

Cabinet minutes

Wednesday 17 December 2014 at 6.00 p.m.

in Conference Room 2 at the Council House, Walsall

Present

Councillor S. Coughlan	Leader of the Council
Councillor Nazir	Deputy Leader and Regeneration
Councillor Cassidy	Children's services and education
Councillor Jeavons	Environment and transport
Councillor Robertson	Health
Councillor Chambers	Personnel and business support
Councillor D. Coughlan	Social care

3235 Apology

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

3236 Minutes

Resolved

That the minutes of the meetings held on 29 October and 2 December 2014 copies having been sent to each member of the Cabinet be approved and signed as correct records.

3237 Declarations of interest

In relation to Item 9 – Local Council tax reduction scheme 2015/16 and the late item – Council tax empty property discounts, the Monitoring Officer granted a dispensation to all members under Section 31(2)(a) of the Localism Act 2011 on the basis that the number of persons prohibited by Section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of business.

3238 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.

3239 **Petitions**

The following petitions were submitted:

- (1) Against closure of Pheasey Park Farm Library – Councillor Bird
- (2) Against car parking charges in Bloxwich and Brownhills district centres – Mr. M. Follows.

In respect of (2) above, the Leader reported that this budget proposal had been withdrawn.

3240 **Questions**

There were no questions submitted.

3241 **Forward plan**

The forward plan as at 8 December 2014 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

3242 **Emerging Corporate Plan 2015-19 “Shaping a fairer future”**

Councillor S. Coughlan presented the report:

(see annexed)

Resolved

That Cabinet agrees an emerging draft Corporate Plan 2015-2019, ‘Shaping a Fairer Future’ which will continue to be developed, with the intention of recommending a final Corporate Plan to the Council on 26 February 2015 as the context for a four year financial plan.

3243 **Localised Council tax reduction scheme**

Councillor D. Coughlan presented a revised report:

(see annexed)

At this point, the Leader agreed to a request from Councillor Smith to address the Cabinet on this matter.

Councillor Smith asked how many households would be affected and asked the portfolio holder to respond to the outcome of consultation set out on Page 54 of the report. Councillor D. Coughlan confirmed that 19,676 working age customers would be affected. She said that the outcome of the consultation had been considered alongside the needs of the Council as a whole. The Leader commented that this decision was in line with the national picture.

Resolved to recommend to Council

- (1) That Option 1 be adopted for the Council Tax Reduction Scheme, to commence on 1 April 2015 (to fully disregard war disablement and war widows pensions).
- (2) That a small cash-limited discretionary scheme be introduced to assist the most vulnerable in exceptional circumstances.
- (3) 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, be adopted.
- (4) That the scheme be adopted for future years (inclusive of (1) and (2) above) until such time as the Council considers a change to the scheme is necessary.

3244 Late item - Council tax empty property discounts

Reason for lateness: The report was issued late to Cabinet following instruction from the Chief Legal and Monitoring Officer and in accordance with the Constitution, the Cabinet was required to make a recommendation to Council. The Council must have made any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme was to have effect.

Councillor D. Coughlan presented the report:

(see annexed)

Resolved to recommend to Council:

That with regard to the Council tax empty property discounts 2015/16 the following be adopted as set out in paragraph 3.5 of the report:

- (1) Unoccupied and unfurnished properties – Option 2
- (2) Unoccupied properties which require major repair work or are undergoing structural alterations – Option 1

Resolved

That the Chief Finance Officer be delegated authority to amend the discounts applied to reflect any changes required by legislation and/or government guidance, in consultation with the portfolio holder.

3245 Financial Plan 2015/16 to 2018/18: Draft revenue budget and capital programme

Councillor S. Coughlan presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the feedback from scrutiny and performance panels and feedback to date from public/stakeholder consultation as set out in this report, and consider this feedback in preparation for final budget recommendations in February.
- (2) That Cabinet refer this report to all scrutiny and performance panels for consultation to enable their comments to be considered by Cabinet on 4 February 2015.
- (3) That Cabinet note and agree the changes to the 2015/16 proposed capital programme and approve the changes to the revenue savings proposals as outlined in section 3.1.
- (4) That Cabinet delegate authority to the Chief Financial Officer to approve the Council tax base in order to inform preceptors of the final figures by 31 January 2015, in line with our statutory deadline. Final figures will be reported to Council on 26 February 2015 within the budget report.
- (5) That Cabinet approve an amendment to the 2014/15 capital programme to re-allocate £180k of funding approved for the Lucknow Road car parking scheme (£164k) and verge parking (£16k) to fund new transport projects as outlined in section 3.13.
- (6) That Cabinet authorise the undertaking of a tender process for the Liability Insurance contract using the Crown Commercial Service Framework and note that approval will be sought at Cabinet on 18 March to appoint the most advantageous tender.
- (7) That Cabinet approve the use of grants as outlined in section 3.15.

3246 **Extending the Economic Growth programme**

Councillor Nazir presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the use of £3,506,557 of existing funding, including all previous New Homes Bonus (NHB) resources as set out in table 3.9.1 and section 3.11, to extend the current Economic Growth Programme (EGP) through to the end of March 2018, directly supporting Council staffing and associated costs in the delivery of services that create the conditions for, and achieve outcomes, as illustrated in table 3.3.1 and 3.3.2.
- (2) That Cabinet approve the use of all remaining and repaid NHB funding for use as part of the Economic Growth Programme (EGP), in accordance with (3) below.
- (3) That Cabinet grants delegated authority to the Executive Director for Regeneration in consultation with the Portfolio Holder for Regeneration to approve revisions or additions to the programmes; design, costs, contents, duration and flexibility as required, together with the reinvestment of reserves estimated at £732,339. Continuing its ability to meet identified local peoples and employers needs, within approved spending limits.

3247 **Future use of Broadway North Home Resource Centre**

Councillor Nazir presented the report:

(see annexed)

Councillor Nazir said that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information.

3248 **Late item- Acquisition of Lex site – Waterfront**

Reason for urgency: Further information had been received during the Area Action Plan process which required urgent confirmation by Cabinet to proceed with the acquisition in order not to prejudice early completion

Councillor Nazir presented the report:

(see annexed)

Councillor Nazir said that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information.

3249 Statement of purpose: Children's homes

Councillor Cassidy presented the report:

(see annexed)

Resolved

That the Statements of Purpose for each of the five Children's Homes operated by Walsall Council be approved.

3250 Walsall Adult and Community College – spin out project

The Leader presented the report in the absence of the portfolio holder :

(see annexed)

At this point, the Leader invited Councillor Towe to address the Cabinet.

Councillor Towe thanked all those involved in bringing this proposal to Cabinet for consideration. He commented that Walsall Adult and Community College was an outstanding provider giving much needed help to those furthest away from the job market and that the proposal would help to sustain this provision.

The Leader said that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information.

3251 Compliance with Waste Framework Directive and Waste Regulations 2011 – Recycling collections and material streams

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet agrees the Statement of Compliance required pursuant to the Waste Framework Directive, the Waste (England and Wales) Regulations 2011 and TEEP (technically, environmentally and economically practicable) requirements (Appendix A) which contains a justification for continuing with the current arrangements of co-mingled recycling collections and evidences how Walsall Council achieves TEEP compliance.
- (2) That Cabinet note the need to review and re-assess compliance with the Waste Framework Directive, the Waste (England and Wales) Regulations 2011 and TEEP requirements when the changes referred to in paragraph 1.5 of the report are implemented and that this may change how the service is delivered in the future.

3252 Contracts for treatment, recycling and final disposal of municipal waste

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet authorise officers to commence the procurement process for these services. The subsequent award of contracts will be subject to Cabinet approval.
- (2) That Cabinet authorise officers to commission specialist consultants, to be funded from within existing budgets, to assist in the procurement process and the subsequent review of proposals to assess whether they are 'technically, environmentally and/or economically practicable' (TEEP).

3253 Future of Fallings Heath Home

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

- (1) That the Fallings Heath residential respite service is retained with increased occupancy rates, and effective measures that reduce costs as set out in option A to continue to operate Fallings Heath as an in-house service with more efficiencies.

- (2) That a strategic review of a range of social care services for people with disabilities is carried out during 2015 which will examine options for meeting eligible Walsall people's social care needs more effectively.

3254 Care leaver working Group

The report of the Children's Services Scrutiny and Performance Panel was submitted:

(see annexed)

Councillor Cassidy advised that good progress had been made in respect of all of the scrutiny panel recommendations and that she would be in a position to report on progress to the scrutiny panel in the next 2 months.

Resolved

That the report of the Children's services Scrutiny and Performance Panel be noted.

3255 Ravenscourt Shopping Centre, Brownhills

(a) Report of Scrutiny Panel

The report of the Business, Employment and Local Economy Scrutiny and Performance Panel was submitted:

(see annexed)

Resolved

That the report of the Business, Employment and Local Economy Scrutiny and Performance Panel be noted.

