

Cabinet minutes

Wednesday 13 March 2013 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 I. Shires	Community engagement and voluntary sector
Councillor Towe	Finance and personnel
Councillor Harris	Leisure and culture
Councillor McCracken	Social care and health
Councillor Ansell	Transport and environment

2922 Apology

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

2923 Minutes

Resolved

That the minutes of the meeting held on 23 January 2013 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

2924 Declarations of interest

Councillors A. And R. Andrew declared a non-pecuniary interest in the Education capital programme.

2925 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.

2926 **Forward plan**

The forward plan as at 11 February 2013 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2927 **Public health transition**

Councillor Bird presented the report:

(see annexed)

He pointed out that the recommendations should have included reference to delegated authority being given in addition to the Executive Director, Social Care and Inclusion.

Councillor Bird moved the recommendation as amended which was duly seconded and:

Resolved

- (1) That authority be delegated to the Executive Director for Neighbourhood Services, in consultation with the Leader of the Council and the Executive Director for Social Care and Inclusion, to sign the Transfer Schemes to confirm the transfer of staff and assets from the Primary Care Trust to the Council. The Transfer Schemes can then be submitted to the Department of Health by 29 March 2013.
- (2) That authority be delegated to the Executive Director for Neighbourhood Services, in consultation with the Leader of the Council and the Executive Director for Social Care and Inclusion, to sign and enter into a Memorandum of Understanding with the Clinical Commissioning Group for the provision of public health advice and other ancillary services.

2928 **Walsall Sustainable Community Strategy – The Walsall Plan 2013-16**

Councillor Bird presented the report:

(see annexed)

Resolved

That the Sustainable Community Strategy, The Walsall Plan 2013-2016, be endorsed and referred to statutory consultees prior to submission to Council.

To recommend to Council

That the Sustainable Community Strategy be approved.

2929 Black Country City Deal

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That the progress on the Black Country City Deal proposal and the timetable for progressing to a launch in July 2013 be noted.
- (2) That the actions taken by the Executive Director Regeneration in agreeing, with the Black Country Consortium and its partners, the submission to Cabinet Office of Black Country City Deal Expression of Interest (Appendix 1), be noted.
- (3) That approval be given for the Chief Executive and Executive Director Regeneration, in consultation with portfolio holders, to participate in the Black Country negotiation with Government, and local partners, on the granting of freedoms and flexibilities for the Black Country, in return for local economic outcomes.
- (4) That approval be given for the Chief Executive and Executive Director Regeneration, in consultation with portfolio holders, to develop with Dudley, Sandwell and Wolverhampton City Councils working arrangements to deliver the City Deal proposal and sustainable mechanisms for its subsequent delivery, including robust governance arrangements.
- (5) That further reports be brought forward to update on progress and at the conclusion of the negotiation with the Government, the reports to describe the freedoms and flexibilities in negotiation, the local outcomes to be achieved and recommendations on the governance arrangements to manage the Black Country partners' joint working.

2930 Regional Growth Fund: Growing key sectors in Black Country

Councillor A. Andrew presented the report

(see annexed)

Resolved

- (1) That Cabinet agrees to enter into the Growing Key Sectors in the Black Country Regional Growth Fund Programme Collaboration Agreement with Sandwell Council (attached as Appendix A).
- (2) That authority be delegated to the Executive Director – Regeneration to sign or authorise the sealing of the proposed Collaboration Agreement for the Black Country Regional Growth Fund Programme and any related contracts, deed or documents, to be entered into by Dudley, Sandwell, Wolverhampton and Walsall Councils.
- (3) That Cabinet agrees, with regard to Sandwell Council's costs of due diligence and monitoring the Black Country Regional Growth Fund Programme in accordance with the conditions set by the Department of Business, Innovation and Skills, to the Council making:
 - (i) a contribution of £10,000; and
 - (ii) additional reasonable payments should Sandwell Council's costs be greater than £40,000.

2931 Phoenix 10 project

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the recommendations made following work undertaken by DTZ to review possible options for delivering the reclamation and development of the Phoenix 10 site (located off Darlaston Road/Reservoir Place), with the conclusion being that option 3 is the most appropriate option.
- (2) That Cabinet agrees to progress negotiations with the Homes & Communities Agency (the 'HCA') to acquire the HCA's land interest, as indicated on plan no. EMPS 3753, on terms to be agreed at its meeting on 24 April 2013.
- (3) That Cabinet approves undertaking a procurement process for technical project management support to assist delivery of the project and delegates authority to the Executive Director Regeneration to award the contract.
- (4) That Cabinet approves undertaking a procurement process for a contractor to undertake the reclamation works for the combined Phoenix 10 site by comprehensive ground excavation subject to final approval from Cabinet to award the contract.

- (5) That Cabinet endorses the submission of a formal request to the Black Country Local Enterprise Partnership Board for financial support for the reclamation of the Phoenix 10 site from anticipated business rate uplift in the Black Country Enterprise Zone.
- (6) That Cabinet agrees to receive reports to future meetings which:
 - (a) outline the proposed detailed arrangements for funding the reclamation of the Phoenix 10 site.
 - (b) seek approval to appoint a specialist reclamation works contractor.
 - (c) outline for agreement the detailed terms for the Council's acquisition of the HCA land.
 - (d) seek the necessary approvals to progress the Phoenix 10 project once the above recommendations have been acted upon.
 - (e) outline the arrangements for securing the disposal and development of the site and the management of any subsequent capital receipt

2932 Revision to Walsall's Affordable Housing Supplementary Planning Document

Councillor A. Andrew presented the report:

(see annexed)

Resolved

That the Draft Affordable Housing Supplementary Planning Document be approved as set out in Appendix A as a basis for public participation, in accordance with Regulation 12 of the Local Planning Regulations 2012.

2933 Information governance policy framework

Councillor Arif presented the report:

(see annexed)

The Leader requested that a letter be sent to all members to make them aware of their responsibilities.

Resolved

- (1) That the Information Governance Policy Framework in its entirety including all three Policies, be approved.

- (2) That Cabinet acknowledge that steps are being taken within the Council to improve awareness and ensure that all staff and Members receive appropriate training to support the implementation and delivery of this Policy Framework.
- (3) That Cabinet acknowledge that:
 - (a) Employees who do not comply with these policies may be subject to disciplinary action, in line with the Council's Disciplinary Procedures.
 - (b) Members' failure to complete the required Protecting Information training and with comply with these policies could result in the Council being unable to lawfully share personal information with members. A failure to comply with the policies may also constitute a breach of the Member's Code of Conduct.

2934 Education capital programme – further projects

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the schemes, subject to confirmation of an appropriate school contribution, and budgets set out in Appendix A of this report – including permission to seek tenders and appoint contractors to undertake the work identified.
- (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 shall include consideration of traditional procurement and EU compliant frameworks available to local authorities.

2935 Early education capital funding

Councillor R. Andrew presented the report:

(see annexed)

In presenting the report, Councillor Andrew emphasised that places would be provided by a range of childcare providers including childminders, across the piece to provide the widest possible offer for disadvantaged 2 year olds.

Resolved

- (1) That Cabinet approves the allocation of the non ring fenced capital funding of £667,160 to the Early Years Capital Programme for two year olds
- (2) That the priority areas indicated at paragraph 3.6 be approved.
- (3) 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.
- (4) 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 shall include consideration of traditional procurement and EU compliant frameworks available to local authorities.

2936 Determination of admission scheme and admission arrangements

Councillor R. Andrew presented the report:

(see annexed)

She pointed out that following a discussion with the school and head teachers in the vicinity, the admission arrangements for Lindens Primary had changed since the report had been prepared and would be increased from 45 to 52 for one year only. Councillor Andrew moved an amended recommendation accordingly which was seconded and:

Resolved

- (1) That proposed schemes as set out in Appendix A for inter-authority primary and secondary co-ordinated admissions be approved.
- (2) That the admission arrangements for primary community and voluntary controlled schools for the academic year 2014/15 as set out in Appendix B to the report be agreed with the exception of Lindens Primary where the proposed admission number is increased from 45 to 52.
- (3) That Walsall Children's Services be asked to inform all consultees of the determination of the admission arrangements for the 2014/15 academic year.

2937 Enlargement of Phoenix Special School

Councillor R. Andrew presented the report:

(see annexed)

Resolved

That Cabinet approves consultation on the proposal to provide an additional 6 planned places at Phoenix Primary ESBD (Emotional, Social and Behavioural Difficulties) Special School from September 2013. This proposal will increase the planned places at Phoenix Primary Special School from 30 to 36 places.

2938 Schools Forum – high needs funding formula 2013/14

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes that Walsall will budget to spend at least the recommended amount for High Needs as identified by the Department for Education High Needs block.
- (2) That Cabinet delegates the authority to the Director of Children's Services in consultation with the portfolio holder for Children's Services and where appropriate Schools Forum to finalise the 'top up' rates for High Needs block expenditure for 2013/14.
- (3) That Cabinet endorse the use of Exception Circumstances funding agreed with School Forum.
- (4) That Cabinet note that the Department for Education require these rates to be finalised by March 2013.

2939 Future arrangements for the provision of education support and services

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet to delegate to the Director of Children's Services, in consultation with the portfolio holder for children's services, powers to oversee the redesign and implementation of the necessary changes to education services, in order to meet the future challenges arising from Government changes and to ensure services are fully integrated within children's services and consistent with the requirements of the improvement notice.
- (2) That approval be given to the next stage of the transition programme which will ensure redesign and implementation as detailed in section 4 of the report.
- (3) That Cabinet note that a new Ofsted inspection framework – 'A good education for all: inspection of local authority services', is to be introduced.

2940 Joint Commissioning – transfer of Section 75 agreement

Councillor McCracken presented the report:

(see annexed)

Councillor McCracken advised that the Clinical Commissioning Group had already approved their part in the process and signed up to it.

Resolved

That Cabinet approve the transfer of the Section 75 Agreement between Walsall Clinical Commissioning Group and the council from 1 April 2013; and delegates authority to the Executive Director of Adult Social Care and Inclusion in consultation with the portfolio holder for Social Care and Health and the Head of Legal and Democratic Services to approve the form of transfer and to sign or authorise the sealing of any deed or contract or other related document to effect this transfer from 1 April 2013.

2941 Future arrangements for personal budgets in adult social care

Councillor McCracken presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes that the Interim Executive Director for Social Care and Inclusion is undertaking a process to review the arrangements for delivery support and management of customers' personal budgets and will accept a future report in relation to that review.

- (2) That Cabinet notes that the Interim Executive Director for Social Care and Inclusion may need to use his delegated powers to make any changes within the existing arrangements if either new resources are required or changes in the arrangements to secure the safety of customers.
- (3) That Cabinet rescinds its decision of 8 February 2012 which in recommendation (5) agreed to use Walsave bank accounts as the mechanism to assist customers to manage their personal budget.
- (4) That Cabinet re-affirms all the other decisions taken in respect of the report of 8 February 2012.

2942 **West Midlands Local Transport Plan and Transport Capital Programme**

Councillor Ansell presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the West Midlands 2013/14 and 2014/15 Transport Settlement as summarised at Table 1.
- (2) That Cabinet approves the Walsall Transport Capital Programme 2013/14 as summarised at Table 2.
- (3) That Cabinet approves the utilisation of the Integrated Transport Block element of the grant funding for 2013/14 as described in paragraphs 3.8 to 3.17 of this report and appendices A to G, including the allocation of any slippage from 2012/13 to the 2013/14 programme.
- (4) That Cabinet delegate authority to the Executive Director for Regeneration, in consultation with the Cabinet Member for Transport and Environment, to manage any changes to 2013/14 programme allocations in order to manage the overall budget within approved limits.

2943 **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.

2944 Future arrangements for the provision of Education support and related services

Councillor R. Andrew presented the report:

(see annexed)

Resolved

That Cabinet endorse transition programme activities undertaken to date that will ensure that the local authority continues to meet its statutory responsibility, to promote high standards and fulfilment of every child of their educational potential, as set out in section 13A of the Education Act 1996.

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

2945 West Midlands University Technical College

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet grant delegated authority to the Executive Director of Regeneration to undertake the actions listed at a - f within paragraph 3.3 of section 3 of this report.
- (2) That Cabinet grant delegated authority to the Executive Director of Regeneration to sign or authorise the sealing of any contracts, deeds and documents and for any other approvals or certifications required of the Council, as procuring authority under the Education Funding Agency's Contractors Framework for the West Midlands Construction University Technology College.
- (3) That Cabinet authorise Walsall Council to act as accountable body for both the Black Country University Technical College and the West Midlands Construction University Technical College projects.
- (4) That Cabinet agree to the granting of a 125 year lease to the West Midlands Construction UTC prior to the grant of a 125 year lease of the combined site to the Black Country UTC (for which Cabinet approval already exists).

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

2946 **Lease of land at Vernon Way to National Construction College**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet be given to the disposal of the site to the rear of the Black Country UTC, shown edged red on plan EPMS 3478/12 and extending to 2.146 ha or thereabouts, to the Construction Industry Training Board (CITB), on a 125 year ground lease, provided:
 - (a) Department for Education (DfE) consent is forthcoming for the disposal of the site under section 77 of the 1998 Act.
 - (b) CITB secure planning consent for the development of the College.
 - (c) The DfE funding agreement for the West Midlands Construction UTC is completed.
 - (d) The lease contains obligations on CITB to construct the National Construction College facility within an agreed timescale.
 - (e) The lease containing restrictions preventing the use of the land for any purpose other than a National Construction College.
- (2) That approval be given to the disposal of the site at less than best consideration on the grounds that the College will provide social and economic benefits through the establishment of a centre of excellence in the construction training sector.
- (3) That authority be delegated to the Executive Director for Regeneration in conjunction with the Cabinet portfolio holder for Regeneration to approve the terms for the disposal of the long leasehold interest in the site.
- (4) That the sum of £53,000 be allocated from capital funds to fund the school sports provision required under section 77 of the 1998 Act.

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

2947 **Contract for the supply of fuel**

Councillor Ansell presented the report:

(see annexed)

Resolved

That Cabinet approves the use of the framework contract that has been established by the Black Country Purchasing Consortium framework for the supply of diesel, heating oil and unleaded petrol and delegates authority to the Executive Director to sign or authorise the sealing of any deeds, documents or ancillary related agreements in connection with that framework.

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

The meeting terminated at 6.40 p.m.

Leader:

Date: