

Cabinet

Wednesday 8 February 2023

Minutes of the meeting held in Conference Room 2 at the Council House, Lichfield Street, Walsall at 6pm.

Present – in person

Councillor Bird (Chair)	Leader of the Council
Councillor Ali	Customer
Councillor Andrew	Deputy Leader and Regeneration
Councillor Elson	Children's
Councillor Ferguson	Internal Services
Councillor Flint	Health and Wellbeing
Councillor Murphy	Clean and Green
Councillor Pedley	Adult Social Care
Councillor Perry	Deputy Leader and Resilient Communities
Councillor M. Statham	Education and Skills

In attendance – in person

D. Hindson, Chief Executive
S. Darcy, Director - Finance Corporate Performance & Corporate Landlord
S. Portman, Head of Law
C. Goodall, Principal Democratic Services Officer
E. Cook, Assistant Democratic Services Officer

In attendance – remote

K. Allward, Executive Director - Adult Social Care and Hub
S. Neilson, Executive Director - Economy, Environment and Communities
S. Rowe, Executive Director – Children's Services

Part 1 – Public Session

4030 Welcome

Councillor Bird opened the meeting by welcoming everyone and explaining that the Cabinet was meeting that evening in person and that the agenda and reports for this meeting were available on the Council's website. He explained that voting would be by way of a show of hands which would be witnessed and recorded by the Democratic Services officer in attendance.

4031 Apologies

No apologies were received.

4032 Minutes

The minutes of the meeting of 14 December 2022 were submitted.

Resolved

That the minutes of 14 December 2022, a copy having been sent to each member of the Cabinet, be approved and signed as a correct record.

4033 Declarations of interest

No interests were declared.

4034 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.

4035 Petitions

No petitions were submitted.

4036 Questions

No questions were received..

4037 Forward plan

The forward plan as at January 2023 was submitted:

(annexed)

Resolved (by assent)

That the forward plan be noted.

4038 Corporate Budget Plan 2023/24 – 2026/27, incorporating the Capital Strategy and the Treasury Management and investment Strategy 2023/24

Councillor Bird introduced a report which set out the proposed budget plan for 2023/24 to 2026/27.

(annexed)

It was **Moved** by Councillor Bird and **Seconded** by Councillor Perry and it was;

Resolved (unanimously)

1. That Cabinet noted:

- a) That at the time of despatch of this report, the final local government settlement for 2023/24 has not been received. Any changes arising from this will be included within the final papers to Council.
- b) 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 precept levels for 2023/24. Draft figures have been included. Final figures will therefore be provided prior to or at the Council meeting of 23 February 2023 should they change.
- c) That at the time of despatch of this report, the levy authorities, (Environment Agency and West Midlands Combined Authority - Transport Levy) had not formally notified the authority of their final demand for 2023/24. Estimates have been used for the Transport Levy based on informal communication. (The final Transport Levy is expected to be approved early February and will be included within the final papers to Council).
- d) That the council tax base, set by the S151 Officer under officer delegations, is 72,608.66 for 2023/24.
- e) The feedback from Overview and Scrutiny Committees on the draft revenue budget and capital programme and responses to recommendations, as set out in Section A - Part 1 of this report, and general consultation feedback.
- f) The amendments to the revenue budget arising from the provisional settlement, including changes to the savings proposals identified since the December Cabinet report, as set out in section 4.27.
- g) That Members must have due regard to consultation feedback and the public sector equality duty (Section 149 of the Equality Act 2010) when making budget decisions.

2. That Cabinet approved:

- a) The attached report as set out in Section A - Part 2 and Part 3: The Findings from Budget Consultation: Financial Year 2023/24+ and Cabinet responses and that Members have had regard to their duties in relation to consultation, and in relation to the public sector equality duty, in forming their budget recommendations.
- b) That delegated authority be given to the S151 Officer to make any necessary amendments, after consultation with the Leader (Portfolio Holder for Finance), to take account of the final local government settlement, final levies and precepts, final grant allocations and final technical guidance or legislation on the budget; and to make any necessary amendments to the statutory determinations and council tax bands to take account of those changes and the resulting final analysis of the budget and for these amendments to be submitted and therefore recommended

to Council at its meeting on 23 February 2023, after consultation with the Portfolio Holder for Finance (Leader of the Council).

