

# **Cabinet minutes**

**Wednesday 16 September 2009 at 6.00 p.m.**

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

## **Present**

Councillor Bird	Leader of the Council
Councillor Andrew	Deputy Leader and regeneration
Councillor Arif	Business support services
Councillor Perry	Communities and partnerships
Councillor Walker	Children's services
Councillor Flower	Environment
Councillor Towe	Finance and personnel
Councillor Sanders	Leisure and culture
Councillor McCracken	Social care, health and housing
Councillor Ansell	Transport

## **2256 Minutes**

### **Resolved**

That the minutes of the meetings held on 15 July and 3 August 2009 copies having been sent to each member of the Cabinet be approved and signed as correct records.

## **2257 Declarations of interest**

There were no declarations of interest.

## **2258 Forward plan**

The forward plan as at 7 September 2009 was submitted:

(see annexed)

### **Resolved**

That the forward plan be noted.

## **2259 Strategic partnering arrangement with Walsall Housing Group**

Councillor Andrew presented the report:

(see annexed)

### **Resolved**

- (1) That approval be given for Walsall Housing Group, as owner of 89% of the relevant land area, to be the preferred social housing provider within the Strategic Regeneration Framework 1 (SRF1) areas of Brownhills, Moxley and Goscote Lane Corridor, as defined by their boundaries indicated on the attached plans (Appendix A to C) which includes the Council's 11% land assets.
- (2) That development clawback be waived to reflect both the Council's and Walsall Housing Group's intention to reinvest their respective one third shares generated from the disposal of land assets in the Strategic Regeneration Framework 1 (SRF1) areas of Brownhills, Moxley and Goscote Lane Corridor back into a new and more effective delivery of community benefits, as identified by the local communities, as part of the joint venture.
- (3) That a further report be received on the recommendations of Best Consideration once values are known following additional work on the development model around the appraisal of land values and the costs of community infrastructure.

## **2260 West Midlands Regional Spatial Strategy Phase 3**

Councillor Andrew presented the report:

(see annexed)

### **Resolved**

- (1) That the proposed response made by officers, summarised in the report and set out in detail in the Appendix be approved as the Council's response to this consultation.
- (2) That officers are authorised to continue to work with other authorities and the Regional Assembly to address the specific issues raised by the Regional Spatial Strategy 3 Revision and the further work commissioned by the Government.

- (3) That delegation be given to the Executive Director Regeneration in consultation with the portfolio holder for Regeneration to authorise (a) any further technical work that would incur expenditure by the authority and (b) the approval of any formal representations on behalf of the Council as considered necessary

**2261 Appointment of framework contractors for delivery of capital programme**

Councillor Ansell presented the report:

(see annexed)

**Resolved**

- (1) That the following contractors be appointed to the Walsall Transportation Framework to deliver schemes over the next 4 years:

**Red Route and Bus Showcase schemes up to £5m**

Jackson  
G F Tomlinson  
Fitzgerald

**Major schemes including the Darlaston major scheme**

Birse Civils

- (2) That authority be delegated to the Executive Director for Regeneration to sign and seal the Framework Contract and delegate the management of the contract to relevant officers.
- (3) That authority be delegated to the Executive Director for Regeneration to award all individual scheme contracts throughout the duration of the Framework.

**2262 Beacon index 2009/10 (period ending 30 June 2009)**

Councillor Arif presented the report:

(see annexed)

**Resolved**

That the monitoring position for the Beacon Index 2009/10 as of 30 June 2009 as detailed in Appendix 1 of the report be noted.

### **2263 Phase 3 Children's Centre**

Councillor Walker presented the report:

(see annexed)

#### **Resolved**

That the schemes and budgets set out in Appendix B of the report, including permission to seek tenders and appoint contractors to undertake the work identified, be approved.

### **2264 Supply of school places**

Councillor Walker presented the report:

(see annexed)

#### **Resolved**

- (1) That the data contained in the 2009 return submitted to Department of Children, Schools and Families be noted.
- (2) That officers be requested to undertake further work to establish the likely demand for primary school places over the next few years and bring details of a strategy to address any issues to a future Cabinet meeting.

### **2265 14-19 Learning and Skills Council transfer**

Councillor Walker presented the report:

(see annexed)

#### **Resolved**

- (1) That the Cabinet agrees the project plan outlined in this report to secure the transfer of staff/resources from the Learning and Skills Council required to ensure local authority capacity to commission 16-19 provision after April 2010 and;
- (2) That the Executive Director for Children and Young People's Services, in consultation with the Cabinet Member for Children and Young People and the other three Black Country local authorities, be authorised to agree a final version of the Sub Regional Group proposal for submission to Government Office West Midlands.

## **2266 Education capital programme**

Councillor Walker presented the report:

(see annexed)

### **Resolved**

- (1) That the schemes and budgets set out in Appendix B of this report including permission to seek tenders and appoint contractors to undertake the work identified, be approved.
- (2) That authority be delegated to the Director of Children's Services in consultation with the portfolio holder for Children's Services to accept tenders for the schemes detailed in Appendix A at Barcroft Primary, Birchills CE Primary, Christ Church CE JMI and Croft Primary as tenders will be in excess of £500,000.

## **2267 Chuckery Air Quality Action Plan**

Councillor Flower presented the report:

(see annexed)

### **Resolved**

- (1) That the Draft Chuckery Air Quality Action Plan be approved for statutory consultation purposes.
- (2) That responsibility be delegated to the Executive Director, Neighbourhoods, in consultation with the portfolio holder for the Environment, for the Draft Chuckery Air Quality Action Plan to be finalised, issued for statutory consultation and thereafter implemented.
- (3) That, in the event major issues are raised following statutory consultation, a revised Draft Chuckery Air Quality Action Plan be reported to Cabinet.

## **2268 Walsall Community Safety Plan**

Councillor Towe did not take part in the discussion or voting on this item.

Councillor Perry presented the report:

(see annexed)

## **Resolved**

- (1) That the revised Walsall Community Safety Plan be endorsed.
- (2) That the revised Strategic Priorities (Section 3, page 15 of the report) be agreed.

### **2269 Anti-social behaviour review**

Councillor Perry presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet welcome the recommendations of the Anti Social Behaviour Working Group.
- (2) That the action plan attached to the report at Appendix A of the report be agreed.

### **2270 Corporate financial performance**

Councillor Towe presented the report:

(see annexed)

## **Resolved**

- (1) That the net revenue overspend of c£5.613m (0.8% of the current gross budget) which includes the effects of identified corrective action plans, be noted.
- (2) That the amendments to revenue due to new or increased grant allocations as set out in Table 1 of the report since the budget was approved by Council on 23 February 2009, be noted and approved.
- (3) That slippage on the capital programme of £1.682m, which is expected to be required to be carried forward into 2010/11, be noted.
- (4) That the amendments to the capital programme and additional grant approvals received since the programme was approved by Council on 23 February 2009 as set out in Appendix C of the report, be noted and approved.

- (5) That the additional measures being taken by Executive Directors to mitigate the overall position, as detailed in section 4.9 of the report, be noted.

## **2271 Annual review of Treasury Management Policy Statement**

Councillor Towe presented the report:

(see annexed)

### **Resolved**

- (1) That the revised treasury management policy statement and practices set out in Appendix A of the report be approved.
- (2) That the Cabinet noted the 2008/09 treasury management activities and performance statistics in Appendix B of the report and the monitoring of Walsall's prudential indicators as at 31.03.09 contained in Appendix C of the report .

## **2272 Birmingham Airport Holdings side agreement**

Councillor Towe presented the report:

(see annexed)

### **Resolved**

- (1) That the proposed amendments to the side agreement regulating the exercise of the Council's shareholding in Birmingham Airport Holdings Limited, contained in the document attached at Appendix 1 be approved.
- (2) That authority be delegated to the Chief Executive or his nominee in consultation with the designated member of Cabinet (Councillor Towe), and following consultation with the Chair or Vice Chair of the Joint Committee to discharge all functions in relation to Birmingham Airport Holdings Limited as provided for at clause 5.4 of the appended agreement, and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith.

## **2273 Walsall Playbuilder programme**

Councillor Sanders presented the report:

(see annexed)

Councillor Sanders **moved** the following changes to the recommendations in the report:

- (1) That the Cabinet approve the list of proposed sites at Appendix B, subject to consultation with residents in line with planning requirements and Ward Councillors for each site and that authority be delegated to the Executive Director, Neighbourhoods in consultation with the portfolio holder, to finalise Appendix B following that consultation.
- (2) As set out but remove the words “approve the Walsall Playbuilder Programme (2009-11) and”

The motion was seconded and it was:

### **Resolved**

- (1) That the Cabinet approve the list of proposed sites at Appendix B, subject to consultation with residents in line with planning requirements and Ward Councillors for each site and that authority be delegated to the Executive Director, Neighbourhoods in consultation with the portfolio holder, to finalise Appendix B following that consultation.
- (2) That Cabinet approve the approach being taken to deliver new play spaces across the Borough in accordance with guidance set out by Play England in their ‘Designing for Play: Creating successful play spaces’ 2008 strategy and the Playbuilder Programme’s aim to overcome areas of play deficiency for children and young people living in the Borough as set out in the Council’s Play Strategy ‘Live for Play, Play to Live’ 2007.
- (3) That in accordance with Finance and Contract Rule 13.9.2 authority be delegated to the Executive Director for Neighbourhood Services to award tenders for the works required to deliver the Playbuilder programme.
- (4) That the inclusion of ongoing revenue costs in the region of £113k within the 2010/11 plus budget be noted and approved.

## **2274 Walsall Arboretum restoration programme**

Councillor Sanders presented the report:

(see annexed)

Councillor Sanders reminded everyone of the outcomes expected from the programme and thanked those involved. He confirmed that he would work to continue to reduce the shortfall and that he was confident it would be fully found.



## **Resolved**

- (1) That the final Stage 2 application be submitted to the Heritage Lottery Funded Parks for People Programme on 25 September 2009,
- (2) That in agreeing the Stage 2 application, this commits the Council to £463,700 of additional capital expenditure over that currently assumed in the capital programme should alternative funding sources not be identified, noting that additional funding would not be required until 2012/13,
- (3) That £463,700 be included in the Council's medium term financial capital forecast plans as a call on resources for 2012/13, and
- (4) That officers be instructed to seek to identify additional external funding to mitigate the additional commitment required from the council's own resources.

### **2275 Implementation of safeguarding policy (Mental Capacity Act)**

Councillor McCracken presented the report

(see annexed)

## **Resolved**

- (1) That the Cabinet supports and endorses the proposed policy relating to Deprivation of Liberty Safeguards (DOLS).
- (2) That the Cabinet support and approve the joint supervisory arrangements of the DOLS Project Manager that will be included within the Section 75 agreement with Dudley and Walsall Mental Health Partnership NHS Trust. The signatories to this agreement be delegated by the Executive Director, Social Care and Inclusion in consultation with the portfolio holder.

### **2276 A4148 Red Route scheme – Broadway Phase 2**

Councillor Ansell presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet note the outcome of the public consultation exercise undertaken in November/December 2008, demonstrating 65.2% 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. Specifically this will include:
  - Finalising the location of any loading bays and parking arrangements along the route.
  - Finalising any agreements 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 Bescot Crescent and Magdalene Road junctions.
- (4) That Cabinet approve the undertaking of either the maintenance or highway framework contractor in accordance with the Council's Financial and Contractual Rules, to construct the Red Route proposals.

## **2277 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 those items in private.

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

## **2278 Green Rivers Centre**

Councillor Bird presented the report, together with additional supporting information which were discussed:

(see annexed)

Councillor Bird thanked officers involved for their work.

It was **moved** by Councillor Bird, duly seconded and

**Resolved** (unanimous)

- (1) That officers be authorised to undertake work to regularise the situation regarding the land assembly and legal arrangements, and to carry out all steps necessary to secure possession of land in the Council's interest.
- (2) That the Green Rivers Centre project be not proceeded with in view of the concerns expressed regarding the viability and sustainability of the 'Green Rivers Centre' Business Plan.
- (3) That officers be authorised to undertake feasibility work in to possible options for future premises for Green Rivers Community Association and Pleck Amateur Boxing Club in view of the decision not to provide support to the Green Rivers Centre Project.

**2279 Land at Lodge Road, Moxley (Harrow by Road Estate) compulsory purchase**

Councillor Andrew presented the report:

(see annexed)

Approval has been given to the making a Compulsory Purchase Order pursuant to Section 226 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004), authorising the Council to compulsorily purchase land and premises described in a schedule to facilitate the comprehensive re-development of the Harrowby Road Estate, Moxley.

**2280 Integrated Young People Support Services – Connexions services**

Councillor Walker presented the report:

(see annexed)

**Resolved**

- (1) That approval be given to the procurement of Information, Advice and Guidance/Connexions services for a period of 5+2 years (maximum seven year contract period) from 1 April 2010 in support of the development of integrated young people's support services in Walsall.
- (2) That approval be given to the procurement of the case management software required to run the service which will be commissioned by Wolverhampton City Council on behalf of Walsall, Dudley and Sandwell for a period of three years.

- (3) That Cabinet delegate to the Director of Children's Services in consultation with the portfolio holder for Children's Services authority to accept the most economically advantageous tender for the provision of Information Advice and Guidance services subject to this being below an affordability cap.

The meeting terminated at 6.45 p.m.

Leader:

Date: