

Cabinet minutes

Wednesday 14 December 2016 at 6.00 p.m.

in a Conference Room at the Council House, Walsall

Present

Councillor S. Coughlan	Leader of the Council
Councillor Jeavons	Deputy Leader and Regeneration
Councillor Burley	Children's services and education
Councillor J. Fitzpatrick	Community, leisure and culture
Councillor Jones	Clean and green
Councillor Robertson	Health
Councillor S. Coughlan	Social care
Councillor Nawaz	Personnel and business support
Councillor Shires	Agenda for change

3556 Minutes

Resolved

That the minutes of the meeting held on 26 October 2016 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

3557 Declarations of interest

Councillor S. Coughlan declared a non-pecuniary interest in item 15 – Contract for provision of healthy child programme 0 to 5.

3558 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.

3559 Petitions

There were no petitions submitted.

3560 Questions

There were no questions.

3561 Forward plan

The forward plan as at 5 December 2016 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

3562 Council tax reduction scheme 2017/18

Councillor D. Coughlan presented the report, together with an updated Equality Impact Assessment, research survey findings and an update consultation results summary:

(see annexed)

Resolved

That Cabinet having carefully considered both the feedback received during the consultation period and the equality impact assessment, the Cabinet's preferred option is Option B as set out in the report.

Resolved to recommend to Council

That Council adopts Option B as the Council Tax Reduction Scheme for Walsall, to commence from 1 April 2017 in line with the key features of paragraph 3.3 of the report but not limited to the scheme being adopted for future years until such time as the Council considers a change to the scheme is necessary.

3563 Draft revenue budget and draft capital programme 2016/17 to 2019/20

Councillor S. Coughlan presented the report:

(see annexed)

Resolved

- (1) That the latest forecast 2016/17 financial position and the impact of the 2016/17 position on the level of general reserves as set out in section 3.1, and actions to address this be noted.

- (2) That Cabinet note the financial assumptions and projections within the draft budget, the uncertainty around final funding and that these assumptions may change as the budget is finalised.
- (3) That Cabinet note the provisional revenue cash limits by portfolio, and savings proposals 2016/17 to 2019/20 as outlined in the report to Cabinet on 26 October 2016 entitled 'Rebalancing the Budget: Options for Consultation', and that these saving proposals are currently out for consultation.
- (4) That Cabinet note activity to date on public / stakeholder consultation as set out in this report and note that feedback from public consultation and equality impact assessments will be reported to Cabinet once complete, to allow Cabinet to review and revise their final budget recommendations to Council by February 2017.
- (5) That a proposed Council tax increase of 3.99% for each of the three years 2017/18 to 2019/20, the assumed level of reasonableness (inclusive of 2% precept for Social Care) be noted.
- (6) That the funding reductions (3.3.11) and investment and cost pressures included in the draft budget (3.3.12 and Appendix 2) be noted.
- (7) That Cabinet note the Secretary of State's confirmation that Walsall is now part of the Multi-Year Settlement offer.
- (8) That Cabinet note the feedback from overview and scrutiny committees on revenue proposals to date and consider this feedback in preparation for final budget recommendations in February (Appendices 6a-6c).
- (9) That approval be given to amendments to the 2016/17 capital programme as set out in section 3.4.1.
- (10) That approval be given to the use of the 2016/17 £147k underspend to fund essential ICT works in year, as outlined in section 3.4.2.
- (11) That Cabinet approve as a basis for consultation the current draft capital programme of £48.57m for 2017/18, and an indicative capital programme of £32.70m for 2018/19 and £32.87m for 2019/20, and refer the draft capital programme to all overview and scrutiny committees for consultation to enable their comments to be considered by Cabinet on 8 February 2017.

3564 Equality and diversity protocol

Councillor S. Coughlan presented the report:

(see annexed)

Resolved

That the Cabinet approves the Equality and Diversity Protocol and notes the responsibilities arising from the Protocol for Councillors, managers and staff.

3565 Urban traffic control shared service

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the continuation of formal shared service arrangements with Wolverhampton City Council for the delivery of urban traffic control functions and delegate authority to the Executive Director Economy and Environment in consultation with the Portfolio Holder for Regeneration to develop and sign the associated legal agreement.
- (2) That Cabinet approve the TUPE transfer of 4 Walsall Council employees to Wolverhampton City Council as part of the shared service arrangements.
- (3) That Cabinet note and approve the intention to explore opportunities for shared service arrangements for the delivery of Traffic Engineering and Road Safety Education functions with Wolverhampton City Council.

3566 Remembrance Day parades

Councillor Jeavons presented the report:

(see annexed)

In presenting the report, Councillor Jeavons thanked the Corporate and Public Services Overview and Scrutiny Working Group for its work and asked the Cabinet to approve the recommendations in the report.

At this point, the Leader allowed a request from Councillor Bott to address the Cabinet.

Councillor Bott asked if Cabinet could reconsider the recommendation to restrict the support arrangements to those parades which took place in 2016. He gave an overview of the Moxley event and asked that it be included in the list of parades being supported. The Leader said that he was aware of the Moxley event but considered that it did not fall within the criteria for support as, whilst there was a memorial service, it was not a parade. In addition, he pointed out that this had not been raised during consultation.

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

Resolved

- (1) That to give certainty to event organisers in their event planning and fundraising efforts, Cabinet agrees to make a financial contribution to the Event Organisers to assist with traffic management arrangements for Parades in 2017; further that this same arrangement shall be in place to support 2018 and 2019 parades. That financial contribution shall be 30% of traffic management costs up to a cap per parade of £1,000. This arrangement is only available for those parades which took place in 2016 (see section 3.12).
- (2) That Cabinet agrees to review this financial contribution during the course of the financial year 2019/20, in line with the Medium Term Financial Outlook, and to determine any future arrangements through this review.

3567 Highway repair and maintenance contract

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet delegate authority to the Executive Director for the Economy and Environment, in consultation with the Portfolio Holder for Regeneration, to consider and negotiate the terms of a transitional contract and related documents for the provision of Highway Repair and Maintenance Services, with Tarmac Limited, which represents the most favourable terms for the Council.
- (2) That Cabinet delegate authority to the Executive Director for the Economy and Environment, in consultation with the Portfolio Holder for Regeneration, to approve the award of a transitional contract and related documents to Tarmac Limited, for the provision of Highway Repair and Maintenance Services, from 1 May 2017 to 30 April 2018, pending completion of the previously agreed competitive tender and award of new contracts.
- (3) That Cabinet delegate authority to the Executive Director – Economy and Environment, to sign and authorise the sealing of contracts, deeds or other documents, in relation to the transitional contract referred to in recommendation (2).
- (4) That Cabinet delegate authority to the Executive Director – Economy and Environment, in consultation with the Portfolio Holders for Regeneration, Procurement and Legal Services to sign and authorise the joining of the new Black Country Framework contract for minor works.

3568 Walsall's Local Planning Enforcement Plan

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet agrees to commence a period of public consultation commencing in January 2017 for a period of no less than 6 weeks on the attached Planning Enforcement Plan with the intention of adopting the measures within the plan subject to the comments received during consultation.
- (2) That Cabinet agrees to receive a report to a future meeting on comments received during the consultation period with consideration to adoption of the plan subject to the comments received.
- (3) That Planning Committee be advised of the proposed consultation on the Plan.

3569 Home to school transport consultation

Councillor Burley presented the report, together with a revised appendix which included information from the consultation meetings held, together with written submissions and a copy of the Equality Impact Assessment:

(see annexed)

Councillor Burley advised Cabinet that the additional recommendation to consult set out in recommendation 2.2 was not required.

Accordingly, it was moved by Councillor Burley, duly seconded and

Resolved

- (1) That Cabinet consider the results of the consultation on home to school transport policies in Walsall and the recommended revisions to the policy as set out in section 3.7 of the report.
- (2) That subject to (1) above, a revised home to school transport policy be issued for consultation and a further report submitted to Cabinet in due course.

3570 Contract for provision of healthy child programme 0 to 5

Councillor Robertson presented the report:

(see annexed)

It was noted that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information and that a summary of the decision would be published:

3571 The Food and Feed Law Enforcement Plan 2016/17

Councillor Robertson presented the report:

(see annexed)

Resolved

That Cabinet approve the Food and Feed Law Enforcement Service Plan for the year 2016/17 as evidence of the Council's compliance with its statutory duties in relation to food and animal feed.

Resolved to recommend to Council

That the Food and Feed Law Enforcement Service Plan 2016/17 be approved and adopted.

3572 Black Country Sustainability and Transformation Plan

A report was submitted:

(see annexed)

At this point, the Leader invited the Chief Executive of Walsall Hospital NHS Trust, Mr. R. Kirby, to join the table and take part in the discussion.

Councillor Robertson presented the report and a discussion took place. Mr Kirby said that he understood the tensions in the process with regard to local engagement in the preparation of the plan however, the key issue would be for Health and Social Care to respond jointly through the Walsall Together programme at a time of pressure on resources. He considered that this was a broad level plan which provided a way of sustaining the quality of service and a potential for better value for money. The Leader confirmed that the Council was committed to working together locally.

Members commented on the report and plan, in particular that whilst there were some good ideas and aspirations in the plan, the assumptions about financial sustainability and investment in the transformation did not appear to have taken account of other reductions in spending such as in Adult Social Care and other national pressures affecting provision in the care sector such as the increase in the living wage.

The Leader considered that because of the broad nature of the document and that the Council had not had an opportunity to be involved in the plan at an early stage, there was some concern that the implications for the Council were unknown and circulated a copy of revised recommendations which reflected this concern.

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

Resolved

- (a) That Cabinet notes the development of the Black Country Sustainability and Transformation Plan and the Walsall Together Programme and that further reports will be submitted in due course.
- (b) In noting the report the Cabinet considers that:
 - (1) The Sustainability and Transformation Plan for the Black Country is being used contrary to the planning guidance that it was drafted in accordance with and that the planning guidance for sustainability and transformation plans has a clear scope to cover the whole health and care system. The Cabinet is disappointed that the plans are being used primarily as a focus on the financial challenges faced by the acute sector, and a small number of changes to NHS providers across the West Midlands area, and believes this shift in focus is masking the public debate, away from what would make a difference to individuals in achieving and maintaining their wellbeing into how to fix the broken and under-funded acute, community and primary care sectors.
 - (2) The plan fails to consider demand management and the importance of shifting investment into community based and preventative services which we feel is essential to having sustainable healthy communities going forward
 - (3) Local authorities have been marginalised in the development of the plans and this will impact on their inclusion, relevance and ownership of a whole community health and wellbeing crisis.
 - (4) The plans have been developed without transparency which has led to the publication of the plan months after they were initially envisaged. In addition, there is suspicion that the plans have chosen not to include some significant proposals for reconfiguration because of the sensitivity of those plans once they reach the public domain which is damaging to the overall credibility of the plans as they stand

- (5) The “scoring” of plans is a NHS anachronism and not fit for purpose for a modern local place and regional based governance model which is particularly so as the NHS does not oversee local government.
- (6) In local government, as locally elected councillors we are directly accountable to our local communities and across all parties there is a broad agreement that without investment in the social care sector, the capacity of the sector to divert and prevent people moving in to costly acute services will be significantly restricted. Therefore, councillors require engagement at an early stage if they are going to be able to assist in helping to sell transformation
- (7) A shared narrative should be developed that can be explained to the general public as to how to collectively promote the message of independence and strong communities
- (8) The Council is committed to work together across the system (in Walsall and regionally where the case is made out) to make the case for investment in integrated community services with local placed based commissioning of primary, social care and community based services and that this should take place in a phased way over the next 3 years
- (9) The Council wishes to be an equal partner in designing and agreeing the way in which properly joined up commissioning is carried out, be that in a place based or regional arrangement. The engagement and governance model to reflect this needs to be developed in conjunction with local government, and not agreed by health colleagues and presented as a fait accompli.

3573 Microsoft Enterprise Agreement for subscription licences

Councillor Nawaz presented the report and recommended that the delegation to award the contract should be in consultation with the portfolio holder:

(see annexed)

Resolved

- (1) That Cabinet approve the award of contract, via the Sprint ii Framework (RM720), to Specialist Computer Centres, for a period of 3 years from 28 February 2017 to 27 February 2020, for the supply of a Microsoft Enterprise Agreement for Subscription Licences.
- (2) That Cabinet delegate authority to the Assistant Director – Finance, in consultation with the portfolio holder, to enter into the contract for the supply of a Microsoft Enterprise Agreement for Subscription licences, as set out in 2.1 of this report, and to subsequently authorise the sealing of any deeds, contracts or other related documents for such services.

3574 Procurement of gas supplies

Councillor Nawaz presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the award of contract, for the provision of Gas Supplies contract to Eastern Shire Purchasing Organisation for a period of 3 years, from the 1 April 2017 until 31 March 2020, with the option to extend the initial term by up to 1 year.
- (2) That Cabinet delegate authority to the Head of Business Change, in consultation with the portfolio holder for Personnel and Business Support, to enter into a new contract for the provision of Gas Supplies via the Eastern Shire Purchasing Organisation (ESPO) Mains Gas Supply (Framework Number 192), by using the most appropriate procedures and subsequently authorise the contracts and any associated documents.

3575 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 the items in private.

Summary of items considered in private session

3576 Phoenix 10 project – acquisition of Reservoir Place

Following consideration of a confidential report the Cabinet:

- (1) Approved the acquisition of a unit on Reservoir Place to enable its inclusion within the Phoenix 10 project;
- (2) Delegated authority to the Executive Director Economy and Environment, in consultation with the relevant Portfolio Holder, to approve the final terms of the acquisition.

- (3) Delegated authority to the Executive Director Economy and Environment to sign and seal all contracts, deeds or any other documentation relating to the acquisition of the freehold interest in the unit on Reservoir Place.

Having declared an interest Councillor S. Coughlan left the room during consideration of the following item. Councillor Jeavons took the chair for the item.

3577 Contract for provision of healthy child programme 0 to 5

Following consideration of confidential information Cabinet:

- (1) Awarded the contract for Healthy Child Programme 0 - 5, for an initial term of three years, to commence service delivery from the 1 April 2017 until 31 March 2020, with the option to extend the initial term by a further two consecutive twelve month periods, from 1 April 2020.
- (2) Delegated authority to the Director of Public Health, in consultation with the Portfolio Holder for Health, to enter into a new contract to deliver the Healthy Child Programme 0-5, by using the most appropriate procedures and to subsequently authorise the sealing of any deeds, contracts or other related documents for such service.

The meeting terminated at 7.10 p.m.