

Cabinet minutes

Wednesday 3 February 2010 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 Towe	Finance and personnel
Councillor McCracken	Social care, health and housing
Councillor Ansell	Transport

2369 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Flower, Harris and Walker.

2370 Minutes

Resolved

That the minutes of the meeting held on 16 January 2010 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

2371 Declarations of interest

The following members declared their interest in the items indicated:

Councillor Bird	(1)	Item 13(b) – Traffic Regulation Order – Lower Bridge Street (on grounds of bias)
	(2)	Item 20 – Former Children’s home, Beacon View, Little Aston Road (personal and prejudicial)
Councillor McCracken		Item 13(b) – Traffic Regulation Order – Lower Bridge Street (personal and prejudicial)

Councillor Andrew

Item 12 – Walsall Academies programme
(personal and prejudicial)

Councillor Perry

Item 7 – Plaster cast model of Sister Dora
(personal)

2372 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.

2373 Forward plan

The forward plan as at 4 January 2010 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2374 Corporate Plan 2010/11

Councillor Bird presented the report:

(see annexed)

Resolved

That the Corporate Plan for 2010/11 be approved, reflecting a continued commitment to a shared vision for the borough, and a set of key outcomes for local citizens to form the primary focus for all council services

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Resolved to recommend to Council

That the Corporate Plan 2010/11 be adopted, as a key part of the Council's policy framework.

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2375 Plaster cast model of Sister Dora

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That approval, in principle, be given to the request received from the Walsall Hospitals NHS Trust for the relocation of the plaster cast model of the Sister Dora statue to the entrance hall of the new hospital on loan, and on the understanding that the model remains the property of the Council.
- (2) That the Chief Executive, in consultation with the Leader of the Council, agree with the Walsall Hospitals NHS Trust the terms of the relocation and loan.

2376 Budget consultation 2010/11

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That the contents of this report and its appendices be noted.
- (2) That the recommendations be noted.
- (3) That the outcomes from the budget consultation set out in this report, be considered by Cabinet as it recommends the 2010/11 final corporate revenue and capital budget.

2377 Corporate Budget Plan and Treasury Management and Investment Strategy 2010/11

Councillor Towe presented the report:

(see annexed)

Councillor Towe suggested that the following be incorporated in the recommendations to Council:

To approve the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes, subject to the following changes to Annexes 3 and 7E of the budget plan:

- 1) Saving number 115: Closure of Willenhall Leisure Centre to be

deferred for a maximum of 6 months from 3 February 2010 to allow the Executive Director and his officers to work with the 9 Willenhall councillors and report back after 3 months (from 3 February) to Cabinet with their findings. Deferral would reduce the saving up to a maximum of £158,065 (from £216,565 to £58,500)

- 2) The amendment in 1) above to be funded by a reduction in the contribution to balances contained within the budget, up to a maximum of £158,065, from £3.15m to £2.99m, resulting in revised net opening reserves of £6.712m.

The Cabinet agreed and it was:

Resolved

- (1) That the following be noted and approved:

Revenue

- (a) That at the time of despatch of this report, the precepting authorities (fire and police) had not formally notified the authority of their final council tax increases, so these will be tabled at the Council meeting of 22 February. Current estimates have been used within this report based on informal communication from each precepting authority.
- (b) That at the time of dispatch of this report, the levy authorities (Environment Agency and Centro) had not formally notified the authority of their final demand. Current estimates have been used within this report based on informal communication from each authority.
- (c) The Walsall council draft net revenue budget requirement for 2010/11 of £245.496m, and a council tax increase of 3.9% - resulting in a band D council tax of £1,384.64: a weekly increase of between £0.67p and £1.00p for the 92.29% of Walsall residents in bands A-D properties.
- (d) On the basis of (a), (b) and (c) above, the provisional (i.e.: subject to formal confirmation of precepts) overall council tax increase would be 3.73%, including estimated precepts, resulting in a total band D council tax of £1,532.61.
- (e) Subject to Council approving the budget in substantially the same form as set out herein, that Cabinet approves the budget plan and all the recommendations, proposals and changes to policies and procedures set out in Annex 7 and all other annexes, and further delegates authority to the relevant executive directors to implement the same.

- (f) That delegated authority be given to the Chief Finance Officer to make any necessary amendments, in consultation with the portfolio holder for finance and personnel, to take account of the final levies and precepts which have not yet been notified and to make any necessary amendments to the statutory determinations to take account of those changes and the resulting final analysis of the budget for 2010/11 and for amendments to those to be submitted to Council at its meeting of 22 February 2010.

Capital

- (a) The capital programme for 2010/11 of **£60.739m**, comprising mainstream capital £19.739m and externally funded schemes £41.000m. The leasing programme is £14.795m which includes £4.668m of new starts in 2010/11.
- (2) That the following be endorsed and recommended to Council:

Revenue

- (a) To note and endorse the recommendations of the Chief Financial Officer (CFO) in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves as set out in Annex 8.
- (b) That the net levies below for outside bodies be noted. At the time of despatch of this report, formal notification by the authorities of their final levy had not been received and as such this will be reflected in a revised resolution to be provided to the Council meeting of 22 February 2010. An estimate has been used within this report based on informal notification from the authorities.

LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	13,718,445
Environment agency	90,113

- (c) That approval be given to an opening working balance for 2010/11 set at a prudent level of c£6.712m in line with the council's medium term financial strategy.
- (d) That the following statutory determinations be noted (references are to the Local Government Finance Act, 1992):
- I. **£750,099,532** being the aggregate gross expenditure, which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- II. **£504,603,311** being the aggregate income which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act.
- III. **£245,496,221** being the amount, by which the aggregate at (I) above exceeds the aggregate at (II), calculated by the Council in accordance with Section 32 (4) as its budget requirement for the year.

IV. **£137,295,771** being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates (**£119,841,274**); Revenue Support Grant (**£17,402,066**); and the Collection Fund Surplus (**£52,432**).

V. **£1,384.64** being the amount at (d III) above, less the amount at (d IV) above, equal to **£108,200,450**, divided by the Council Tax Base of **78,143.38**, calculated by the Council in accordance with Section 33 (1) of the Act as the basic amount of its Council Tax for the year (average council tax at band D).

VI. Valuation bands

Being amounts given by multiplying the amount at (v) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36 (1) of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

A	B	C	D
£923.09	£1,076.94	£1,230.79	£1,384.64
E	F	G	H
£1,692.34	£2,000.04	£2,307.73	£2,769.28

- (e) That the estimated precept from the Fire & Civil Defence Authority and the estimated precept for the Police Authority, issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwelling shown below be noted and that the final figures be substituted for these provisional ones once they are available at the Council meeting on 22 February 2010.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police	A	B	C	D
	£66.60	£77.70	£88.80	£99.90
	E	F	G	H
	£122.10	£144.30	£166.50	£199.80
Fire & Civil Defence	A	B	C	D
	£32.05	£37.39	£42.73	£48.07
	E	F	G	H
	£58.75	£69.43	£80.12	£96.14

- (f) That having calculated the aggregate in each case of the amounts at (d) (v) and (e) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2010/11 for each of the categories of dwellings shown below.

A	B	C	D
£1,021.74	£1,192.03	£1,362.32	£1,532.61
E	F	G	H
£1,873.19	£2,213.77	£2,554.35	£3,065.22

- (g) That notice be given of the council tax within twenty one days of it being set by publishing details of the same in the "Walsall Observer"; and the "Walsall Advertiser" being newspapers circulating in the Authority's area.
- (h) That the chief financial officer be instructed to take all necessary action in relation to council tax, community charge and national non-domestic rates, including, where appropriate, the signing of all documents, the giving of notices and the taking of necessary steps to ensure collection thereof.
- (i) Approval of the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes, subject to the following changes to Annexes 3 and 7E of the budget plan:
1. Saving number 115: Closure of Willenhall Leisure Centre to be deferred for a maximum of 6 months from 3 February 2010 to allow the Executive Director and his officers to work with the 9 Willenhall councillors and report back after 3 months (from 3 February) to Cabinet with their findings. Deferral would reduce the saving up to a maximum of £158,065 (from £216,565 to £58,500)
 2. The amendment in 1) above to be funded by a reduction in the contribution to balances contained within the budget, up to a maximum of £158,065, from £3.15m to £2.99m, resulting in revised net opening reserves of £6.712m.

Capital

- (a) That the draft capital programme set out in the following tables be approved bearing in mind the principle that unless affordable from within current resources, specific projects funded by unsupported borrowing will not be commenced until a payback agreement is in place.

DRAFT CAPITAL PROGRAMME 2010/11	
MAINSTREAM SCHEMES	ESTIMATED VALUE £
Basic need	1,443,204
Modernisation of all schools	312,582
Schools access initiatives	586,620
Local transport plan	2,476,000
Risk management	100,000
Uninsured property damage	200,000
Contingency	365,000
Redhouse community centre	300,000
Streetly crematorium – mercury abatement equipment / new	125,801

cremators	
Provision of alternative accommodation to release leased buildings	1,000,000
Hollybank rehabilitation centre	300,000
Barcroft primary	150,000
Targeted capital fund	1,165,000
Finance direct – unsupported borrowing	1,285,000
Building schools for the future	900,000
Health centre, library and children's centre for Pelsall	200,000
Cleaner, greener – additional litter bins	10,000
Refurbishment of Goscote adult training centre	600,000
Town centre on street parking	250,000
Cleaner, greener – re-organise community clean teams: purchase of hot jet pavement cleaning machine to clean pavement areas in district centres and shopping precincts	116,000
Asbestos removal	155,000
Legionella	275,000
Statutory testing of building services and resulting works	300,000
Freer street structural works	350,000
Darlaston baths roof	200,000
Education development centre works to driveway to remove dangerous junction	25,000
MAINSTREAM SCHEMES	ESTIMATED VALUE £
Hatherton road multi-storey car park	200,000
Memorial safety	100,000
Health and safety executive works at depot	264,000
Relocation of depot	1,000,000
Shop maintenance	120,000
Aids and adaptations	1,500,000
Civic building air condition replacement	100,000
Planned property maintenance (essential maintenance of non-education premises – back log of repairs)	500,000
Willenhall townscape heritage initiative	75,000
Demolition of redundant buildings to save on business rates	200,000
Highways maintenance	950,000
Strategic acquisitions	1,000,000
Sneyd reservoir overflow replacement	45,000
Darlaston Scout Hut roof repairs	55,000
Lower Bridge St swapping of taxi rank and disabled bays	70,000
Regenerating Walsall	370,000
Total	19,739,207

MAINSTREAM CAPITAL PROGRAMME 2010/11	
RESERVE BIDS	ESTIMATED VALUE £
Investing in working smarter programme	1,000,000
Walsall town hall toilet refurbishment	40,000
One stop shop	5,000

Former Moxley junior school	50,000
Personalisation – refresh of ICT and PARIS	150,000
Accommodation review	TBD
Green rivers	200,000
Roof of link bridge to civic centre	75,000
Room 17a council house air conditioning	90,000
Civic centre – supply / extract motors	60,000
Leckie sons of rest – arboretum	230,000
Contingency	45,000
Darlaston town hall replacement kitchen	100,000
TOTAL	2,045,000

NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM GRANT 2010/11	
NON MAINSTREAM SCHEMES	ESTIMATED VALUE £
Developed formula capital	4,772,102
Modernisation	3,003,360
Extended schools	277,901
Harnessing Technology	1,101,784
Children's centres – phase 3	241,350
Primary capital programme	6,735,729
Early years capital grant	1,015,217
14-19 diplomas, special educational needs and disabilities	6,000,000
Children's centres – maintenance	105,248
Aiming high for disabled children	273,600
Youth capital fund	181,600
Safer stronger community fund	106,655
Waste infrastructure capital fund	150,000
Walsall children's play portfolio	320,000
Walsall arbore tum restoration programme	762,000
Palfrey park restoration programme	296,500
Pelsall health centre, children's centre and library	2,450,000
Playbuilder	599,369
Disabled facilities grant	1,215,000
Aids and adaption s	2,662,400
AWM	95,000
HLF	120,319
Willenhall townscape heritage initiative – HLF	150,000
Willenhall townscape heritage initiative – VIEW	75,000
Waterfront south phase 2 – growth point	247,000
Social care single capital pot	129,000
Mental health for single capital pot	137,000
Information for social care grant	100,858
Local transport plan integrated transport	3,047,000
Development of highway asset inventory	47,500
Road safety partnership	31,272
Bus showcase	2,000,000

Darlaston project development	150,000
Red routes	2,400,000
Total	40,999,764

LEASING PROGRAMME 2010/11 (as set out in annex 14)	
PORTFOLIO	TOTAL BUDGET £m
Environment portfolio	4.668
Total	4.668

- (b) That delegated authority be given to the Chief Financial Officer, in consultation with the Leader to allow reserve list items in the draft capital programme 2010/11 to commence following confirmation that funds are available.

Treasury Management

- (a) That the 2010/11 treasury management and investment strategy document set out in Annex 15 including a revised minimum revenue provision (MRP) policy 2009/10 and MRP policy 2010/11, and the adoption of the prudential indicators set out in Annex 16 be approved.
- (b) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, be delegated to the Chief Finance Officer.
- (c) That decisions to use capital receipts or unsupported borrowing within the framework of approved prudential indicators be delegated to the Chief Finance Officer.

2378 Adaptive working programme – office accommodation workstream

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the investment in the Civic Centre complex in order to create office space to enable the release of leased accommodation.
- (2) That authority be delegated to the Executive Director for Regeneration, in consultation with the portfolio holder, authority to award contracts for refurbishment works where required (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.

2379 Carbon management plan

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That the Carbon Management Plan set out in Appendix A and the list of projects contained within in it be approved
- (2) That the target to reduce carbon dioxide emissions by 30% by 2014 and 40% by 2019 based on 2007/08 levels be approved.

2380 Walsall academies programme

At this point, having declared a personal and prejudicial interest, Councillor Andrew withdrew from the room during consideration of this item.

Councillor Bird presented the report:

(see annexed)

Resolved

That authority be given to the Executive Director for Regeneration and the Executive Director Children's Services in consultation with the Leader of the Council for the appointment of the preferred bidder, to develop detailed proposals to enable a final business case to be submitted to Partnership for Schools (PfS).

2381 Traffic Regulation Order – Lower Bridge Street

The report of the Assistant Director of Legal and Constitutional Services was submitted:

Resolved to recommend to Council

That the Constitution, Part 3, Table 5, paragraph 25.29 be amended as follows:

That the words "Development Control Committee" in the final sentence be replaced by the words "relevant Executive Director in consultation with the portfolio holder".

At this point, having declared an interest, Councillors Bird and McCracken withdrew from the room during consideration of the item.

Councillor Andrew in the Chair for item 13(b)

Councillor Ansell presented the report:

(see annexed)

Councillor Ansell **moved** the option at paragraph 2(b) in the report which was duly seconded and it was:

Resolved

That the Cabinet overrule the objections and approve the Traffic Regulation Order and hence swap the locations of the taxi rank and blue badge bays.

2382 14-19 University Technical College

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That the Cabinet notes arrangements for a regional Engineering University Technical College based in Walsall as part of the Local Authority's plans to implement the national 14-19 reform agenda as outlined in this report, and;
- (2) That authority be delegated to the Executive Director for Children Services, in consultation with the portfolio holder for Children's services to sign an expression of interest in the UTC.

2383 Intensive family support service

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That authority be delegated to the Executive Director for Children's Services, in consultation with the portfolio holder, to seek and accept tenders for the provision of Intensive Family Support Services and to award the contract (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 in the report.

- (2) That the contract be awarded for a period of 2 years with an opportunity to extend for a further year subject to evidence of improved outcomes for vulnerable children including prevention of family breakdown.

2384 Education capital programme

Councillor Bird 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 the Executive Director for Children's Services 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.

2385 Council policy on contaminated land

Jamie Morris, Executive Director presented the report:

(see annexed)

Resolved

- (1) That the policy on Contaminated Land Cost recovery and Hardship set out in Appendix A be approved
- (2) That responsibility for making decisions in relation to Part 2A liability be delegated to the Executive Director for Neighbourhood Services, in consultation with the Environment portfolio holder, on a case by case basis

2386 Bryntysilio Outdoor Education Centre

Jamie Morris, Executive Director presented the report:

(see annexed)

Councillor Bird **moved** option 2 set out at paragraph 1.7 of the report which was duly seconded and it was:

Resolved

- (1) That approval be given to the Scrutiny Panel's recommendations, with the exception of spending £0.100m on facility improvements, and that an update report be received after 6 months (as per Scrutiny's recommendation). At this point officers will be able to assess the outcome of the Scrutiny recommendations and hence better understand the future financial risk, and have a clearer view of the Council's own budgetary situation for 2011/12 to provide context. A monitoring report will be presented to Cabinet in June 2010.
- (2) That it be noted that any decision made will have an impact on the draft revenue budget for 2010/11 onwards as no increase in resources or savings targets are included in the draft proposals.

2387 Property Services

The report of the Property Services working group was submitted:

(see annexed)

Resolved

That the report of the Property Services working group be noted and that a report of the portfolio holder responding to the recommendations be submitted in due course.

2388 Late item: Local Area Agreement (LAA) – Refresh 2010

Reason for urgency: In order to meet a deadline for submission to Department of Communities and Local Government by 12 March.

Councillor Bird presented the report:

(see annexed)

Resolved

That Cabinet delegates approval of refreshed Local Area Agreement targets to the Chief Executive in consultation with the Leader of the Council.

2389 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

2390 Land at St. John's Close, Walsall Wood

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet note that the Independent Inspectors report recommends that the application to register the Council's land at St John's Close, Walsall Wood as a Village Green does not satisfy the requirements of the Commons Registration Act.
- (2) That in view of (1) above, the Cabinet will not support or actively promote the disposal or change of use of the land at St. John's Close, Walsall Wood.
- (3) That the process for dealing with future applications for the registration of Council-owned sites as Village Greens as laid out at paragraph 4.2 of this report be approved.

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

2391 Delivery of new Council depot facility

Councillor Andrew presented the report:

(see annexed)

The Cabinet approved the acceptance of a tender for the provision of a new council depot Pelsall Road Brownhills and approved the execution of a development agreement and associated/ancillary documents for the acquisition of the freehold land and premises shown edged bold on plan EPMS 3331 and extending to 7.641 acres/3.092 hectares or thereabouts, in exchange for the council's freehold interest in the land shown edged bold on plan EPMS 3277/9 and extending to 5.605 hectares or thereabouts.

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

2392 Integrated young people's support services

Pauline Pilkington, Executive Director presented the report:

(see annexed)

The Cabinet approved the appointment of a Preferred Bidder for the new Information, Advice and Guidance (IAG) contract and delegated authority to the Executive Director of Children's Services, in consultation with the portfolio holder for Children's Services, to finalise negotiations for a new five year contract and award the contract including authorising the execution of the contract and ancillary associated documents as necessary to implement the award of the contract; and also that Walsall Council take responsibility for associated funding in relation to the termination of the existing Black Country Connexions Ltd. contract in line with the agreement across the remaining Black Country authorities.

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

2393 Late item – Walsall Gigaport – proposed disposal of land

Councillor Andrew presented the report:

(see annexed)

The Cabinet gave approval to the disposal of the freehold land shown edged bold on plan no. EPMS 3027/3 and extending to 5,388 square metres or thereabouts to Walsall Housing Group.

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

2394 **Former Children's Home, Beacon View, Little Aston Road**

At this point, having declared a personal and prejudicial interest, Councillor Bird withdrew from the room during consideration of the item

Councillor Andrew in the Chair for item 20

Councillor Andrew presented the report:

(see annexed)

The Cabinet approved the disposal of the freehold interest in the land shown edged in red on plan number EPMS 2844/4 Appendix A, subject to detailed planning permission being obtained from the Local Planning Authority.

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