- c) The policy service changes as set out in section 4.30, Table 1 of this covering report.
 - d) That delegated authority be given to the S151 Officer, after consultation with the Leader of the Council and Chief Executive, to agree the council’s final contribution to the West Midlands Combined Authority.
3. That Cabinet approved and recommended to Council, subject to receipt of the final local government settlement, final precepts and levies, receipt of final grant allocations, technical/legislative guidance and final specific grant allocations (*substitute figures and resolution to be provided to Council by the S151 Officer to take account of any changes arising from these*) the following:

Revenue

- a) The financial envelope of resources for 2023/24 as set out in Section B - Part 1 “The Revenue Corporate Budget Plan and Capital Programme”.
- b) A Walsall Council net council tax requirement for 2023/24 of £144.16m and a 2.99% increase in council tax.
- c) That the recommendations of the S151 Officer in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves be approved, including the levels of central contingency and an opening general reserve of not less than £16.12m, as set out in the S151 Officer Section 25 statement in Annex 11 of the Budget Plan.
- d) The (estimated) levies below for outside bodies and Cabinet approved that the final figures be substituted for these provisional ones once they are available at the Council meeting on 23 February 2023. (An estimate has been used within this report based on informal notification from the authorities).

LEVY	AMOUNT (£)
West Midlands Combined Authority Transport Levy	11,614,200
Environment Agency	85,178

e) The following statutory determinations (references are to the Local Government Finance Act, 1992 as amended), and subject to any final changes arising from receipt of final precepts and levies, receipt of final grant allocations, technical/legislative guidance and final specific grant allocations, and Cabinet approved that these will be substituted at the Council meeting on 23 February 2023 for the final figures once received:

- I. £721,685,138 being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act.
- II. £577,522,096 being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
- III. £144,163,042 being the amount, by which the aggregate at (e) (I) above exceeds the aggregate at (e) (II), calculated by the council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year.
- IV. £1,985.48 being the amount at (e) (III) above, divided by the council tax base of 72,608.66, calculated by the council in accordance with Section 31B of the Act, 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 (e) (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
1,323.65	1,544.26	1,764.87	1,985.48
E	F	G	H
2,426.70	2,867.92	3,309.13	3,970.96

f) The draft precept from the Fire and Rescue Authority and the Police and Crime Commissioner, 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 and Cabinet approved that the final figures be substituted once they are available at the Council meeting on 23 February 2023.

PRECEPTING AUTHORITY	VALUATION BANDS			
	Police And Crime	A	B	C
135.0		157.5	180.0	202.55
Fire & Rescue	E	F	G	H
	247.5	292.5	337.5	405.10
	A	B	C	D
	48.68	56.79	64.90	73.02
	E	F	G	H
	89.24	105.4	121.6	146.03

- g) That having calculated the aggregate in each case of the amounts at (e) (v) and (f) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2023/24 for each of the categories of dwellings shown below and Cabinet approved that the final figures be substituted once the final precepts are available at the Council meeting on 23 February 2023.**

A	B	C	D
1,507.36	1,758.59	2,009.81	2,261.05
E	F	G	H
2,763.50	3,265.96	3,768.40	4,522.09

- h) That notice be given of the council tax within twenty one days of it being set by publishing details of the same in the “Express and Star” newspaper circulating in the Authority’s area.**
- i) That the S151 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, billing, the giving of notices and the taking of necessary steps to ensure collection thereof.**
- j) That the S151 Officer be given delegated authority to make transfers to and from reserves in order to ensure that reserves are maintained as necessary and in particular, adjusted when reserves are no longer required, or need to be replenished.**
- k) That, pursuant to Section 52ZB and 52ZC of the Local Government Finance Act 1992, the relevant basic amount of**

council tax for the Council is not excessive in relation to determining whether a referendum is required.

Capital

- a) The allocation of capital expenditure plans as set out in Section B - Part 1 “The Revenue Corporate Budget Plan and Capital Programme” and that the capital and leasing programme as set out in Annex 9 be approved bearing in mind the principle that unless affordable from within current resources, specific projects funded by borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published.
- b) That the S151 Officer be given delegated authority to determine how each source of finance is used to fund the overall capital programme and to alter the overall mix of financing as necessary, to maximise the flexibility of capital resources used and minimise the ongoing costs of borrowing to the council.
- c) That the S151 Officer, after consultation with the Leader (Portfolio Holder for Finance), be given delegated authority to release capital resources held back for any contingent items that may arise (earmarked capital receipts for essential or emergency spend), and also for any match funding requirements that may be required of the council in order to secure additional external capital funding (e.g. bids for government or other funding).
- d) The Capital and Investment Strategy set out in Annex 8 of the Budget Plan be approved.
- e) The Flexible Use of Capital Receipts Strategy set out in Annex 10 of the Budget Plan be approved.

Treasury Management

1. Section B – Part 2A – The Treasury Management and Investment Strategy 2023/24 onwards, including the council’s borrowing requirement, borrowing limits, and the adoption of prudential indicators, be approved.
2. That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, be delegated to the S151 Officer.
3. That decisions to use capital receipts or borrowing within the framework of approved prudential indicators be delegated to the S151 Officer.
4. Section B – Part 2B – Treasury Management Policies, be approved.

4039 **Payments System Contract Award**

Councillor Bird introduced a report which sought to ensure that the Council had a system in place to receive payments (Payment Service), which was fit for purpose and continued to offer secure, compliant payment services to its customers.

(annexed)

It was **Moved** by Councillor Bird and **Seconded** by Councillor Andrew and it was;

Resolved (unanimously)

That Cabinet:

1. **Approved the award of a contract for the provision of a Payment Service for the seven-year period from 01 June 2023 to 31 May 2030 with an anticipated value in the region of £2,038,000 to Capita Plc as described in paragraphs 4,7, 7.2 and 7.3.**
2. **Delegated authority to the Executive Director of Resources and Transformation to enter into a contract and to subsequently authorise the signing of any associated contracts or other related documents.**
3. **Authorised the signing of this contract underhand as due to the nature of the services provided it is unlikely the Council would benefit from 12 years of protection under seal.**

Delegated authority to the Executive Director of Resources and Transformation, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts and provided they are in line with the Council's Contract Rules and any relevant legislation, including Public Contract Regulations 2015.

4040 **Corporate Financial Performance 2022/23**

Councillor Bird introduced a report which reported on the forecast corporate financial position for 2022/23 (based on December 2022 actual and forecasts) and actions being taken to address this to ensure the council out-turned on budget.

(annexed)

It was **Moved** by Councillor Bird and **Seconded** by Councillor Andrew and it was;

Resolved (unanimously)

That Cabinet:

1. **Noted a forecast service revenue overspend of £7.92m after service mitigating actions offset by £7.98m underspend on central budgets (includes £4.79m of mitigating actions) resulting in a net £57k variance under budget, and progress against delivery of approved savings. The service overspend has reduced by £4.56m as detailed in sections 4.5 to 4.9.**
2. **Noted that there continues to be risk in terms of fluctuating demand and prices in Children's Social Services; data issues in Adult Social Care; and the increased cost of living demands, which require continued close management.**
3. **Approved the use of the Market Sustainability and Fair Cost of Care grant allocation of £966k from 2022/23 towards an ongoing uplift to home care services as outlined in section 4.5.**
4. **Approved amendments to the capital programme as detailed at Appendix 5.**
5. **Noted that the forecast for the capital programme is currently predicted to underspend by £652k after the expected carry forward of £121.06m into 2023/24, as set out in sections 4.16 and 4.17.**
6. **Noted financial health indicator performance as set out in section 4.19 and Appendix 6.**
7. **Noted the prudential indicators as set out in section 4.25 and Appendix 7.**

Approved the write off of debt as detailed in section 4.28.

4041 **Council Plan Markers of Success Q2 2022/23**

Councillor Bird introduced a report which reported on Quarter 2 of the 2022/23 Council Plan Markers of Success, highlighting achievements for that period and support requirements identified.

(annexed)

It was **Moved** by Councillor Bird and **Seconded** by Councillor Andrew and it was;

Resolved (unanimously)

1. That Cabinet noted the baseline measures set for 2022/23 and the performance in Q2 relating to the period July-September 2022.
2. That Cabinet noted any key achievements, identified interdependencies and support required to achieve the Outcomes, set out in this report.

4042 **Derelict Sites Intervention**

Councillor Andrew introduced a report which sought to bring redundant sites and buildings back into active economic use to generate economic and environmental outputs for the area and contribute towards development targets, including new homes, employment floorspace and place making.

(annexed)

It was **Moved** by Councillor Andrew and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet supported the use of compulsory purchase powers in-principle where:
 - a) the land cannot be acquired by agreement within a reasonable timeframe; and
 - b) the relevant statutory and Ministerial Circular tests for making a compulsory purchase order ('CPO') are met.and either c) or d) applies:
 - c) the use of CPO powers would help facilitate delivery of particular sites as part of a strategic regeneration scheme; and/or
 - d) the site is a derelict and underutilised regeneration site, a long-term empty property and/or derelict land.

and noted that approval to make any compulsory purchase order would be subject to a future Cabinet report.

2. That Cabinet noted that reasonable attempts will be made to acquire the various land interests of owners, occupiers or others with a legal interest in any site by agreement, before consideration is given to compulsory purchase powers.
3. That Cabinet agreed the prioritisation process and criteria set out at paragraph 4.7 to be used to identify the most appropriate sites for

compulsory purchase, and that a programme arising from this prioritisation should be endorsed by Cabinet in a further report, for inclusion in the capital programme.

4043 **Private Hire Vehicles in Bus Lanes**

Councillor Andrew introduced a report which responded to a motion passed by Council on 9 January 2023 to optimise the transport network for the benefit of the travelling public by allocating limited road space in the most appropriate way.

(annexed)

Councillor Bird reported feedback received from Councillor A. Hussain.

It was **Moved** by Councillor Andrew and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That **Cabinet approved informal consultation with members of the Enhanced Partnership (EP) Reference Group to determine if the proposal to allow private hire vehicles in bus lanes is likely to be approved.**
2. That **Cabinet delegated authority to the Executive Director for Economy, Environment & Communities, in consultation with the Deputy Leader & Cabinet Member for Regeneration, to consider the outcome of the informal consultation and if the proposal is likely to be approved, make a formal application to vary the EP agreement to allow private hire vehicles in bus lanes where taxis are currently permitted.**

4044 **We Are Walsall 2040 Strategy Consultation**

Councillor Perry introduced a report which sought to progress the We Are Walsall 2040 strategy.

(annexed)

It was **Moved** by Councillor Perry and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That **Cabinet approved the We Are Walsall 2040 strategy high level framework as appended to the report.**

2. That Cabinet recommended the We Are Walsall 2040 framework to the Scrutiny Overview Committee for consideration as part of the consultation.

4045 Council Tax Premium

Councillor Ali introduced a report which sought to encourage owners of long-term empty properties and those not being used as someone's sole or main residence, to bring those properties back into use.

(annexed)

It was **Moved** by Councillor Ali and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet recommended to Council that, from 1 April 2023, the length of time before being able to charge council tax premium, for properties that have been empty and unfurnished for more than 1 year, be reduced to one year rather than current two.
2. That Cabinet recommended to Council the introduction of a 100% council tax premium from 1 April 2024 for furnished properties that are no-ones sole or main residence.
3. That Cabinet delegated to the Executive Director for Children's and Customer Services, in consultation with the relevant Portfolio Holder, authority to amend the recommendations to Council in the event of any changes to the Bill during its passage through the legislative process.

4046 Healthy Lifestyle Service Contract Extension

Councillor Flint introduced a report which sought to continue the Healthy Lifestyle Service and allow Walsall Council time to complete the competitive tendering process for a new Wellbeing Service.

(annexed)

It was **Moved** by Councillor Flint and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet approved the extension of the Healthy Lifestyle Services contract from 1 April 2023 up to and including 31 March 2024 with MyTime Active at a cost of up to £717,798.

2. That Cabinet delegated authority to the Director of Public Health, in consultation with the Portfolio Holder for Health and Wellbeing, to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents for such services.
3. That Cabinet delegated authority to the Director of Public Health, in consultation with the Portfolio Holder for Health and Wellbeing to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of the further extended contract, providing they are in line with the Council's Contract Rules and any relevant legislation, including the Public Contracts Regulations 2015.

4047 **Determination of the Scheme for coordinated admissions, and the Admission Arrangements for Community and Voluntary Controlled Primary Schools for the 2022/23 academic year**

Councillor Statham introduced a report which sought to ensure that Walsall Council meets its statutory duty to offer a school place to all Walsall resident children, and to determine the admission arrangements for community and voluntary controlled schools in accordance with the requirements of Section 89 of the School Standards and Framework Act 1998 and the School Admissions Code 2021.

(annexed)

It was **Moved** by Councillor Statham and **Seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet approved the proposed schemes as set out in Appendix A for inter-authority coordinated admissions for 2024/25.
2. That Cabinet determined the admission arrangements for community and voluntary controlled primary schools for the academic year 2024/25, as set out in Appendix B of this report.
3. That Walsall Council informs all relevant stakeholders of the determination of its admission arrangements for the 2024/25 academic year in accordance with the provisions of the School Admissions Code 2021.

4048 **Feedback from the Economy and Environment Overview and Scrutiny Committee regarding drone surveillance**

Councillor Andrew introduced a report which received a recommendation from the Economy and Environment Overview and Scrutiny Committee made on 24 November 2022 regarding drone surveillance

(annexed)

Resolved (by assent)

That Cabinet noted the report and recommendations of the Economy and Environment Overview and Scrutiny

4049 **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 the items in private.

Private Session: Whilst the following items were considered in the private session, the below is a full account of events and the decisions taken.

4050 **TUPE transfer of Black Country Local Enterprise Partnership Economic Intelligence Team**

Councillor Bird introduced a report which sought to retain the Economic Intelligence Unit (EIU) as a key service within the Black Country and its staff expertise, by transferring the function from Black Country Consortium (BCC) Ltd to Walsall Council.

(annexed)

It was **Moved** by Councillor Bird and **Seconded** by Councillor Flint and it was;

Resolved (unanimously)

That Cabinet approved the TUPE transfer of the Black Country Consortium Ltd Economic Intelligence Team to Walsall Council on 1 April 2023

(Exempt Information under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

There being no further business, the meeting terminated at 6:57 p.m.

Chair:

Date: