

Cabinet minutes

Wednesday 14 December 2011 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 Ali	Communities and partnerships
Councillor Towe	Finance and personnel
Councillor Harris	Leisure and culture
Councillor McCracken	Social care and health
Councillor Ansell	Transport and environment

2733 Apology

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

2734 Minutes

Resolved

That the minutes of the meetings held on 9 November 2011 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

2735 Declarations of interest

There were no declarations of interest.

2736 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.

2737 **Forward plan**

The forward plan as at 11 November 2011 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

At this point in the meeting the Leader brought forward Item 12 - Cemetery rules and regulations in view of the public interest in this item

2738 **Cemetery rules and regulations**

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

(see annexed)

The Executive Director, Jamie Morris presented the report and explained the background to the matter. Councillor Harris as portfolio holder gave reasons for the Council's stance in applying the grave maintenance policies and advised the Cabinet that consultation had already taken place with the Union of Muslim Organisations and suggestions made had already been taken on board. He concluded by commenting that whilst he fully appreciated the families concerns, the Council had a duty to consider the diverse wishes of all denominations and to make a balanced judgement.

At this point, a member of the public indicated that they wished to address the Cabinet to which the Cabinet acceded.

Parveen Kosla addressed the Cabinet. She reiterated concerns expressed at other forums, including the Community Services Scrutiny and Performance Panel in respect of the tending of Muslim graves. She was of the view that passing over Muslim graves was in breach of Article 9 of the Human Rights Act.

The Head of Legal and Democratic Services gave advice in this respect in that he considered that the Council had not breached the Human Rights Act as it had acted proportionately and reasonably.

Cabinet members were satisfied that the Council had had regard to appropriate consultation; and had made reasonable concessions in the respect of tending of Muslim graves in Walsall.

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

Resolved

- (1) That the Community Services Scrutiny and Performance Panel be thanked for their consideration of this matter following the petition submitted.
- (2) That it be reconfirmed that having taken advice from and reached agreement with the Union of Muslim Organisations on the way forward, the Council will continue to apply and implement the rules and regulations relating to lawn cemeteries, as agreed.

2739 Walsall Housing Renewal Assistance Policy 2012-2014

Councillor A. Andrew presented the report:

(see annexed)

Resolved to recommend to Council

- (1) That the Housing Renewal Assistance Policy 2012-2014 as contained in Appendix A of this report be adopted and published with the commencement dates as listed in the Policy document.
- (2) That funds returned to the Council through the land charging process for all grants and loans be made available for future private sector housing renewal assistance.

2740 Caldmore Primary School – determination of statutory proposal

Louise Hughes, Assistant Director, Children's Services presented the report:

(see annexed)

Resolved

That Cabinet approve the statutory proposal to enlarge Caldmore Primary School by increasing the admission number from 30 to 60 from 1 September 2012.

2741 Education capital programme 2011/12

Louise Hughes, Assistant Director, Children's Services 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 the Executive Director for Children's Services in consultation with the relevant portfolio holder be delegated 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 approval be given to 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.

2742 Budget consultation feedback 2012/13

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That the findings from the budget consultation, set out in the report, be used and evidenced alongside other feedback and available data by Cabinet as it develops the Council's 2012/13 draft corporate revenue and capital budget.
- (2) That the Borough Management Team and Corporate Management Team use these findings to inform priorities and service delivery for 2012/13 onwards.
- (3) That the report and appendices be published on the Council's public website along with feedback of outcomes.
- (4) That the report be referred to all scrutiny and performance panels for consultation, to enable their comments to be considered by Cabinet on 8 February 2012.

2743 Draft revenue and capital budget proposals 2012/13 and corporate financial performance 2011/12

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That Cabinet note and approve the projected net revenue underspend of £0.156m for 2011/12, and the progress made on the deliverability of 2011/12 approved savings, including the alternative mitigating actions as set out in section 3.1 of the report.
- (2) That Cabinet approve as a basis for consultation the current draft capital programme of £39.991m for 2012/13, and an indicative capital programme of £28.030m for 2013/14, £26.329m for 2014/15 and £22.877m for 2014/15.
- (3) That following formal approval of the programme in February by Council, Cabinet delegate responsibility to the Chief Financial Officer, in consultation with the Capital Strategy Board, to designate resources to projects off the capital reserve list should resources become available in year.
- (4) That the report be referred to all scrutiny and performance panels for consultation, to enable their comments to be considered by Cabinet prior to Cabinet meeting on 8 February 2012 to make its final recommendations to Council.

2744 Support for living at home

Councillor McCracken presented the report:

(see annexed)

Resolved

- (1) That approval be given for the Council to enter into a zero based hours Framework Agreement for 1 year, commencing on 1 April, 2012 with the potential to extend annually up to a total contract term of 4 years with providers who have successfully met the procurement criteria during this exercise and such providers who meet this procurement criteria in a similar procurement exercise when it is repeated.
- (2) That authority be delegated to the Executive Director of Social Care and Inclusion in consultation with the relevant portfolio holder, to accept tenders and enter into contracts with providers as detailed in Section One of this report on behalf of the Council.
- (3) That the Director of Social Care and Inclusion report back to members on the outcome the outcome of the procurement exercise detailing the impact on the local provider market.

2745 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.

2746 Disposal of land adjoining Alumwell Business and Enterprise College

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That approval be given to the disposal of the Council's freehold interest in
 - the land marked A and boldly edged on plan EPMS 3558/2, extending to 43,810 square metres (or thereabouts) adjoining Alumwell Business and Enterprise College and;
 - the land marked B and cross hatched black on plan EPMS 3558/2 extending to 5,573 square metres (or thereabouts)

to the prospective purchaser on terms to be agreed by Cabinet at a future meeting in accordance with the rules of Best Consideration under section 123 of the Local Government Act 1972 and subject to the transaction not reaching legal completion until planning permission for the reclamation of the site has been obtained.
- (2) That Cabinet agrees the principle of granting a licence to the prospective purchaser to undertake ground reclamation works on the land marked C and hatched black on plan EPMS 3558/2, extending to 23,490 square metres (or thereabouts), on terms to be agreed by Cabinet at a future meeting and subject to the transaction not reaching legal completion until planning permission for the reclamation of the site has been obtained from the local planning authority, and subject to the satisfactory reinstatement of the land following completion of the works.
- (3) That Cabinet authorises the Executive Director, Neighbourhood Services to agree a specification for the reinstatement of the land marked C and hatched black on plan EPMS 3558/2 following a process of local engagement, if the site is subsequently reclaimed.

- (4) That Cabinet authorises the Executive Director, Regeneration to undertake public consultation, based on a project engagement plan, regarding the proposed disposal of public open space and the nature of the proposed reinstatement scheme.
- (5) That the decision of the Alumwell Business and Enterprise College Governing Body on 5 July 2011 to give consent to the disposal of adjoining land, be noted.

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

The meeting terminated at 6.50 p.m.

Leader:

Date: