

Cabinet minutes

Wednesday 18 December 2019 at 6.00 p.m.

in a Conference Room at the Council House, Walsall

Present

Councillor Bird	Leader of the Council
Councillor Andrew	Deputy Leader and Regeneration
Councillor Martin	Adult Social Care
Councillor Perry	Community, leisure and culture
Councillor Towe	Education and skills
Councillor Chatta	Personnel and business support

3450 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Butler, Longhi and Wilson.

3451 Minutes

Resolved

That the minutes of the meeting held on 23 October 2019 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

3452 Declarations of interest

Councillor Chatta declared an interest in Item 10 – Recruitment Executive Search and Selection Services however, she advised that the interest was such that it did not preclude her from taking part in the discussion or voting on this matter.

3453 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.

3454 Petitions

No petitions were submitted.

3455 Question – Walsall Arboretum

Fiona Macmillan, Chair of Walsall Arboretum User Group asked the following question:

How does the revenue generated by activities at Walsall Arboretum from 1 August to 1 November 2019 compare with that of the same period in 2018?”

Councillor Bird replied:

“Liz Stuffins Public Health Programme Development Manager and Jaki Brunton Douglas Public Health Programme marketing and Funding Manager attended the Walsall Arboretum User Group on 12 November 2019.

The group explained that they had seen a considerable difference in the use of the Visitor Centre between August – November 2018 and 2019. They were keen to see income data and how this compared between the two years.

The figures below are based on the numbers of paid bookings, which have risen slightly over the last year despite issues of reduced staffing at the Arboretum visitor centre. The Arboretum has made £135 extra this summer for the period August- November 2019.

	2018	2019
Cash	1547.5	1562.5
Invoice	680	710
Other	0	90
Income	2227.5	2362.5
No of bookings	191	148
No of hours booked	405.75	300.75

On further analysis it was discovered that the high numbers of bookings in summer 2018 had consisted of staff from the Council using the facilities and for groups who were not paying to use the rooms, this resulted in more people using the rooms but no extra income. There were 43 extra non paying room bookings in 2018, this would explain why the visitor centre appeared to be better used. In 2020, we will ensure that the Visitor centre bookings are more commercially focused, this income will assist with resourcing the centre and the Arboretum more effectively.”

A copy of the reply was handed to Ms Macmillan.

3456 Forward plan

The forward plan as at 2 December 2019 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

3457 Supplier early payment programme

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the immediate introduction of a supplier early payment programme (as detailed within paragraphs 4.8 to 4.16 of this report).
- (2) That Cabinet approves the required changes to the council's existing policies and practices (detailed in section 4.9 of the report) and delegates authority to the Executive Director of Resources and Transformation to implement these changes with immediate effect.
- (3) That Cabinet delegates authority to the Executive Director of Resources and Transformation, in consultation with the Leader of the Council as portfolio holder for finance, to finalise and enter into contract with Oxygen Finance Ltd as the service provider for the implementation and management of the early payment service for a term of 5 years by way of a call-off contract through the Oldham Metropolitan Borough Council framework agreement (OJEU Notice 2016-OJS113-201705).

3458 Black Country Collaboration Agreement

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the roles and responsibilities as captured within the Ministry of Housing, Communities and Local Government National Local Growth Assurance Framework, included as Appendix A.

- (2) That Cabinet approve for Walsall Council's Section 151 Officer to complete the roles as set out within the Chartered Institute of Public Finance & Accountancy (CIPFA) principles for Section 151 Officers in accountable bodies working with local enterprise partnerships, included as Appendix B, and oversee the proper administration of financial affairs.
- (3) That Cabinet approve all proposed amendments, as highlighted, to the Collaboration Agreement covering the widening of the scope of the Black Country Executive Joint Committee roles and responsibilities, Constitution and Terms of Reference, included as Appendix C to this report.
- (4) That Cabinet approve the delegation of authority to the Black Country Executive Joint Committee to make decisions on its behalf in relation to the approval of all Black Country Local Enterprise Partnership funding applications, together with submissions for all external funding on behalf of the Black Country Local Enterprise Partnership and Collaboration Agreement partners.
- (5) That Cabinet authorise officers to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation. Delegating authority to the Chief Executive in consultation with the Leader of the Council to take part in any negotiations and to make any minor amendments prior to its sealing as a Deed.
- (6) That Cabinet delegate authority to the Chief Executive in consultation with the Leader of the Council to negotiate the conditions for and accept once agreed all future funding allocated to the Black Country Local Enterprise Partnership on behalf of Walsall Council, in the fulfilment of its role as the Black Country Local Enterprise Partnership's Single Accountable Body.

3459 Recruitment Executive Search and Selection Services

Note: see minute 3452 – Declarations of Interest

Councillor Chatta presented the report:

(see annexed)

Resolved

That Cabinet delegate authority to award a contract for services, following the completion of a compliant procurement tender process, for all Lots (as detailed in 4.5 of this report) to the Executive Director, Resources and Transformation.

3460 Revenue budget and draft capital programme 2019/20 to 2022/23

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the feedback from Scrutiny Overview Committee on 25 November 2019, and consider this feedback in preparation for final budget recommendations in February 2020.
- (2) That Cabinet note the delay in the Chancellors Budget announcement, and expected delay in the Provisional Grant Settlement for 2020/21, and that any financial implications arising will be included in the budget report to Cabinet on 12 February 2020.
- (3) That Cabinet approve consultation on a potential Adult Social Care precept for 2020/21, subject to any conditions awaited in the draft Settlement, which has been delayed.
- (4) That Cabinet approve as a basis for consultation the current draft capital programme of £90.36m for 2020/21, and refer the draft capital programme to Scrutiny Overview Committee for consultation to enable comments to be considered by Cabinet on 12 February 2020.
- (5) That Cabinet delegate authority to the Executive Director of Resources and Transformation, in consultation with the Leader as Finance Portfolio Holder, to allocate capital resources to Proud Programme activity as it develops, whilst ensuring compliance with procurement regulations, and contract procedure rules in the Council's Constitution.

3461 Corporate financial performance 2019/20

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the forecast revenue overspend of £3.11m, after use of reserves and successful delivery of corrective action plans identified to date and that action is being taken to review expenditure to assist in reducing this overspend, with ongoing pressures being addressed as part of the 2020/21 budget process.
- (2) That amendments to the capital programme as set out in section 4.17 be approved.

- (3) That Cabinet note that the forecast capital programme is expected to be on budget after re-phasing of £5.28m into 2020/21.
- (4) That authority be delegated to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Finance (Leader of the Council), to enter into a revised contract to deliver System Implementation and Business Integration Services for One Source by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contract, deeds or other related documents for such services.
- (5) That authority be delegated to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Finance (Leader of the Council) to award a 12 month contract extension, from 1 July 2020 to 30 June 2021, to Midland Software Limited, for the provision of a human resources management system, to ensure the continued delivery of the service.
- (6) That Cabinet note and endorse the extension to the Internal Audit contract by 3 months from 1 April 2020 under the delegated authority of the Executive Director of Resources and Transformation, to allow the required time to complete a retender process and allow for any associated TUPE arrangements to be put in place should there be a change in provider.

3462 **Treasury Management mid-year position statement 2019/20**

Councillor Bird presented the report:

(see annexed)

In presenting the report, Councillor Bird extended thanks on behalf of the Cabinet to the Treasury Management and Finance Teams for their work in this regard.

Resolved

- (1) That Cabinet note the report.
- (2) **To recommend to Council**

To note and forward to Council, for consideration and noting (and in line with the requirements of the Treasury Management Code of Practice (2017)), the mid-year position statement for treasury management activities 2019/20 including prudential and local indicators (Appendix A).

3463 Corporate Plan delivery – Quarter 2

Councillor Bird presented the report:

(see annexed)

Resolved

That Cabinet note the performance information provided in the appendix.

3464 Climate change emergency

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the progress, and work already underway to reduce the Council's carbon footprint.
- (2) That a Climate Change Action Plan be prepared by June 2020 based on the Council becoming a net zero carbon authority by the year 2050.
- (3) That Cabinet note that carbon neutrality by 2050 is a significant commitment and resource implications will be submitted to Cabinet for consideration by June 2020.

3465 Repairing and maintaining roads

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That the Council adopt an optimised approach to all road maintenance, focusing on investment in preventative treatments that are implemented at an earlier stage before more costly deep structural repairs become necessary.
- (2) That if the Challenge Fund bid is successful, the Council invest £500k to secure the additional DfT funding and improve the condition of those unclassified roads that provide communities with essential routes to education, work and local amenities.

3466 Direct payments policy

Councillor Martin presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the Direct Payments policy as set out in appendix 4.
- (2) That the Direct Payments Policy be introduced into the business offer for all customers with presenting needs around health and social care.

3467 Environmental enforcement contract

Councillor Perry presented the report:

(see annexed)

In presenting the report, Councillor Perry extended his thanks to the Clean and Green team for their efforts in this regard.

Resolved

- (1) That Cabinet approve the award of contract for the provision Environmental Enforcement Services to L A Support Limited with the contract to commence on 1 February 2020 for an initial period of two years and an option to extend for up to a further year. L A Support Limited are part of the Kingdom Services Group Limited,
- (2) That Cabinet delegate authority to the Executive Director of Economy and Environment, in consultation with the Portfolio Holder for Clean and Green to enter into contract with the successful bidder by using the most appropriate procedures and, to authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services.
- (3) That Cabinet delegate authority to the Executive Director of Economy and Environment, in consultation with the Portfolio Holder for Clean and Green, to authorise any variations to the contract or other related documents for such services should this be required throughout the duration of the contract.

3468 Walsall Proud Programme: Resilient communities

Councillor Perry presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve Resilient Communities Model as set out in paragraph 4.23 to 4.27 to deliver the PROUD promises of improved customer satisfaction, improved staff satisfaction and greater efficiency.
- (2) That Cabinet approves the commissioning of a community, voluntary sector providers to deliver the personal responsibility and community led solutions components of the model including Community Led locality engagement (four locality based community forums) as set out in paragraph 4.14. This commissioning will be informed by priorities set through cross sector partnership working at both strategic and local levels.
- (3) That Cabinet approves revised functions of the four professional locality panels (working alongside community based forums) to have a risk based professional conversations, as set out in paragraph 4.19, to agree priorities and task appropriate partners to implement.
- (4) That Cabinet commits to a collaborative approach with partners including police and sharing powers in the community safety unit and putting additional joint resources with the West Midlands Police into those areas of high need with governance from Walsall Safer Partnership.

3469 Free School policy 2019-24

Councillor Towe presented the report:

(see annexed)

Resolved

That the Council adopts the 2019-24 policy on free schools.

3470 Goldsmith Academy – revocation of expansion

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That, as a result of changes of circumstances that would make the implementation of the proposal inappropriate at the present time, Cabinet approves the commencement of a statutory process to revoke the decision to expand Goldsmith Academy.

- (2) That the outcome of the consultation be submitted to Cabinet in February 2020.

3471 Integrated Drug and Alcohol Treatment Service

Councillor Bird presented the report:

(see annexed)

It was noted that the decision on this matter would be made in the private session following consideration of a report containing confidential information.

Councillor Bird paid tribute to the work of Councillor Longhi during his time as a Walsall Councillor and Cabinet member, particularly with regard to health related matters. He extended his thanks on behalf of the Cabinet and wished him well in his new role as Member of Parliament.

3472 Walsall Healthy Child Programme 0-19 year olds

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet considers the options appraisal at Appendix A of this report about the future commissioning arrangements for the Council's Healthy Child Programme 0-5 and the Healthy Child Programme 5-19 and approves option 1 for the reasons set out in this report.
- (2) That Cabinet delegates authority to the Director of Public Health in consultation with the Portfolio Holder to enter into arrangements for the services currently provided for by the Healthy Child Programme 0-5 and the Healthy Child Programme 5-19 to be commissioned through a Section 75 agreement with Walsall Healthcare NHS Trust for a term commencing no later than January 2022, with a value of approximately £4.9 million per year (with budgets and schedules reviewed annually) and to subsequently authorise the sealing of any deeds and/or signing of any related documents in order to enter into such arrangements.

3473 Corporate energy management

Councillor Chattha presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the 'Capital at Risk' energy purchasing approach, which will be formalised as the Council's Energy Purchasing Strategy, as set out in Table 1, 4 of this Cabinet report.
- (2) That Cabinet approve the 'Partial Customer Involvement' contract management approach option as recommended in Table 1, 4 of this Cabinet report.
- (3) That Cabinet approve delegated authority to the Executive Director, Resources and Transformation, to enter in to contracts for the demand driven provision of electricity and gas supplies via an OJEU compliant framework, for the period 1 April 2020 to 31 March 2022, with the option to extend contracts for an additional 12 months from 1 April 2022. This approval also includes the sealing or signing of contracts, deeds or other related documents with the following suppliers:
 - Electricity (Non Half Hourly Supplies) – Scottish Power
 - Electricity (Half Hourly Supplies) – Total Gas and Power
 - Gas – Total Gas and Power
- (4) That Cabinet delegate authority to the Executive Director, Resources and Transformation or their nominated officer to enter into fixed price contracts with Scottish Power and Total Gas and Power, during the period set out in Recommendation 3.3, for the provision of electricity and gas supplies, where it is in the Council's financial interest to do so.

3474 Response to petition: Speeding on Beechdale Estate

The report of Economy and Environment Overview and Scrutiny Committee was submitted:

(see annexed)

Resolved

That the report of the Economy and Environment Overview and Scrutiny Committee be noted.

3475 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 items considered in private session

3476 Black Country Enterprise Zone – Darlaston Road Masterplan

Councillor Andrew presented the report:

Cabinet approved the Phase 1 works package and associated costs for the Black Country Enterprise Zone – Darlaston Road Masterplan.

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

3477 Moxley Road – strategic acquisitions

Councillor Andrew presented the report:

The Cabinet considered a report relating to the strategic acquisition of land at Moxley Road, Darlaston to enable the delivery of a comprehensive high quality employment site. The Cabinet gave consent for the use of the Councils legal powers to facilitate this and gave delegated authority to the Executive Director, Economy and Environment in consultation with the Chief Finance Officer and the portfolio holder for Regeneration to cashflow the acquisition, should either or both of these be necessary, subject to conditions forming part of a legal agreement with the third party.

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

3478 Adult social care market in Walsall and market uplifts 2020/21

Councillor Martin presented the report:

Cabinet noted the content of the report and the investment recommendations to be considered during the budget setting process as set out in 4.4.3 and appendix 1.

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

3479 Environmental enforcement contract

Councillor Perry presented the report:

Resolved

- (1) That Cabinet approve the award of contract for the provision Environmental Enforcement Services to L A Support Limited with the contract to commence on 1 February 2020 for an initial period of two years and an option to extend for up to a further year. L A Support Limited are part of the Kingdom Services Group Limited,
- (2) That Cabinet delegate authority to the Executive Director of Economy and Environment, in consultation with the Portfolio Holder for Clean and Green to enter into contract with the successful bidder by using the most appropriate procedures and, to authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services.
- (3) That Cabinet delegate authority to the Executive Director of Economy and Environment, in consultation with the Portfolio Holder for Clean and Green, to authorise any variations to the contract or other related documents for such services should this be required throughout the duration of the contract.

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

3480 Integrated Drug and Alcohol treatment service

Councillor Bird presented the report:

- (1) Cabinet awarded the contract for the Integrated Drug and Alcohol Treatment Service for a period of 5 years, from 1 April 2020 until 31 March 2025, with an option to extend by up to a further 2 years, 1+1.
- (2) Cabinet delegated authority to the Director of Public Health in consultation with the Portfolio Holder to enter into a new contract to deliver the Integrated Drug and Alcohol Treatment Service by using the most appropriate procedures and to subsequently authorise the sealing of any deeds, contracts or other related documents for the provision of such services.

(3) Cabinet delegated authority to the Director of Public Health, in consultation with the portfolio holder, to vary the contract during the contractual period to ensure the Council continues to achieve value for money and the services continue to meet the corporate priorities.

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

The meeting terminated at 7.10 p.m.

Chair:

Date: