

Cabinet minutes

Wednesday 8 February 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 McCracken	Social care and health
Councillor Ansell	Transport and environment

2751 Minutes

Resolved

- (1) That the minutes of the meeting held on 14 December 2011 copies having been sent to each member of the Cabinet be approved and signed as a correct record, subject to the fourth paragraph of the minute relating to Cemetery rules and regulations being amended to read as follows .

“The Head of Legal and Democratic Services gave advice that the right referred to under the Human Rights Act was a Qualified Right, and that on the basis of the report and information before the Cabinet, the Council was acting proportionately and reasonable in trying to maintain graves safely.”

- (2) That the minutes of the meeting held on 18 January 2012 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

2752 Declarations of interest

There were no declarations of interest.

2753 **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.

2754 **Forward plan**

The forward plan as at 11 January 2012 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

2755 **Corporate Budget Plan and Treasury Management and Investment Strategy**

Councillor Towe presented the report:

(see annexed)

Resolved

That the following be noted and approved:

Revenue

- (a) That at the time of despatch of this report, the precepting authorities (fire and police) had not formally notified the authority of their final council tax levels. (We have been advised that they will both be approved following meetings scheduled for 13 and 16 February respectively, so we will provide final figures at the Council meeting on 23 February 2012). Current estimates have been used within this report based on informal communication from each precepting authority.
- (b) That at the time of despatch of this report, the levy authorities (Environment Agency and Centro) had not formally notified the authority of their final demand. Current estimates have been used within this report based on informal communication from each authority. (The final levy for Centro is expected to be approved on 6 February, so we will provide an update at the Cabinet meeting on 8 February, with the final Environment Levy to be included within the final papers to Council).

- (c) That the aggregate income includes the council tax freeze grants for 2011/12 and 2012/13.
- (d) The Walsall council draft net council tax requirement for 2012/13 of £109.25m - resulting in no change to the council's own band D council tax of £1,384.64.
- (e) On the basis of (a), (b) and (c) above, the provisional (i.e.: subject to formal confirmation of precepts) overall council tax level is expected to be frozen, resulting in no change to the total band D council tax of £1,531.92.
- (f) Subject to Council approving the budget in the same form as set out herein, that Cabinet approves the budget plan and all the recommendations, proposals and changes to policies and procedures set out in the plan, and further delegates authority to the relevant executive directors to implement the same.
- (g) That delegated authority be given to the Chief Finance Officer to make any necessary amendments, in consultation with the portfolio holder for finance and personnel and the Leader, to take account of the final levies and precepts which have not yet been notified, and to make any necessary amendments to the statutory determinations to take account of those changes and the resulting final analysis of the budget for 2012/13 and for amendments to those to be submitted to Council at its meeting on 23 February 2012.
- (h) That delegated authority be given to the Executive Director (Neighbourhood Services) to arrange with the Borough Management Team for the allocation of the 2012/13 Community Safety grant of £151,719 in accordance with Safer Walsall Partnership strategic priorities. It is also recommended that Cabinet agree to receive a report on a six monthly basis to note allocations, and the activity being funded. Performance will also be monitored through the Safer Walsall Partnership Board.

Capital

- (i) The capital programme for 2012/13 of £38.07m, comprising mainstream capital £11.58m and externally funded schemes £26.49m. The leasing programme is £4.44m which includes £0.89m of new starts in 2012/13.

Treasury Management

- (j) The 2012/13 treasury management and investment strategy document set out in Section 2 and the adoption of the Prudential Indicators set out in Annex 7.

Resolved to recommend to Council

(i) Revenue

- (a) That the recommendations of the Chief Financial Officer (CFO) in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves as set out in Annex 4, be approved.
- (b) That the net draft levies below for outside bodies be noted. At the time of despatch of this report, we had not been formally notified by the authorities of their final levy. (The final levy for Centro is expected to be approved on 6 February, so we will provide an update at the Cabinet meeting on 8 February, with the final Environment Levy to be reflected in a revised resolution to be provided to the Council meeting of 23 February 2012. An estimate has been used within this report based on informal notification from the authorities).

DRAFT LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	14,271,000
Environment agency	82,360

- (c) That approval be given to an opening working balance for 2012/13 set at a prudent level in line with the council's medium term financial strategy.
- (d) That the following statutory determinations be noted and approved (references are to the Local Government Finance Act, 1992) with subsequent changes in the Localism Act 2011:
- I. **£652,949,411** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Localism Act 2011.
 - II. **£543,703,807** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Localism Act 2011.
 - III. **£109,245,604** being the amount, by which the aggregate at (d) (I) above exceeds the aggregate at (d) (II), calculated by the council in accordance with Section 31A(4) of the Localism Act 2011, as its council tax requirement for the year.
 - IV. **£1,384.64** being the amount at (d) (III) above, divided by the council tax base of **78,898.20**, calculated by the council in accordance with Section 31B of the Localism Act 2011, as the basic amount of its council tax for the year (average council tax at band D)
 - V. Valuation bands

Being amounts given by multiplying the amount at (d) (iv) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Act 1992, is applicable to dwellings listed in valuation band D, calculated by the council in accordance with Section 30 and 36 of the

Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

A	B	C	D
£923.09	£1,076.94	£1,230.79	£1,384.64
E	F	G	H
£1,692.34	£2,000.04	£2,307.73	£2,769.28

- (e) That the estimated precept from the Fire and Civil Defence Authority and the estimated precept for the Police Authority, issued to the council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwelling shown below be noted and approved and that the final figures be substituted for these provisional ones once they are available at the Council meeting on 23 February 2012.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police	A	B	C	D
	£66.30	£77.35	£88.40	£99.45
	E	F	G	H
	£121.54	£143.64	£165.74	£198.89
Fire & Civil Defence	A	B	C	D
	£31.89	£37.20	£42.52	£47.83
	E	F	G	H
	£58.46	£69.09	£79.72	£95.66

- (f) That having calculated the aggregate in each case of the amounts at (d) (v) and (e) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2012/13 for each of the categories of dwellings shown below. This represents no change in council tax levels approved in 2011/12.

A	B	C	D
£1,021.28	£1,191.49	£1,361.71	£1,531.92
E	F	G	H
£1,872.34	£2,212.77	£2,553.19	£3,063.83

- (g) That notice be given of the council tax within twenty one days of it being set by publishing details of the same in the "Walsall Advertiser" newspaper circulating in the Authority's area.
- (h) That the Chief Financial Officer be instructed to take all necessary action in relation to council tax, community charge and national non-domestic rates, including, where appropriate, the signing of all documents, the giving of notices and the taking of necessary steps to ensure collection thereof.
- (i) That the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes be approved.

(ii) **Capital**

That the draft capital programme set out in the following tables be approved bearing in mind the principle that unless affordable from within current resources, specific projects funded by unsupported borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published.

DRAFT CAPITAL PROGRAMME 2012/13	
MAINSTREAM SCHEMES	ESTIMATED VALUE £
Prior Year Approvals	
Council wide IT planned rolling replacement and upgrade	929,175
Headstone safety in Cemeteries	80,000
Shop maintenance	120,000
Aids and adaptations	1,500,000
General reactive / planned property maintenance	450,000
Demolition of redundant buildings to save on rates	200,000
Fire risk assessment	200,000
ICT support to Smarter Workplaces programme	400,000
Supporting independent living – transformation of Social Care	236,200
Preventative adaptations – transformation of Social Care	1,000,000
Hatherton multi storey car park – safeguarding income	200,000
Health through warmth and related Retro-fit schemes	1,000,000
Highways maintenance	1,200,000
Greenspace improvement plan	150,000
Refurbishment of Leckie building in Walsall Arboretum	10,000
Capital insurance reserves – Risk management	100,000
Capital insurance reserves – Uninsured property damage	200,000
Capital insurance reserves – Asbestos removal	155,000
Capital insurance reserves – Control of legionella	275,000
Capital insurance reserves – Statutory testing of buildings	300,000
Capital insurance reserves – Lighting invest to save	250,000
New Bids	
Refurbishment of Stroud Avenue Family Centre (net of expected capital receipt from sale of Dale Street)	525,000
Children's Services - IT investment in mobile working	79,000
Regenerating Walsall	380,000
Improving the customer experience on visit to Council House	330,000
Enabling works to office development (Gigaport)	650,000
New Bentley Community facility (funded from capital receipts of associated sites)	0
Restoration and renovation of Broadway West Playing Fields	410,000
Retained housing land	100,000
ICT – replace essential Wide Area Networks	92,400
ICT – network internet and external security essential upgrade	33,000
ICT – upgrade or new mapping software package	29,700
Total	11,584,475

DRAFT NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM GRANT 2012/13	
NON MAINSTREAM SCHEMES	ESTIMATED VALUE £
Basic need	2,097,621
Devolved formula capital	684,079
Capital maintenance	3,530,556
Academies	8,120,156
Walsall arboretum restoration programme	2,215,911
Walsall arboretum restoration programme – illuminated park	100,000
Willenhall townscape heritage initiative - HLF	350,000
Willenhall townscape heritage initiative - VIEW	175,000
Disabled facilities grant	1,215,000
Black country property investment programme	2,250,000
Innovative alternative to residential care and service redesign	749,829
Local transport plan	2,000,000
Red routes	3,000,000
Total	26,488,152

DRAFT LEASING PROGRAMME 2012/13	
PORTFOLIO	TOTAL BUDGET £
Environment portfolio	4,441,250
Total	4,441,250

(iii) **Treasury Management**

- (a) That the 2012/13 treasury management and investment strategy document set out in Section 2, and the adoption of the prudential indicators set out in Annex 7 be approved.
- (b) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, be delegated to the Chief Finance Officer.
- (c) That decisions to use capital receipts or unsupported borrowing within the framework of approved prudential indicators be delegated to the Chief Finance Officer.

2756 **Corporate financial performance 2011/12**

Councillor Towe presented the report:

(see annexed)

Resolved

- (1) That a net projected revenue under spend of £1.54m, c0.2% of gross budget, be noted.
- (2) That the first call on any year end underspends will be to replenish earmarked reserves where needed.
- (3) That Cabinet note carry forward requests received for planned underspends amount to £1.11m and approve that only those requests which meet Council priorities will be considered by Cabinet for endorsement at the year end, and only if the corporate outturn, after transfers to earmarked reserves, is an underspend overall.
- (4) That Cabinet note re-phasing of projects on the mainstream capital programme of £2.80m into 2012/13, and a forecast underspend on the mainstream capital programme after re-phasing of £1.27m and approve its use to support the 2012/13 programme.

2757 New homes bonus

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That a Regeneration Fund be established, into which the New Homes Bonus (NHB) allocation for 2012/13 of £2,007,000 is committed to support the six investment principles previously endorsed by Cabinet, and that the funding in 2012/13 be split as proposed in paragraph 3.8 of this report.
- (2) That authority to use the NHB fund for 2012/13 flexibly to support the six investment principles previously endorsed by Cabinet, be delegated to the Executive Director Regeneration, in consultation with the Regeneration portfolio holder.
- (3) That authority to take decisions to allocate the NHB in 2012/13 to third parties or otherwise to support the regeneration of the Borough, by way of a loan, grant, acquisition or an alternative form of intervention, be delegated to the Executive Director Regeneration, in consultation with the Regeneration portfolio holder.
- (4) That authority be delegated to the Executive Director Regeneration to sign or authorise the sealing of any deeds, contracts and other related documents with third parties for the allocation of the NHB in 2012/13.

- (5) That any additional resources received by the Council relating to the allocation of the NHB in 2011/12 and 2012/13, by way of a loan repayment, disposal of land or any other mechanism, be recycled into the Regeneration Fund to provide future resources for the Regeneration Fund, and a further report be submitted to Cabinet in relation to the expenditure of these recycled funds.

2758 **St. Matthews Quarter: Redevelopment of Old Square**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

That approval be given to appropriate the land, edged bold on the attached plan Appendix A (EPMS 3423/2) for planning purposes under section 122 of the Local Government Act 1972, and to confirm the use of its powers under section 237 of the Town and Country Planning Act 1990 to override third party rights in the land edged bold on the attached plan Appendix A (EPMS 3423/2), subject to completion of an indemnity agreement which provides that all compensation costs will be met by Zurich Assurance.

2759 **Goscote development package**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet endorse the action being undertaken to progress the residential development package for the Goscote regeneration area, and supports in principle the inclusion of land in the Council's ownership (sites C and J as set out in Section 8.2 and Appendix A) into the package of sites in order to secure the financial viability of the overall Goscote project.
- (2) That Cabinet approve in principle taking ownership of land at site B (former Goscote Estate in the current ownership of whg) to provide replacement public open space in exchange for land at site J following the procurement of a future developer partner(s), with the intention of managing the land as public open space.

- (3) That Cabinet endorses the principle of a flexible approach being taken towards the requirements for affordable housing and other s106 costs (subject to financial viability evidence or similar and a future planning committee decision), and towards the proposals for how any values from the development package may be re-invested in prioritised community infrastructure projects (to be agreed) in the Goscote regeneration area.
- (4) That Cabinet agrees to receive a future report that sets out details of the draft development agreement, which will include items such as details of contractual arrangements, the phasing plan for delivery of the new homes and community infrastructure, and the apportionment of any residual value and overage towards investment in community infrastructure.

2760 **Walsall revised Statement of Community Involvement 2012**

Councillor A. Andrew presented the report

(see annexed)

Resolved

That the Walsall Revised Statement of Community Involvement 2012 be adopted and published.

2761 **Black Country Business Property Investment Programme**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet agree the submission of a full European Regional Development Fund (ERDF) application to Department for Communities and Local Government (DCLG) for the circa £8million Black Country Business Property Investment Programme (BCBPIP)
- (2) That authority be delegated to the Executive Director – Regeneration in consultation with the portfolio holder for Regeneration to enter into a Funding Agreement and any ancillary related documents as required with DCLG.
- (3) That authority be delegated to the Executive Director – Regeneration to enter into a Collaboration Agreement, based on the draft document as set out in Appendix B and any ancillary related documentation. The Collaboration Agreement sets out the framework for joint working between the Black Country authorities (Walsall, Sandwell, Wolverhampton and Dudley) to enable delivery of the BCBPIP.

- (4) That approval be given to a £60,000 revenue contribution towards overall management costs for the life of the BCBPIP, which will form 25% of the total Black Country Authorities contribution.
- (5) That authority be delegated to the Executive Director – Regeneration, following consultation with the Executive Board of the BCPIP Programme, to enter into any deeds, contracts and other related documents in relation to the award and management of grant to individual applicants under the BCBPIP.

2762 **Walsall works – creating the conditions for employment growth**

Councillor A. Andrew presented the report:

(see annexed)

Resolved

- (1) That, subject to Council approval of the 2012/13 draft budget proposals on 23 February, Cabinet approve £2 million for use during the financial years 2012/13 and 2013/14, in support of a Walsall Works - Creating the Conditions for Employment Growth Programme.
- (2) That approval be given to the development and implementation of flexible approaches, starting with the development of a Young People's Private Sector Apprenticeship Programme, as set out in section 3 and Attachment 1 of the report.
- (3) That the initial focus for the programme be:
 - (a) 95 young people aged 16-24 through pre-apprenticeship courses, moving onto the next stage below;
 - (b) 225 young people aged 16-18 through a full Apprenticeship programme.
 - (c) 50 young people aged 19-24 through a full Apprenticeship programme.

Total of 275 participants per year with 550 supported over the two years of the scheme.

- (4) That delegated authority be granted to the Executive Director for Regeneration in consultation with the portfolio holder, to revise the programme design, costs, contents, duration and flexibility to facilitate its continuing ability to meet customer needs within approved spending limits.

2763 **Group funding to prevent homelessness**

Councillor A. Andrew presented the report:

(see annexed)

Resolved to recommend to Council

That approval be given for Walsall Council to be Accountable Body for the West Midlands and Warwickshire grouping.

Resolved

- (1) That authority be delegated to the Executive Director for Regeneration to negotiate and agree any proposed terms of the funding with the Department for Communities and Local Government together with the agreements with the West Midlands and Warwickshire grouping.
- (2) That a further report be submitted to Cabinet confirming the funding allocation received.

2764 **Walsall Adult Learning Plan**

Councillor Harris presented the report:

(see annexed)

Resolved

- (1) That the Walsall Adult Learning Plan be approved.
- (2) That approval be given to the establishment of a Walsall Adult Learning Forum to support provider collaboration and to oversee the implementation of Adult Learning Plan priorities.

2765 **Adult social care transformation**

Councillor McCracken presented the report:

(see annexed)

Resolved

- (1) That Cabinet agree to the continued implementation of an equitable and fair process of allocating resources for care to those with greatest need – the substantial and critical bands within the Guidance on Eligibility Criteria for Adult Social Care in England 2010 (Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care).

- (2) That Cabinet affirm the primacy of the Adult Social Care Operating Model in the arrangement and provision of services in Walsall (see Appendix 1).
- (3) That Cabinet delegate to the Director of Adult Social Services and the Chief Finance Officer the annual review of the values of support packages based upon a resource allocation system.
- (4) That Cabinet endorses the approach and direction of travel in relation to the development of personalised adult social care services within available resources.
- (5) That Cabinet agrees a consistent approach in line with Working Smarter of paying all individual budgets for community based support net of the client's contribution, as is the case for residential placements. To deliver efficiencies all payments are processed, utilising Walsave bank accounts.
- (6) That Cabinet endorses the approach of supporting people within Walsall and returning them from out of borough into a community placement in preference to a residential placement, if such a placement meets their needs.
- (7) That Cabinet endorses the approach that all support plans for citizens receiving funding from adult social care will be within an Individual Budget allocation. The amount of respite will therefore be determined by the individual as part of their support plan.
- (8) That Cabinet note that in nearly all circumstances the service user, or their representative, will choose the provider of their care services, or will be supported to choose their provider.
- (9) That Cabinet rescinds the decisions taken on 13 January 2010, 14 April 2010 and 15 September 2010, as outlined at section 3.2, because these have subsequently been overtaken by decisions of the Coalition Government from May 2010 and faster than expected progress in service development within the Social Care and Inclusion Directorate.

2766 **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.

2767 Provision of Education support and related services

Councillor R. Andrew presented the report:

(see annexed)

Resolved

- (1) That Cabinet to approve the provision of resources included at Appendix A and use of 'windfall income' to ensure successful delivery of the Education Transition Programme.
- (2) That Cabinet note that in accordance with delegations approved by Cabinet on 27 July 2011 the Heads of Terms, set out in Appendix B, have been signed.
- (3) That Cabinet approve the inclusion of the traded element of Schools Finance currently provided by Serco, these services to be transferred along side the core element of Schools finance as part of Phase 1 transfer to the Council 1 April 2012.
- (4) That Cabinet delegate to the Director of Children's Services, in consultation with the portfolio holder for children's services, powers to prepare business cases and where a business case exists, to make a decision to transfer some or all of the remaining Serco Traded services all as outlined at 3.5.

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

The meeting terminated at 7.20 p.m.

Leader:

Date: