

Cabinet minutes

Wednesday 4 April 2012 at 6.00 p.m.

in Conference Room 2 at the Council House, Walsall

Present

Councillor Bird	Leader of the Council
Councillor A. Andrew	Deputy Leader and Regeneration
Councillor Arif	Business support services
Councillor R. Andrew	Children's services
Councillor Ali	Communities and partnerships
Councillor Towe	Finance and personnel
Councillor Harris	Leisure and culture
Councillor Ansell	Transport and environment

2768 Apology

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

2769 Minutes

Resolved

That the minutes of the meeting held on 8 February 2012 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

2770 Declarations of interest

There were no declarations of interest.

2771 Local Government (Access to Information) Act, 1985

At this point in the meeting, the Leader advised that item 27 in the private session relating to Airfield Drive, Aldridge, would be withdrawn as more work on the proposals was required.

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.

2772 **Forward plan**

The forward plan as at 12 March 2012 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2773 **Late item – Black Country Enterprise Zone – Local Development Order**

Reason for urgency: The planning policy at the time that Cabinet supported the preparation of a Local Development Order changed with publication of the National Planning Policy Framework on 27 March 2012. The report urgently seeks continued Cabinet support for the establishment of a Local Development Order.

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the publication of the National Planning Policy Framework and continue to support the preparation of a Local Development Order for the Black Country Enterprise Zone sites in Darlaston together with a surrounding area.
- (2) That Cabinet consider that the draft Local Development Order is consistent with the National Planning Policy Framework and supports its submission to the Secretary of State, subject to the following revision:
 - Deletion of the Bentley Road South Sports Field from the Local Development Order on the basis that its inclusion is contrary to the National Planning Policy Framework.
- (3) That Cabinet notes the amendments made to the draft Local Development Order following the statutory consultation period.

2774 **West Midlands Councils – past pension liabilities**

Councillor Bird presented the report:

(see annexed)

Resolved

That approval be given to entering into the proposed Supplement Agreement to confirm the pension arrangements of the West Midlands Councils under the Admission Agreement.

2775 Corporate Asset Management Plan 2012-2017

Councillor A. Andrew presented the report:

(see annexed)

Resolved

That the Corporate Asset Management Plan 2012-2017 and the strategies and processes contained within it, as detailed in Appendix A, be approved.

2776 Economic growth programme

Councillor A. Andrew presented the report:

(see annexed)

Resolved

That, following a recommendation from the Economic Pillar Executive Group (PEG) Cabinet:

- (1) Support the use of existing resources as set out within table 3.3.1 for use during the financial years 2012/13, 2013/14 and 2014/15 by the Regeneration Directorate, to support economic growth, as re-profiled and set out within table 3.8.1.
- (2) Grant delegated authority to the Executive Director for Regeneration in consultation with the portfolio holder, to revise the programme design, costs, contents, duration and flexibility if required, to facilitate its continuing ability to meet local people and employer's needs within approved spending limits.
- (3) Approve the use of uncommitted Working Neighbourhoods Fund programme resources totalling £293,709 are approved for use, as set out within section 3.17, with delegated authority granted to the Executive Director for Regeneration in consultation with the portfolio holder to allocate these resources, together with those included in the funding table 3.8.1 carried forward from the 2011/12 financial year, entering into the necessary agreements.

- (4) Approve the Council acting as applicant and if successful accountable body for the ERDF Technical Assistance submission as set out in section 3.13, with authority granted to the Executive Director for Regeneration in consultation with the portfolio holder, to negotiate and enter into the appropriate agreements and contracts.
- (5) Support the continuation of the Partnership of Walsall Economic Regeneration Pillar Executive Group (PoWER PEG), in the role as set out within sections 3.18 and 3.19.

2777 Goscote Regeneration Area – draft development agreement

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That the draft Heads of Terms for the Goscote Regeneration Area development agreement as set out in Appendix A be endorsed.
- (2) That a future report be received following the procurement process prior to awarding the contract to the preferred developer partner(s).
- (3) That Cabinet endorses the principle to revise the Collaboration Agreement between the Council and Walsall Housing Group to incorporate overage arrangements and update working arrangements between the partners.
- (4) That a future report be received setting out the revised Collaboration Agreement.

2778 Land at Middlemore Lane, Aldridge

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That the grant of a 50 year lease of the land edged red on the attached plan (EPMS 3600 Appendix A) to the Scout Association Trust Corporation as holding trustees for the 1st Aldridge/36th Walsall Scout Group be approved.
- (2) That the rent payable be fixed at a peppercorn per annum if demanded.
- (3) That the other terms of the lease be as set out in the body of the report.

2779 Education capital programme 2012/13

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That the schemes and budgets set out in Appendix A of this report, including permission to seek tenders and appoint contractors to undertake the work identified, be approved.
- (2) That Cabinet delegates to the Executive Director for Children's Services in consultation with the relevant portfolio holder authority to award contracts (including authorising execution/signature of the contract and ancillary documents) to the most suitable contractors having regard to Best Value for the works/services as set out.
- (3) That Cabinet approves the option to use an appropriate form of procurement and contracting arrangements determined by the head of Property Services to provide the most efficient and value for money means of delivering the projects. This to include consideration of traditional procurement and EU compliant frameworks available to local authorities.

2780 Determination of admissions scheme and admission arrangements

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That the proposed schemes as set out in Appendix A of this report be approved.
- (2) That the admission arrangements for primary and secondary community and voluntary controlled schools for the academic year 2013/14, as set out in Appendix B of this report, be agreed.
- (3) That Walsall Children's Services - Serco be asked to inform all consultees of the determination of the admission arrangements for 2013/14.

2781 Police Reform and Social Responsibility Act 2011

Councillor Ali presented the report:

(see annexed)

Councillor Ali advised that since the report had been despatched, the decision of the West Midlands Joint Committee had been received. He therefore proposed a revised recommendation which he **moved**, was duly seconded and it was:

Resolved

- (1) That approval be given to the appointment of a Police and Crime Panel for the West Midlands comprising 12 elected members, subject to the approval of the Home Secretary.
- (2) That Cabinet note that the panel will operate in shadow form from June 2012 until the election of the Police and Crime Commissioner in November 2012.
- (3) That Cabinet note that the West Midlands Joint Committee has resolved that Leaders of Councils (and elected Mayors) should be the panel members.
- (4) That Cabinet note that the two extra places available to the Black Country authorities, will be rotated and the final determination of the allocation must await the outcome of the local elections in order to secure proportionality across the West Midlands.

2782 Public health transition

Councillor Ali presented the report:

(see annexed)

Resolved

- (1) That the transition plan set out in Appendix A to enable the Council to assume its new responsibilities for public health from April 2013 be approved.
- (2) That the Shadow Health and Wellbeing Board and the Health Scrutiny Panel be invited to monitor progress on the implementation of this plan.

2783 Procurement of a combined Bailiff services contract

Councillor Towe presented the report:

(see annexed)

Resolved

That authority to award the Bailiff services contract and enter into any contract and ancillary related documents be delegated to the Executive Director for Resources in consultation with the Finance and Personnel Portfolio Holder and the Transport and Environment Portfolio holder.

2784 Darlaston Strategic Development Area – highway improvements

Councillor Ansell presented the report:

(see annexed)

Resolved

- (1) That the scheme be delivered to the current road alignment set out within Appendix A of the report be approved.
- (2) That the project management structure for the project as set out in Appendix B of the report be agreed,
- (3) That the finance package and expenditure profile as set out in Appendix C and detailed in section 6 of the report be approved.
- (4) That the Executive Director, Regeneration be given authority to progress the scheme in line with Section 5 of the report.
- (5) That approval be given to the publication of a Compulsory Purchase Order to acquire all necessary land/property in order to deliver the scheme as set in the overview plans at Appendix D of the report.
- (6) That the use of Birse Civils Ltd for constructing the scheme through the Transport Capital Programme Framework be approved.
- (7) That the preparation and submission of a full approval application to the Department of Transport in 2013 be approved.
- (8) That the name of the scheme remain as 'Darlaston Strategic Development Area Access Project' to prevent the Department of Transport from withdrawing funding.
- (9) That a further a report be received following the Department of Transport full approval funding decision and prior to the start of construction works on site, setting out the project costs, funding, risks and implementation arrangements.

2785 **West Midlands Local Transport Plan 3 and Transport Capital Programme**

Councillor Ansell presented the report:

(see annexed)

Resolved

- (1) That the proposed 2012 -2013 transport capital settlement figures as summarised in Table 1 of the report be approved.
- (2) That authority be delegated to the Executive Director for Regeneration, in consultation with the portfolio holder for Transport and Environment, to manage any changes to programmes to manage the budget within approved limits.
- (3) That Cabinet note and approve the use of the capital programme funding as set out within 3.2 of this report, notably the funding required to implement the Darlaston Strategic Development Area scheme.
- (4) That Cabinet endorse an efficiency review in conjunction with an audit of the current development and implementation processes and procedures for capital projects. This aims to ensure that the use of limited capital resources is maximised and that our service delivery capacity moving forward matches the resources available to us. (3.5)
- (5) That Cabinet approve all slippage from the Integrated Transport Block from 2011/12, for use during future years, which will include the development of the Darlaston Strategic Development Area project, including any required property acquisition, and delivery of the remainder of capital schemes from 2011/12.

2786 **Highway Maintenance Strategy 2012-15**

Councillor Ansell presented the report:

(see annexed)

Resolved

- (1) That Walsall Council's Highway Maintenance Strategy 2012-15 be approved.
- (2) That Cabinet approves the Provisional Highways Maintenance Works Programme 2012-15 contained in Appendix A and delegates authority to amend that programme to the Head of Engineering and Transportation in consultation with the portfolio holder for Transport and Environment to accommodate for varying demands over the life of the strategy.

- (3) That the Head of Engineering and Transportation be delegated authority to make minor amendments and editorial changes 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, and following feedback from consultees.

2787 Contract for Household Waste Recycling Centres

Councillor Ansell presented the report:

(see annexed)

Resolved

That approval be given to start the procurement process for a new contract to operate the Household Waste Recycling Centres and Transfer Station within the Borough. The subsequent award of the contract will be subject to Cabinet approval.

2788 Scrap metal

Councillor Ali presented the report, together with report of the Environment Scrutiny and Performance Panel to Council:

(see annexed)

Resolved

- (1) That the report and recommendations of the Scrap Metal working group be noted and the members of the panel be thanked for their work.
- (2) That the portfolio holder's response to the panels report and an implementation plan be received at the next Cabinet meeting in the new municipal year.

2789 Greenspaces

The report of the Community Services Scrutiny and Performance Panel was submitted:

(see annexed)

Resolved

- (1) That the report of the Community Services Scrutiny and Performance Panel be noted.
- (2) That the portfolio holder response to the Panel's report be received at the next Cabinet meeting.

2790 **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

2791 **Walsall Business and Sports Hub**

Councillor A. Andrew presented the report:

Resolved

That Walsall College be granted an option to acquire some or all of the land on Littleton Street, edged bold on the attached plan Appendix A (EPMS 3588-1) for the development of a Walsall Business and Sports Hub. The terms of the option are to be agreed and will be reported for consideration at a future Cabinet meeting, and will be dependent upon the receipt in advance of a comprehensive business plan from the College in respect of the Hub concept.

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

2792 **Development clawback – WHG housing development programme**

Councillor A. Andrew presented the report:

The Cabinet approved Walsall Housing Group's Housing Development Programme 2011/15 which contained both social rent and market rent schemes, has made a decision in respect of clawback payments and has delegated authority to the Executive Director, Regeneration to agree any subsequent changes to the programme.

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

2793 **Walsall development partnership**

Councillor A. Andrew presented the report:

Resolved

- (1) That Cabinet supports the principle of and approves establishing a Limited Liability Partnership (LLP) in partnership with BV Strategies Facilitating Limited (BVSF) to explore property development appraisals in relation to Council land assets.
- (2) That Cabinet supports the production of a detailed feasibility study to shape a future approach, the outcome as which will be reported to a future Cabinet meeting

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

2794 **Sale of land at Bentley**

Councillor A. Andrew presented the report:

The Cabinet received a report which provided the outcome from the marketing exercise of the relevant sites and has approved the disposal of the Council's freehold interests in those sites. Consequently the Cabinet asked for a further report to be submitted giving details of a business case for the development of a new community facility.

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

2795 **Willenhall CHART**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

That Cabinet approves the grant of a 99 year lease of the land and buildings in Gomer Street Willenhall, shown edged in bold on plan no. EPMS 3578 Appendix A and extending to 1,406 square metres or thereabouts, to Willenhall CHART, on terms detailed in the body of this report.

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

2796 Disposal of land at Airfield Drive, Aldridge

Item withdrawn

2797 Land at Pelsall Lane, Pelsall

Councillor A. Andrew presented the report:

The Cabinet received a report in respect of the future use of the relevant land and has approved the purchase, by the Council, of land shown edged red on plan EPMS 3556 accordingly. The Cabinet also asked officers to develop a business case for the future use of this and adjoining land.

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

2798 Local HealthWatch and NHS Complain Advocacy

Councillor Ali presented the report:

Resolved

- (1) That Cabinet approve starting a procurement process, including competitive tendering, to commission a Local HealthWatch organisation. Any subsequent appointment will be subject to Cabinet approval.
- (2) That Cabinet approve starting a procurement process, including competitive tendering, to commission a Complaints Advocacy service. Any subsequent appointment will be subject to Cabinet approval.

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

2799 Highways repair and maintenance procurement

Councillor Ansell presented the report:

Resolved

That Cabinet approve the granting of an extension of the existing contract with Tarmac Limited for a period of 2 years from 1 May 2013 to 30 April 2015 in line with the conditions in that contract.

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

The meeting terminated at 7.05 p.m.