

Cabinet minutes

Wednesday 15 July 2009 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 Flower	Children's services
Councillor Perry	Communities and partnerships
Councillor Walker	Environment
Councillor Towe	Finance and personnel
Councillor Sanders	Leisure and culture
Councillor Ansell	Transport

2226 Apology

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

2227 Minutes

Resolved

That the minutes of the meeting held on 24 June 2009 copies having been sent to each member of the Cabinet be approved and signed as a correct record, subject to Minute No. 2224 being amended as follows:

Delete: Councillor Walker

Substitute: Councillor Flower

2228 Declarations of interest

Councillor Arif declared a personal and prejudicial interest in item 9 on the agenda – Future Jobs Fund.

2229 Sneyd Community – A Specialist Maths and Computing College

The report was submitted:

(see annexed)

At this point, the Leader informed those present that he had agreed to a request from Councillor I. Shires for a deputation to address the Cabinet.

Councillor Shires introduced Theresa Perry, a parent governor and Vicky McClaughlin, Chairman of the Action Group. Mrs. Perry and Mrs. McClaughlin made representations to the Cabinet on a number of issues, particularly around the practical difficulties associated with moving children to different schools; the effects that the transfer may have on pupils of all schools involved; the provision of places at neighbouring schools; and the future of community provision. In conclusion Mrs. McClaughlin said that there was overwhelming support for an 11-19 provision on the site. The Cabinet was urged to reconsider their decision.

Councillor Shires addressed the Cabinet and referred particularly to the effects of uncertainty on school numbers and to the effect on the local economy of closing the school. He also asked for the Cabinet to reconsider their decision and to look at other providers of 11-19 education such as the Ormiston Trust.

Councillor Walker thanked the speakers and presented the report during which time she responded to the representations. Councillor Walker informed the Cabinet of an amendment to the recommendation 2.3 of the report, in order to reflect the urgency of this matter:

- “(3) That Cabinet delegates to the Executive Director, Children’s Services in consultation with the portfolio holder for Children’s Services, the approval of the consultation document. Consultation on Option A will commence at the beginning of the Autumn term, September 2009.

Cabinet members discussed the report and representations, following which it was:

Resolved

- (1) That Cabinet note that an 11-19 academy is not a viable proposal for the future of Sneyd.
- (2) That Cabinet approves a short consultation, as advised by the DCSF, on option A, ‘that current education provision at Sneyd ceases on 31 August 2012. No pupils would be admitted to Year 7 or the sixth form in September 2010 and subsequent years. Pupils would transfer on a year on year basis to places at other schools in the borough’ as set out in the Cabinet report of 22 April 2009.

- (3) That Cabinet delegates to the Executive Director, Children's Services in consultation with the portfolio holder for Children's Services, the approval of the consultation document. Consultation on Option A will commence at the beginning of the Autumn term, September 2009.
- (4) That officers be requested to pursue an Expression of Interest for a University Technical College.

2230 Forward plan

The forward plan as at 6 July 2009 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2231 Area Based Grant – Walsall Partnership and Programmes

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the total reduction of Working Neighbourhoods Fund for 2009/10 and 2010/11 of £72,447, as set out in section 3.7 of the report.
- (2) That Cabinet approves the delegation for administration and recommendations relating to the use of the Climate Change funding stream of £22,500 for financial years 2009/10 and 2010/11 to Walsall Partnership, as set out in section 3.11 of the report.
- (3) That Cabinet approves the move of Young Persons Substance Misuse Grant (Home Office) funding stream from the Neighbourhoods Directorate to the Children's Directorate, as set out in section 3.12 of the report.
- (4) That Cabinet notes the progress regarding completion of Target Action Plans, as set out at appendix 1 of the report.
- (5) That Cabinet approves delegated authority to the Executive Director, Neighbourhood Services, in consultation with the Leader of the Council, for any funding allocation decisions recommended by Walsall Partnership for those funding streams delegated to Walsall Partnership, as set out in section 3.14.1 of the report.

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- (6) That the proposal to provide six monthly reports by Walsall Partnership, as set out in section 3.14.3 be approved.

2232 Dealing with Section 106 Agreements

Councillor Bird presented the report:

(see annexed)

Resolved

That Cabinet approve the recommendations from the Regeneration Scrutiny Committee (see Appendix A) that:

- (1) the Council continue to deliver Section 106 agreements based on the individual financial viability of cases as evidenced by independent viability assessments as considered by the Development Control Committee;
- (2) the Council continues to renegotiate supplementary variations where evidenced that the development is no longer viable on a case by case basis;
- (3) all planning decisions involving Section 106 agreements are granted for five years to commence instead of three years;
- (4) the Council undertakes to waive interest on late payments for up to twelve months. However, at the expiry of this period interest payments for subsequent late payments should be rigorously enforced;
- (5) the eight percent part payment requirement on completion of the Section 106 agreement for public art contributions in The Designing Walsall Supplementary Planning Documents is collected on implementation;
- (6) the Council continues to reduce its up front staff charges (legal and planning) for single heads of terms agreements where justified.

2233 Black Country new growth point

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet agree the priority schemes for New Growth Point (NGP) funding 2009-11 as the housing development schemes at Waterfront South, Walker Road/Barracks Lane and Bentley Local Centre. In addition, that Cabinet agree environmental improvements at the Arboretum as a priority project to support creating the environmental conditions within Walsall to support and attract quality residential development.
- (2) That authority be delegated to the Executive Director for Regeneration Services, to agree subsequent changes to individual elements of the programme, in consultation with the portfolio holder for regeneration.

2234 Future jobs fund application

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

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the inclusion of the Walsall elements of the Future Jobs Fund (FJF) Programme within the overall West Midlands City Region submission.
- (2) That delegated authority be given to the Chief Executive and the Executive Director for Regeneration in consultation with the deputy Leader and portfolio holder for Regeneration to negotiate the final details of the FJF Programme and to enter into/sign the relevant agreements if successful.
- (3) That subject to the required safeguards and financial and monitoring arrangements being set in place that Walsall Council acts as Accountable Body for the Walsall elements of the FJF Programme.
- (4) That a report be presented to Cabinet and Scrutiny on the programme and monitoring of Future Jobs Fund every 6 months.

2235 How is the Council performing

Councillor Arif presented the report:

(see annexed)

Resolved

- (1) That Cabinet endorse the Walsall Performance Framework and champion its use in all performance management activity (Appendix 1).
- (2) That Cabinet note the quarter four out-turn position of the Beacon Index as detailed in Appendix 2 of the report.
- (3) That Cabinet note the latest position in terms of data available within the National Indicator Set.
- (4) That Cabinet note the quarterly review and update of the strategic project register in Appendix 3 of the report.
- (5) That Cabinet members continue to work with relevant executive directors to implement any necessary corrective action instigated through these monitoring processes.

2236 Fair access protocol

Councillor Walker presented the report:

(see annexed)

Resolved

That the Fair Access Protocol be adopted for implementation from 1 September 2009.

2237 Education capital programme

Councillor Walker presented the report:

(see annexed)

Resolved

That the schemes and budgets set out in Appendix B of the report be approved.

2238 Statement of purpose: Children's homes

Councillor Walker presented the report:

(see annexed)

Resolved

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

2239 Statement of purpose for Adoption and fostering

Councillor Walker presented the report:

(see annexed)

Resolved

That the Statements of Purpose for Walsall Children's Services adoption and fostering services be formally approved.

2240 Household waste recycling centres and transfer station

Councillor Flower presented the report:

(see annexed)

Resolved

That officers be authorised to commence the procurement process for the management and operation of the Household Waste Recycling Centres and Transfer Station, with a view to reporting back to Cabinet as necessary at the tender return/evaluation and appointment of Contractor stages to seek further decisions.

2241 Corporate financial performance 2009/10

Councillor Towe presented the report:

(see annexed)

Resolved

That Cabinet:

- (1) Note in-year cost pressures of c£5.309m (0.77% of the current gross budget) which currently do not have a fully developed corrective action plan.

- (2) Note the impact on year end reserves, should corrective action not be fully identified for the above pressures, leaving a closing balance of £2.647m.
- (3) Note that the capital programme is expected to be in line with resources available.
- (4) Note that the Corporate Management Team are actively addressing the need to mitigate any overspend which may arise from the pressures identified.

2242 Annual health and safety performance report

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That the report and appendices be noted.
- (2) That the corporate health and safety plan 2009/10 be approved and endorsed.

2243 Bloxwich Library

Councillor Sanders presented the report:

(see annexed)

Resolved

That delegated authority be given to the Executive Director for Regeneration, in consultation with the portfolio holder for Leisure and Culture, to accept tenders and award a contract of value in excess of £500,000.

2244 Proposed combined health centre, children's centre and library at Pelsall

Councillor Sanders presented the report:

(see annexed)

In presenting the report, Councillor Sanders suggested the following additional recommendation:

- “(6) That officers be instructed to make urgent representations to the Strategic Health Authority seeking confirmation of their financial support for this project.”

Cabinet agreed and it was:

Resolved

- (1) That approval be given to the acquisition of the freehold interest in the site of the existing surgery premises shown edged in blue on plan number EPMS 2346/4 from NHS Walsall for nil consideration;
- (2) That approval be given to the Council proceeding to construct a new combined health centre, children's centre and library on the site of the existing surgery premises referred to in recommendation (1) above and the site of the existing library premises and adjacent car park shown edged in red on plan number EPMS 2346/4;
- (3) That approval be given to a budget of £600,000 from the Sure Start Early Years and Childcare Grant funded from the total capital of £1,160,045 that has been allocated to Walsall by the DCSF;
- (4) That approval be given to use of delegated powers by the Executive Director for Regeneration, in consultation with the portfolio holders for Leisure and Culture, Regeneration and Children's Services, to accept tenders and appoint a contractor to construct the new facilities;
- (5) That approval be given to the granting of a long leasehold interest of the Health Centre element of the new building to NHS Walsall on terms to be agreed. (Such terms will be in accordance with the best consideration principles of Section 123 local Government Act 1972);
- (6) That officers be instructed to make urgent representations to the Strategic Health Authority seeking confirmation of their financial support for this project.

2245 Development of extra care charging policy

Councillor Bird presented the report in the absence of Councillor McCracken:

(see annexed)

Resolved

- (1) That approval be given to the final consultation on the charging policy for extra care housing in line with the framework and principles outlined in this report.
- (2) That a further report be received to the September meeting, following consultation, which contains detailed proposals for policy, fee levels and procedures.
- (3) That implementation be from 5 October 2009.

2246 Development of joint commissioning unit with NHS Walsall

Councillor Bird presented the report in the absence of Councillor McCracken:

(see annexed)

Resolved

- (1) That proposals for the creation of a Joint Commissioning Unit as outlined in the report, be noted
- (2) That approval be given, as necessary, to the creation of a Section 75 Agreement (NHS Act 2006) as the legal framework for the effective generation of, and resource management within, the Joint Commissioning Unit.
- (3) That the signing of this agreement be delegated to the Executive Director of Social Care and Inclusion in consultation with the Cabinet Member with responsibility for Social Care and Inclusion.

2247 Links to Work

Councillor Bird presented the report in the absence of Councillor McCracken:

(see annexed)

Resolved

- (1) That the staffing compliment at Links to Work be reduced by 9 posts in order to address the historic budget deficit.
- (2) That in order to address the significant loss of income due to the economic downturn, action be taken to reduce the staffing compliment by a further 6 posts.

- (3) That opportunities available to the Council and its partners to provide sustainable employment opportunities to people with disabilities and for this to include a review of the future role of the Links to Work service be explored.

2248 Highways maintenance strategy 2009-2012

Councillor Ansell presented the report:

(see annexed)

Resolved

- (1) That the Walsall Council's Highway Maintenance Strategy 2009-12 be approved.
- (2) That the Provisional Highways Maintenance Works Programme 2009-12 contained in Appendix A of the report, be approved.
- (3) That the Executive Director for Neighbourhood Services be delegated to make minor amendments to the strategy in the light of case law or legal advice, which might assist in managing the risk of litigation in relation to the statutory duty to maintain the highway.
- (4) That editorial changes to the strategy, including formatting, be delegated to the Head of Engineering and Transportation.

2249 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

New Council depot facility

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That approval be given in principle to the closure and disposal of the Norfolk/Suffolk Place depot and the relocation of facilities to a new site.
- (2) That approval be given to the placing of an OJEU notice as required by EU legislation using the accelerated restricted procedure as a matter of urgency, and the invitation of tenders the provision of a new site and depot, which will include the exchange of the freehold interest in 13.91 acres of Council land at Norfolk/Suffolk Place as shown edged red on plan number EPMS 3260. A further report to be presented to Cabinet prior to entering in to any development agreement.

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

Building Schools for the Future – pre-remit update

Councillor Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet confirm its continued commitment to the continued delivery of the BSF Programme up to the production of the Strategy for Change Part 2
- (2) That the Strategy for Change Part 2 be submitted for formal approval at a later date.
- (3) That the Cabinet commit to the principle of contributing funding to ensure delivery of the Authority's overall vision for BSF.
- (4) That the affordability implications associated with delivering the BSF Programme be noted.
- (5) That Cabinet note and agree the management of refining the affordability profile such that it is kept to lowest possible impact to the Council.

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

**Residual waste treatment facility with Staffordshire County Council
(Project W2R)**

The Cabinet received a report relating to the procurement of a residual waste treatment facility and made a decision regarding the preferred bidders; the PFI guide gate fee, which will be subject to negotiations; and the affordability range.