(b) Report of portfolio holder

Councillor Nazir presented the report:

(see annexed)

Resolved

That Cabinet agrees that officers continue to work with the owners of Ravenscourt Shopping Centre in order to help bring forward an appropriate redevelopment scheme for the site but if a planning application is not submitted within 6 months of the date of this meeting officers should serve the S215 Notice in accordance with the resolution of the Planning Committee in order to improve the appearance of the site.

3256 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.

3257 Former Broadway North Home

Councillor Nazir presented the report:

(see annexed)

Resolved

- (1) That having considered the options for the future use of the Broadway North Resource Centre, shown edged bold on plan No. EPMS 3549 and extending to 8,267 square metres or thereabouts, approval be given to consult with social care users and carers on alternative provision.
- (2) That Cabinet instructs the Executive Director; Regeneration in consultation with the portfolio holder, to report to Cabinet on options and the outcome of consultation in March 2015.

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

3258 Walsall Adult and Community College – spin out project

The Leader presented the report:

(see annexed)

Resolved

- (1) That the Cabinet approves that, by 1 August 2015, Walsall Adult and Community College becomes a separate legal entity, a company limited by guarantee with charitable status that is wholly owned by Walsall Council, with the aim of fully spinning out from the Council when the financial conditions are favourable (see section 3.5).

- (2) That the Cabinet approves that the reserves held by Walsall Council, accumulated from Skills Funding Agency funding grants delivered by Walsall Adult and Community College, are transferred to the new entity by 1 August 2015.
- (3) That the Cabinet approves that all non-property assets, furniture and equipment currently utilised by the College are transferred to the new entity by 1 August 2015.
- (4) That the Cabinet approves that the existing staff employed by the Council whose work is wholly, or mostly, at or for the College will, by the 1 August 2015, transfer to the new entity via the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- (5) That the Cabinet approves that, at the point of transfer, Walsall Council employees who are members of the West Midlands Pension Fund will transfer to the new entity on a fully funded basis.
- (6) That the Cabinet approves that, at the point of transfer, Walsall Council will retain any historic deficit relating to the West Midlands Local Government Pension Scheme (LGPS) for employees who transfer to the new entity (the most recent actuarial report, based on fund conditions as at 30 September 2014, states initial past service liabilities of £1.449m).
- (7) That the Cabinet approves that Walsall Council will act as guarantor to enable the new entity to gain admitted body status to the LGPS pension scheme.
- (8) That the Cabinet notes that any new or increased pension liability relating to the employees that have transferred to the new entity, whether linked to past or present service, will be funded by the new entity. Increased pension liability means any additional increase in the value of the liability at the point of transfer.
- (9) That the Cabinet notes that the new entity will put in place, and fund from its own resources, a pension bond to cover potential unfunded LGPS liabilities that may be accumulated going forwards.
- (10) That the Cabinet approves that the two sites currently occupied by Walsall Adult and Community College, namely the Hawbush Centre and the Whitehall Centre, are leased to the new entity, with the lease being on a rent free basis for the first stage of the spin out and at a market rent thereafter.
- (11) That the Cabinet approves that Walsall Council supports the transfer of the Skills Funding Agency contract to the new entity, enabling the College to become fully independent after a period of around two years following the initial spin out.

- (12) That the Cabinet approves that for the first two years following spin out to a new entity, Walsall Council continues to provide support of £176k to the new organisation's operating costs per year. This support will reduce to zero once the entity becomes fully independent.
- (13) That the Cabinet notes that, if the actual outturn for the new entity in the first two years is more beneficial than that currently forecast, the College intends to transfer any surplus to the council, in recognition of ownership and the ongoing support that is provided.
- (14) That the Cabinet notes that a further report will be presented to Cabinet before 31 July 2017 to provide an update on the actual position and to seek agreement regarding the way forward.

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

3259 Late item - Acquisition of Lex site – Waterfront

Councillor Nazir presented the report:

(see annexed)

Resolved

- (1) That Cabinet confirms its approval for the acquisition of the freehold interest in the Lex site, indicated on plan no. EPMS 4009/1, and extending to 2.2 acres or thereabouts, from the Homes and Communities Agency, with detailed terms to be delegated to the Executive Director Regeneration in consultation with the portfolio holder, subject to the receipt of a satisfactory external formal valuation report.
- (2) That Cabinet gives delegated authority to the Executive Director Regeneration to authorise the signing and sealing of all contracts, deeds or any other documentation relating to the acquisition of the freehold interest in the Lex site.

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

The meeting terminated at 6.50 p.m.

Leader:

Date: