

# **Cabinet minutes**

**Wednesday 11 December 2013 at 6.00 p.m.**

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

## **Present**

Councillor Bird	Leader of the Council
Councillor A. Andrew	Deputy Leader and Regeneration and Transport
Councillor R. Andrew	Children's services
Councillor I. Shires	Community engagement and voluntary sector
Councillor Arif	Environment
Councillor Harris	Leisure and culture
Councillor Ali	Public health and protection
Councillor Towe	Resources
Councillor McCracken	Social care

## **3046 Minutes**

### **Resolved**

That the minutes of the meeting held on 23 October 2013 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3047 Declarations of interest**

Councillors I. Shires and Arif declared a personal non-prejudicial interest in item 14 – Sale of land at Beddows Road, Ryecroft.

## **3048 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.

## **3049 Petitions**

The Cabinet noted the schedule of petitions:

(see annexed)

The following petitions were submitted:

- Refurbishment of Bloxwich toilets – Councillor Harrison

- Traffic calming measures outside Willenhall Sikh Gurdwara - Ramtirth Singh Uppal

### 3050 **Questions**

There were no questions submitted.

### 3051 **Forward plan**

The forward plan as at 11 November 2013 was submitted:

(see annexed)

#### **Resolved**

That the forward plan be noted.

### 3052 **Black Country City Deal**

Councillor Bird presented the report and drew members' attention to Appendix 2, details of the deal, which had been tabled:

(see annexed)

Councillor Bird reported that an announcement from Ministers was expected soon which may require some minor modifications to the deal and therefore he advised of the following additional recommendation:

- (4) That authority be delegated to the Executive Director, Regeneration in consultation with the Leader, to make minor amendments to Appendix 2 as necessary to give effect to this decision.

#### **Resolved**

- (1) That Cabinet note and support the key priorities which relate to the submission of the Black Country City Deal Bid to government.
- (2) That Cabinet endorse the draft Black Country City Deal as set out in Appendix 2 to this report and as detailed below and refer it to the Black Country Joint Committee for approval.
- (3) That Cabinet note that the resource requirement on the Council to deliver this programme is not clear and will require a future Cabinet report to be brought forward on this matter.
- (4) That authority be delegated to the Executive Director, Regeneration in consultation with the Leader, to make minor amendments to Appendix 2 as necessary to give effect to this decision.

**3053 West Midlands Integrated Transport Authority – new governance arrangements**

Councillor Bird presented the report:

(see annexed)

**Resolved to recommend to Council**

That the amended terms of reference for the West Midlands Joint Committee as set out in the appendix to this report be agreed.

**Resolved**

That the Leader of the Council, in consultation with the Chief Executive, be authorised to write to the Secretary of State for Transport supporting the proposed structural changes to the West Midlands Integrated Transport Authority.

**3054 Long term empty dwellings use of compulsory purchase powers**

Councillor A. Andrew presented the report:

(see annexed)

**Resolved**

- (1) That the Executive Director for Resources be authorised to negotiate the voluntary acquisition of the properties listed in Table 1 of this report.
- (2) That in the event that the Executive Director is satisfied that voluntary acquisition cannot be achieved, authority be given to the making of a compulsory purchase order (CPO) under section 17 of the Housing Act 1985 in respect of those properties.
- (3) That the Executive Director for Resources be authorised to approve where appropriate agreements with owners of the properties setting out terms for withdrawing objections to the CPO;
- (4) That the Head of Legal Services be authorised to take all steps necessary for the drafting, making, submission and confirmation of the CPO and for vesting the properties in Council ownership and obtaining vacant possession where necessary.
- (5) That the Head of Legal Services be authorised, if granted power to do so by the Secretary of State, to confirm the CPO;
- (6) That the Head of Property Services be authorised to dispose of the properties with appropriate safeguards to ensure the properties are brought back into use

- (7) That the full costs of the above recommendations (1), (2) and (3) be met in 2013/14 and 2014/15 from the approved New Homes Bonus Empty Homes allocation to the maximum allowable and that any proceeds from the disposals be 'recycled' into the New Homes Bonus account for Empty Homes work.

### 3055 **Sale of former Three Crowns Special School**

Councillor A. Andrew presented the report:

(see annexed)

#### **Resolved**

- (1) That approval be given to the disposal of the freehold interest in the land shown edged in black on plan number EPMS 3878 Appendix A extending to 22,650 square metres (or thereabouts), provided:
- (i) the terms agreed include the price satisfying the best consideration principles of Section 123 Local Government Act 1972; and
  - (ii) the purchaser bears the Council's surveyor's fees and legal costs.
- (2) That authority be delegated to the Executive Director for Regeneration in consultation with the portfolio holder for Regeneration and Transport to approve the terms for the disposal of the freehold interest in the site.

### 3056 **Meningitis case**

At this point in the meeting, at the request of the Leader, the Director of Public Health, Dr. Gillis gave a short statement regarding the circumstances surrounding the death of a child from meningitis who attended a school in Bloxwich.

Dr. Gillis explained the steps taken to provide support to the family, to provide reassurances to parents of other children at the school, and to provide emotional support to those other children. Dr. Gillis requested the media to respect the privacy of the child's family at this sad time.

The Interim Director of Children's Services, Rose Collinson, gave her heartfelt sympathy to the family and friends. She also said that the Council would work closely with and provide support and reassurances to the school accordingly.

The Leader thanked Dr. Gillis and Rose Collinson for their response to this case.

### **3057 Rushall Primary School – Education Development Centre**

Councillor A. Andrew presented the report:

(see annexed)

#### **Resolved**

- (1) That approval be given to the allocation of £3m from the anticipated capital receipts identified from the disposal of the five former school sites detailed in this report, to be expended on the works identified for Rushall Primary School and associated additional accommodation.
- (2) That the Executive Director for Regeneration in consultation with the relevant portfolio holder be delegated 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 and subject to a maximum budget of £3m.
- (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 framework contracts available to local authorities.
- (4) That Cabinet notes that the timing of expenditure will be in advance of receipt of income from the sale of the five sites and therefore there will be a cash flow implication for the Council, and approves that detailed design, procurement and construction can proceed prior to the capital receipts being obtained for the sale of the five sites.
- (5) That there will be no mainstream Council funding required over and above the allocation of the five schools sites and the scheme is delivered within the £3m set out.
- (6) That the revenue proposals to support the management and maintenance of the conference facilities to be provided as part of this project until the facility can become self financing be approved.

### **3058 York's Bridge replacement scheme**

Councillor A. Andrew presented the report:

(see annexed)

### **Resolved**

- (1) That Cabinet note the Council's legal ownership of land at Moat Farm pool and confirm that the condition attached to the approvals recorded in the minutes of the Cabinet meeting on 24 July 2013 relating to legal ownership has now been satisfied.
- (2) That the Head of Engineering and Transportation, in liaison with the Heads of Procurement and Legal Services, be authorised to formally join the Framework Agreement for Minor Civil Engineering Works.

#### **3059 Sale of land at Beddows Road, Ryecroft**

Councillor A. Andrew presented the report, together with a supplemental report:

(see annexed)

### **Resolved**

- (1) That approval be given to the disposal of the freehold interest in the land shown edged in red on plan number EPMS 3071, extending to 768 square metres (or thereabouts), to Walsall Housing Group Ltd, for affordable housing as part of a wider scheme of 98 properties in partnership with the Lovell Partnership Ltd, for a consideration which has been negotiated at £30,000 plus payment of the Council's legal costs and surveyor's fees.
- (2) That approval be given to use of the Local Government Act 1972 General Disposal Consent (England) 2003 in order to dispose of the land for an undervalue of £20,000, the full market value of the site being in the region of £50,000.

#### **3060 Assisted transport and taxi contract**

Councillor R. Andrew presented the report:

(see annexed)

### **Resolved**

That approval be given to the commencement of a corporate procurement process for assisted transport and taxi services service for children, adults and other vulnerable groups.

#### **3061 Independent Foster Agency regional framework contract**

Councillor R. Andrew presented the report:

(see annexed)

### **Resolved**

That approval be given to the use of the West Midlands regional framework contract by Walsall Council to contract for the provision of Independent Foster Care from 1 April 2013 to 31 March 2015.

#### **3062 Local Government Ombudsman complaint 12 017 037 – Children’s services**

Councillor R. Andrew presented the report:

(see annexed)

### **Resolved**

That the report and recommendations of the Local Government Ombudsman be noted.

#### **3063 Children and young people plan**

Councillor R. Andrew presented the report:

(see annexed)

### **Resolved to recommend to Council**

That the Children and Young People’s Plan 2013 – 2016 set out in Appendix 1 to the report be adopted.

#### **3064 Walsall Gala Baths refurbishment**

Councillor Harris presented the report:

(see annexed)

Councillor Harris advised that a report on the active living strategy was scheduled for Cabinet consideration in February and therefore recommended that this report be dealt with at that time.

It was **moved** by Councillor Harris, duly seconded and:

### **Resolved**

That consideration of this item be deferred until a report on the Active Living Strategy is received in February 2014, after which Council be informed of the decision.

**3065 Public health: Awarding the stop smoking contracts**

Dr. I. Gillis, Director of Public Health presented the report:

(see annexed)

**Resolved**

- (1) That Cabinet note the progress in the procurement process of the Public Health Stop Smoking Services.
- (2) That authority be delegated to the Director of Public Health, in consultation with the Executive Director of Neighbourhood Services and the portfolio holder for Public Health and Protection, to vary or enter into contracts within the available budget for the Public Health commissioned Stop Smoking Services and sign or authorise the sealing of any deeds, contracts and other related documents in relation to such services.

**3066 Environmental crime reward scheme**

Councillor Ali presented the report:

(see annexed)

**Resolved**

That the Environmental Crime Reward Scheme be adopted for a six month trial.

**3067 Financial Plan 2014/15 to 2018/19 – Update on draft budget and capital programme – outcome of consultation**

Councillor Towe presented the report:

(see annexed)

It was noted that recommendation (1) had been amended slightly to reflect that the consultation process had not yet finished.

The revised recommendations were **moved** by Councillor Towe, duly seconded and it was:

**Resolved**

- (1) That Cabinet note the feedback from scrutiny and performance panels, and feedback to date from the second stage of public / stakeholder consultation as set out in this report, which will be considered when making final recommendations on the budget to Council in February.



- (2) That the report be referred to all scrutiny and performance panels for consultation, to enable their comments to be considered by Cabinet on 5 February 2014.
- (3) That authority be delegated to the Chief Financial Officer authority to approve the Council tax base in order to inform preceptors of the final figures by 31 January 2014, in line with the statutory deadline. Final figures will be reported to Council on 27 February 2014 within the budget report.

### **3068 Localised Council tax reduction scheme 2014/15**

Councillor Towe presented the report:

(see annexed)

Councillor Towe recommended that in view of the outcome of the consultation process, Cabinet should approve Option 4. Cabinet members supported this recommendation and it was:

#### **Resolved**

That Cabinet note the outcome of the consultation, the recommendation of Corporate Scrutiny and Performance Panel and the Equality Impact Assessment.

#### **Resolved to recommend to Council**

- (1) That Option 4 be adopted for the Council tax reduction scheme to commence 1 April 2014 with the necessary amendments for the full disregard of all war disablement and war widows pensions.
- (2) That any annual up rating notified by the Department for Work and Pensions in line with the Housing Benefit regulations and Council tax reduction scheme for pensioners, be adopted.
- (3) That for future years the preferred scheme, (1) and (2) above, be continued until such time as the Council considers changes are necessary.

### **3069 Housing 21 services**

Councillor McCracken presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet agrees to the decommissioning of the day centres that operate in the extra care schemes provided under contract with Housing21 and reducing the number of respite care units from two to one in each of the five schemes.
- (2) That Cabinet agrees to reinvest part of the savings resulting from the decommissioning of day centres and reduction in number of respite care units to meet the increased costs arising from increased staffing levels at the Water Mill Residential Care Home operated under contract with Housing21.

### **3070 A vision for adult social care in Walsall**

Councillor McCracken presented the report:

(see annexed)

## **Resolved**

- (1) That the vision for Adult Social Care and Inclusion as described in the report be approved.
- (2) That the Interim Executive Director be requested to share the vision with all key stakeholders in Walsall and report back to the portfolio holder on the outcome of those discussions.

### **3071 Domestic abuse services redesign**

Councillor McCracken presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet notes the continuing joint work between the three Directorates and other key partner agencies through the Domestic Abuse Strategic Group to jointly commission an updated Domestic Abuse Strategy (2011-14) and review the Domestic Abuse Response Team (DART) currently out for tender) processes. The updated strategy and outcome of the review will be reported to Cabinet following its completion in March 2014.
- (2) That authority to award contracts for domestic abuse floating support and outreach services be delegated Executive Director of Adult Social Care and Inclusion and to subsequently sign or authorise the sealing of any deeds, contracts and other related documents in relation to such services.

## **3072 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**

## **3073 Walsall Business and sports hub**

Further to a Cabinet decision on 24 July 2013 in respect of the disposal of land to Walsall College, the Cabinet received a report recommending amendments to the terms of disposal and decided to approve:

- (1) the substitution of the condition for the disposal of land on Littleton Street West to Walsall College, being conditional upon the letting of a construction contract by the date of the land transfer, with a buy-back clause, whereby if the College has not entered into a construction contract by the 1 October 2014, the Council is entitled to buy-back the land at the same market value with the College meeting the Council's stamp duty and professional fees.
- (2) the ring-fencing of the disposal proceeds until the date set by the buy-back clause for the entering into of a construction contract has been achieved.
- (3) that the requirement to achieve wider community use of the sports facilities was no longer considered to be necessary.

The meeting terminated at 6.45 p.m.