPOs.

[Exempt information under paragraphs 3 & 5 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

Disposal of land – regeneration of Goscote Lane corridor

Cabinet approved the disposal of the three areas of Council-owned land numbered 1, 2 and 3 and shown edged bold on plan no. EPMS 3047/7; and approved the inclusion of the two sites no longer required for the first phase, being those marked 4 and 5 on EPMS 3047/7 in the package of sites brought forward under the Strategic Partnering Agreement.

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]