

# **Cabinet minutes**

**Wednesday 28 October 2015 at 6.00 p.m.**

**in the Council Chamber at the Council House, Walsall**

## **Present**

Councillor Bird	Leader of the Council
Councillor Hughes	Care and safeguarding
Councillor Harris	Community, leisure and culture
Councillor Harrison	Clean and green
Councillor Towe	Learning skills and apprenticeships
Councillor Bennett	Personnel and business support
Councillor Martin	Public health and wellbeing
Councillor Arif	Shared services and procurement

## **3380 Apology**

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

## **3381 Minutes**

### **Resolved**

That the minutes of the meeting held on 9 September 2015 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3382 Declarations of interest**

There were no declarations of interest.

## **3383 Local Government (Access to Information) Act, 1985**

There were no items to be considered in private session.

## **3384 Petitions**

The following petition was submitted by Mrs. S. Shmim on behalf of residents in Sheffield and Rushall:

- A safe pedestrian crossing point on the main A461 Lichfield Road

## 3385 Questions

### (1) Youth services

Councillor J. Fitzpatrick asked the following question of Councillor Towe:

“Judging by the 'need factors' by ward figures for Area 3 partnership, which account for approx. 25% on average of all recorded asb, net, youth offending etc in the borough, and that area 3 has the 2nd highest youth population in the borough, with these two factors Area 3 is facing a proposed reduction of £73k in it's budget for commissioned youth services due to the redistribution of funding. Bearing in mind that the January review outcomes recommended resources focused on priority areas of greatest need. How is this model fair to Area 3 Partnership?”

Councillor Towe replied that the new arrangements were designed to ensure that the three key factors resulted in a more equitable distribution of funds, but recognised that both “youth population” and “need” were factored in. He said that in that sense they were “fairer” than an allocation based entirely on “need” indicators.

Councillor Towe said that the Council’s targeted youth work would continue to be focussed on areas of highest “need” and that data which determined that would be based on: youth anti-social behaviour, youth crime, the incidence of young people being not in education, employment or training and teenage pregnancy. The views of local people, and in particular young people, would also be taken into account in deciding how to support young people across the borough in the future.

Councillor Towe also raised the following points for information which he considered were relevant to the matter. He said that from the £533k for commissioned delivery, previously Bloxwich East, Bloxwich West and Birchills wards were allocated £198K equal to £49,500 per ward, leaving all other 16 wards with just £335k, which was an average of only £20,900 per ward, a difference of almost £30,000. Councillor Towe also said that the Labour administration had chosen to take the £1.07 budget reduction from the Council direct delivery, which he believed would result in all wards that had little funding for local delivery being left even more vulnerable to crime and anti-social behaviour.

Finally Councillor Towe said that a reduction to only £355k for direct Council delivery, he believed strengthened the case to ensure the Council had more fair and equitable allocation across all parts of the borough.

### (2) Youth budget

Mr. D. Garbett of Bloxwich Community Partnership asked the following question of Councillor Towe:

“Each proposal A, B & C will see a reduction to the commissioned youth budget for Area 3 Bloxwich, Blakenall, Leamore & Birchills who have the greatest need for youth services in Walsall, based on the following statistics: ASB, NEET, Youth Offending & Teenage conceptions. These proposals will see services reduced or closed and displace young people onto the streets in the community. Area 3 had over 10,000 interventions in 2014/2015 through its commissioned youth services, reducing these services further will have a great impact on our communities.

The young people of this area who attend the Electric Palace and Blakenall Community Centre want to ask:

- (1) Why has the council chosen to reduce the commissioned youth budget to area 3 when there is no overall cut to the budget?
- (2) Do councillors understand that if we can't use youth services we will be on the streets and at risk of causing anti social behaviour? This will impact our future life chances?
- (3) Why haven't councillors visited our youth clubs and listened to our views?”

In response to question (1), Councillor Towe replied that the most recent set of options were designed to ensure that limited funds were distributed so that all young people across the borough were able to benefit from youth provision, whilst recognising that some areas had more young people and additional needs. He said all three options achieved this. It was inevitable in any process of redistribution that there were likely to be differences in allocations, both up and down.

Councillor Towe stated that the Council's delivery of targeted youth work would continue to focus on areas of need and this included the area that was in question. Young people would be central in helping the Council, its partners and commissioned providers, to decide how best to support them, both through the allocation of the funds to each area and the arrangements for Council targeted youth work.

Councillor Towe concluded that Council staff would also work with young people and providers to seek out alternative sources of funding.

Councillor Towe said that in relation to question (2) the Council was having to make very difficult decisions regarding its finances and cuts were inevitable. It was important to provide the best services it could with the funds available.

He said the Council would continue to work through services and with parties and commissioned providers to ensure that the Council responded effectively to areas of need, to limit the risks of anti-social behaviour and ensure that young people continued to get the help they needed to make a good start in adult life.

Councillor Towe continued that officers from the youth service would be working closely with leisure services colleagues, for instance, to make more and easier opportunities for young people to use leisure facilities.

Finally Councillor Towe said that officers would also be working with schools and other organisations in the community to make sure the Council got the best out of the facilities that were already there and to help those organisations to look for new funding streams.

In relation to question (3), Councillor Towe said that there had been extensive consultation over the last year about all the proposals affecting targeted youth work and over 3,000 young people responded. These views had been taken into account in developing proposals over that time.

He said that a number of local meetings were attended by officers and while it was true not all providers and provision was visited individually, young people from Mr. Garbett's area did join in.

Councillor Towe said that he had agreed to visit Bloxwich Community Partnership with senior officers from the youth service where the partnership's concerns could be discussed further.

At this point in the meeting, the Leader and Cabinet members agreed to a request from Mr. Liam Perrins of Frank F. Harrison Community Association, to put a further question to the Cabinet. Mr. Perrins reiterated concerns expressed in earlier questions about the levels of funding for area 3 and asked how the funding taken from that area would be spent.

The Leader said that the funding formula was explained in the report elsewhere on the agenda and therefore the Leader brought forward consideration of the reports at items 17 and 21 relating to the Youth Service.

### **3386 Youth Support Service – outcome of consultation**

Councillor Towe presented the report and in relation to recommendation (3) recommended that Option B should be the preferred model as set out in the report:

(see annexed)

At this point in the meeting, the Leader and Cabinet members allowed Councillor Smith to address the Cabinet.

Councillor Smith asked for a decision on this matter to be deferred until the portfolio holder had had an opportunity to talk to people in Walsall North and see what work was being done in that area. He said that he considered the proposed model to be unfair and suggested that this be reviewed. Councillor Smith provided data which he considered evidenced need in the area.

The Leader and Councillor Towe responded to the points raised and highlighted that significant consultation had been carried out including with the Education and Children's Overview and Scrutiny Committee which had also recommended

Option B. It was noted that there would also be a mobile service providing targeted support available for use by the whole service.

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

### **Resolved**

- (1) That Cabinet note the feedback from the consultation process on the Review of Targeted Youth Work proposals included in paragraph 3.6 and in Appendix G to this report and the outcomes of the latest phase of consultation in paragraph 4.5 and Appendix H.
- (2) That Cabinet approve the proposals set out in this report under section 6.1 to re-shape the Council delivery arrangements.
- (3) That Cabinet approves Option B as the preferred resource allocation model (from the options set out in Appendix A) for the allocation of resources for the purpose of commissioning independent providers from 1 April 2016.
- (4) That Cabinet approve the arrangements for local commissioning decision-making as set out in 6.4, in the light of responses to the consultation.
- (5) That Cabinet approve commencement of a procurement process for independent commissioned targeted youth work to commence service delivery for and from 2016-2017.
- (6) That Cabinet approve the award of any required transitional contracts within the period 1 April 2016 to 30 June 2016, pending the conclusion of the procurement process in relation to recommendation 2.6
- (7) That Cabinet approve the carrying forward of the Myplace reserve fund of £69k from 2014/15 for use over the financial period 2015-18.

### **3387 Youth services**

The report of the Education and Children's Services Overview and Scrutiny Committee, together with the report of the portfolio holder were submitted:

(see annexed)

### **Resolved**

That the reports be noted.

### 3388 **Forward plan**

The forward plan as at 5 October 2015 was submitted:

(see annexed)

#### **Resolved**

That the forward plan be noted.

### 3389 **Resource allocation 2016/17 to 2019/20 – Draft revenue budget and capital programme for consultation**

Councillor Bird presented the report:

(see annexed)

#### **Resolved**

- (1) That the Cabinet approve as the basis for consultation, provisional revenue cash limits by portfolio and savings proposals for 2016/17 as set out in the individual portfolio plans in Appendix 1, which represents a balanced draft budget, subject to consultation, with a proposed council tax increase of 2%, the assumed level of reasonableness.
- (2) That Cabinet note that the report additionally identifies savings proposals for 2017/18, as at the date of this report, of £18.52m, for public consultation. Based on current funding predictions, this would require identification of a further £6.77m of savings in order to set a year two balanced budget.
- (3) That the public be consulted as to their preferred options for meeting the 2017/18 shortfall.
- (4) That the indicative cash limits for a further two years and work underway to meet these be noted.
- (5) That the report be referred to all overview and scrutiny committees, to enable their comments to be considered by Cabinet on 16 December 2015.
- (6) That Cabinet refer this report and saving options for wider public and stakeholder consultation and for a report on the results of this to be submitted back to Cabinet to further inform the budget as it progresses.
- (7) That Cabinet note that the provisional revenue cash limit for each year is based on a forecast government grant position, and includes appropriate cost pressures and estimates of other specific grants. The government's Spending Review on 25 November 2015 is expected to confirm the main government grant settlement for 2016/17 only. Should the final allocation

be less than current estimates, revised cash limits and options for ensuring a balanced budget will need to be brought back for Cabinet consideration as the budget develops and information is published.

- (8) That Cabinet note that Better Care Fund and other specific grants allocations may not be confirmed by government until December or later.
- (9) That Cabinet note that the level of contingency funds and general reserves will need to be in line with the levels set out with the Council's medium term financial strategy, the final level to be based on a detailed risk assessment which will be reported to Cabinet in February 2016.
- (10) That Cabinet note and approve the consultation arrangements and reporting framework back to Cabinet set out in section 3, and that the findings from budget and service change consultation be used alongside other feedback and available data by Cabinet as it further develops the council's 2016/17 draft corporate revenue and capital budget.

### 3390 **Corporate financial performance 2015/16**

James Walsh, Chief Finance Officer presented the report:

(see annexed)

#### **Resolved**

- (1) That the demand pressures outlined in the report and the corrective action taken to date and planned for the remainder of the year to mitigate these, be noted.
- (2) That the passporting of grant allocations in 2015/16 as detailed in section 3.4 be approved.
- (3) That the write off of debt as detailed in section 3.5 be approved.
- (4) That the use of Housing 21 earmarked reserve to cover cost pressure within Adult Social Care as detailed in section 3.6 be approved.
- (5) That Cabinet endorse the recommendation of the Chief Finance Officer to transfer all windfall income for 2015/16 to general reserves as detailed in section 3.7.
- (6) That Cabinet endorse the recommendation of the Chief Finance Officer to transfer £1m from the housing subsidy earmarked reserve to general reserves as detailed in section 3.7, leaving an earmarked reserve of £500k to manage any residual pressure in this area in the current year.
- (7) That approval be given to further earmarking of general reserves of £4.68m to fund demand pressures within Children's and Adult Social Care as detailed in section 3.7.

- (8) That Cabinet note the remaining variation to budget of £0.49m (0.5% of the Council tax requirement).
- (9) That Cabinet note the continuing and emerging risks to the forecast, which could lead to a more significant variation against budget than currently reported, and actions taken to manage these.
- (10) That the remaining level of general reserves of £7.2m, which is above the minimum required under the medium term financial strategy (MTFS) and the advice of the Chief Finance Officer be noted.
- (11) That approval be given to the amendments and virements to the capital programme as set out in section 3.10.1.
- (12) That the financial health indicator performance set out in Appendix 1 be noted.

### **3391 Winter service operational plan 2015/16 to 2017/18**

Simon Neilson, Executive Director presented the report:

(see annexed)

#### **Resolved**

- (1) That the Winter Service Operational Plan 2015/16 – 2017/18 be approved.
- (2) That the Executive Director, Economy and Environment in consultation with the Portfolio Holder for Economy, Infrastructure and Development be authorised to make minor amendments to the Winter Service Operational Plan, as necessary, to ensure the ongoing efficient and effective delivery of the winter service.
- (3) That Cabinet note the potential impact of Combined Authority transport aspirations and future changes to the Winter Service code of practice that may impact on this plan.

### **3392 Establishment of West Midlands Rail Limited**

Simon Neilson, Executive Director presented the report:

(see annexed)

Councillor Harrison indicated that she would be willing to be appointed as a substitute director for the Board. Accordingly it was:

## **Resolved**

- (1) That approval be given to the Council becoming a member of West Midlands Rail Limited.
- (2) That Councillor Andrew as Deputy Leader and appropriate portfolio holder be appointed as the principal director of the board.
- (3) That Councillor Harrison be appointed a substitute director to the board.
- (4) That the Head of Legal and Democratic Services be authorised to agree to execute such documents as are necessary to give effect to these decisions.
- (5) That Cabinet note that West Midlands Rail Limited will in due course enter into a formal partnership agreement with the Department for Transport that will set out the rights and obligations of West Midlands Rail Limited in relation to the award of the new West Midlands Rail franchise and related matters and that:
  - (a) agreement will require approval by a 75% vote of West Midlands Rail Limited's members and will be subject of a future report to Cabinet; and
  - (b) any West Midlands Rail Limited member may resign its membership of West Midlands Rail Limited at any time, including where the member does not approve the terms of any such agreement.

### **3393 Walsall Borough Strategic Economic Plan 2015**

Simon Neilson, Executive Director presented the report:

(see annexed)

## **Resolved**

That the priorities set out in the Walsall Borough Strategic Economic Plan 2015 as summarised in section 3.32 of the report be approved.

### **3394 Managing Walsall' markets**

Simon Neilson, Executive Director presented the report:

(see annexed)

In presenting the report Simon Neilson said that recommendation (2) of the report had been amended to include an extraordinary leave provision in the policy. Accordingly it was:

**Resolved**

- (1) That the new Market Policy and licence agreement to deliver the operational activities of Walsall's markets, as set out in Appendix A be approved and that authority be delegated to the Executive Director of Economy and Environment in consultation with the portfolio holder to agree a timetable for implementation.
- (2) That authority be delegated to the Executive Director of Economy and Environment in consultation with the portfolio holder to make minor amendments to the Market Policy and licence agreement including the insertion of an extraordinary leave provision in the policy for regular traders in special circumstance such as ill health of a close family member or person being cared for by the trader, compassionate reasons, supplier market conditions and logistics failures, as long as it is evidenced based, agreed in advance at the discretion of the Council and being formulated on an entitlement of no more than 50% of the Regular Trader Holiday Quota that the trader is entitled to.

**3395 Walsall Housing Standards and Improvement enforcement policy**

Rory Borealis, Executive Director presented the report:

(see annexed)

**Resolved**

That the Housing Standards and Improvement Enforcement Policy set out in Appendix A be approved.

**3396 Anti-Social Behaviour, Crime and Policing Act 2014**

Rory Borealis, Executive Director presented the report:

(see annexed)

**Resolved**

- (1) That the Executive Director, Change and Governance discharge the functions of the Council under the Anti-Social Behaviour, Crime and Policing Act 2014 including, but not limited to, exercising all strategic, operational and management powers and duties of the Council under the Act.

- (2) That Cabinet approve the Executive Director, Change and Governance to authorise officers to discharge on his behalf the functions Cabinet has resolved for him to discharge and that the Constitution be amended accordingly.

### **3397 Local strategy for flood risk management in the Black Country**

Councillor Harrison presented the report:

(see annexed)

#### **Resolved**

- (1) That the draft Local Strategy for Flood Risk Management in the Black Country be approved for consultation.
- (2) To present the Corporate and Public Service Overview and Scrutiny Committee opportunity to receive a report at its meeting of 26 November and consider and comment on the Local Flood Risk Management Strategy.
- (3) That Cabinet notes that a further report will be presented to Cabinet on 3 February 2016 on the outcome of the consultation and to consider approval of the Local Flood Risk Management Strategy in the Black Country.

### **3398 Schools funding formula**

Councillor Towe presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the Schools Funding Formula (Appendix 1) that was recommended by Walsall's Schools Forum at their meeting on 13 October 2015.
- (2) That Cabinet notes that the Department for Education may request revisions to the school funding formula and that values attributed in the formula may change once the Department for Education receive the October 2015 census data.

- (3) That authority be delegated to the Director of Children's Services in consultation with the Portfolio Holder for Learning skills and apprenticeships to alter or amend the formula in line with Department for Education requirements and to comply with all and any relevant Department for Education regulations for the 2016/17 Schools Funding Formula.

### 3399 **Expansion of King Charles Primary, Fibbersley Park Primary and Christ Church CE JMI Schools**

Councillor Towe presented the report:

(see annexed)

It was noted that there was a typographical error in the penultimate sentence of paragraph 3.5 of the report which should read:

“This has resulted in an increase budget cost **to** £4,386,241.”

#### **Resolved**

- (1) That Cabinet approves the schemes and budgets set out in this report for school alteration works to enlarge King Charles Primary School and Fibbersley Park Primary School.
- (2) That Cabinet delegates to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder(s) authority to accept tenders to award one or more contracts up to a value of £8,800,000, including a contingency of £504,000 for the provision of school alteration works to enlarge King Charles Primary School and Fibbersley Park Primary School and to enter into contracts, by using the most appropriate procedures and to subsequently authorise the sealing or signing of any deeds, contracts or other related documents. Any further increase in cost beyond the approved delegated authority of £8,800,000 would be subject to a further Cabinet report and decision.
- (3) That Cabinet note the final costs for the completed Christchurch expansion.

### 3400 **Fostering and Adoption**

The report of the Education and Children's Services Overview and Scrutiny Committee was submitted:

(see annexed)

**Resolved**

That the work of the Overview and Scrutiny Committee be commended and the report be noted.

The meeting terminated at 7.05 p.m.

Chair:

Date: