

# **Cabinet minutes**

**Wednesday 24 October 2018 at 6.00 p.m.**

**in a Conference Room at the Council House, Walsall**

## **Present**

Councillor Bird	Leader of the Council
Councillor Andrew	Deputy Leader and Regeneration
Councillor Martin	Adult social care
Councillor Wilson	Children's and health and wellbeing
Councillor Harrison	Clean and green
Councillor Perry	Community, leisure and culture
Councillor Towe	Education and skills
Councillor Harris	Personnel and business support

## **3852 Minutes**

### **Resolved**

That the minutes of the meeting held on 5 September 2018 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3853 Declarations of interest**

The undermentioned members declared an interest in the items indicated:

- Councillor Andrew – Item 15 Community Alarm Service (personal and prejudicial and withdrew from the room)
- Councillor Perry – Item 17 School place planning and expansions (other interest)
- Councillor Towe – Items 23 and 27 – Contract for temporary agency workers (personal and prejudicial and withdrew from the room)

## **3854 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.

### 3855 **Petitions**

The following petitions were submitted:

- Councillor Andrew – Road safety for Upper Green Lane bridge from employees of HomeServe
- Mr. G. Ali – “Adopt our roads as public highway” from residents of Shropshire Close/Northumberland Way

### 3856 **Questions**

Members were informed that questions from representatives of Salisbury Primary School with regard to Item 17 – School place planning and expansions would be responded to at that point in the meeting.

### 3857 **Forward plan**

The forward plan as at 8 October 2018 was submitted:

(see annexed)

#### **Resolved**

That the forward plan be noted.

### 3858 **Performance management framework**

Councillor Bird presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approve the recommendations made by Audit Committee, namely:
  - (a) The tolerance for measure 22 (Percentage of employee appraisals completed) is 100%.
  - (b) Within the Corporate Health Check Measures workforce section the inclusion of additional measure ‘the average length of sickness’.
  - (c) Within the Corporate Health Check Measures workforce section the inclusion of additional measure ‘compliance with completion of mandatory training (staff)’.

- (d) Within the Corporate Health Check Measures process section the inclusion of additional measure 'compliance with completion of mandatory training (elected members)'.
- (2) That Cabinet approves the use of the performance management framework, as amended, for all services.

### 3859 **Draft revenue budget and capital programme 2018/19 to 2021/22**

Councillor Bird presented the report:

(see annexed)

#### **Resolved**

- (1) That the latest forecast overspend for 2018/19 of £2.40m be noted. (Action continues to be taken, and there is confidence that sufficient ongoing and one-off actions will be identified to bring the position back in line with the approved Budget.)
- (2) That the Cabinet approve the passporting of 2018/19 grants as set out in section 3.3.8.
- (3) That the amendments to the 2018/19 capital programme as set out in section 3.3.9 be approved.
- (4) That Cabinet note the quarter 2 financial health indicator performance as set out in Appendix 1, and prudential indicators at Appendix 2.
- (5) That Cabinet note the financial assumptions and projections within the draft revenue budget, the uncertainty around final funding, and that these assumptions may change as the budget progresses.
- (6) That the 2019/20 to 2021/22 provisional directorate revenue cash limits as set out be noted.
- (7) That the report be referred to all overview and scrutiny committees, to enable their comments to be considered by Cabinet in December 2018 in advance of Cabinet proposing the final budget in February 2019.
- (8) That Cabinet refer the draft revenue policy proposals for 2019/20 as set out in this report and appendix 5a for stakeholder consultation (where required), and for equality impact assessment, with feedback on these informing the final budget.
- (9) That Cabinet endorse the operational savings for 2019/20 set out in appendix 5b of this report, and instruct officers to implement these under officer delegations, subject to any required consultation, equality impact assessment, and any changes arising as a result of the latter two.

- (10) That Cabinet note that the medium term financial outlook position assumes an increase in Council tax of 2.99% in 2019/20 and future years, the assumed level of “reasonableness” in respect of referendum principles, and that any changes to those principles, as set by the Secretary of State, may change the overall budget.
- (11) That Cabinet note that the level of contingency funds and general reserves will need to be in line with the levels set out within the Council’s MTFs, the final level to be based on a detailed risk assessment, which will be reported to Cabinet in February 2019.

### **3860 Local Government Association Peer Challenge action plan**

Councillor Bird presented the report:

(see annexed)

#### **Resolved**

That Cabinet note the successful and timely conclusion of the action plan in relation to the stocktake.

### **3861 Walsall Proud Programme**

Councillor Bird presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the Walsall Proud Programme framework attached and its implementation.
- (2) That approval be given for the Executive Director, Resources and Transformation to enter into negotiations for a contractual arrangement with PwC to assist in the delivery of the Walsall Proud Programme and that a further report be submitted to the next appropriate Cabinet meeting.

### **3862 School place planning and expansions**

Councillor Towe presented the report:

(see annexed)

Representatives of Salisbury Primary School asked the following questions of Councillor Towe portfolio holder for Education and Skills:

### **Question 1: Deb Steen, Head Teacher**

“Previously our PAN (pupil admissions number) was set at 45 per academic year. It was then agreed by Parliament that it was allowed to increase to 60 from 2018. This can be proven by the increase seen in the school's allocated budget from April 2018 allowing for the increase of 15 pupils in September 2018. The new PAN of 60 will remain with the school until September 2020. This means that the school can legally be given 60 pupils per academic year (this year and next) despite having a building that is only fit to provide for a PAN of 45. Without this expansion (and the agreed refurbishment works), how can Salisbury possibly provide adequate space and resources for an extra 15 children per year group?”

Councillor Towe replied:

“It is the Authority’s intention to commence statutory consultation to reduce the published pupil admissions number for Salisbury Primary school from 60 to 45, effective from September 2020. For September 2018, space and resources are considered adequate as only 38 reception children were admitted on roll, significantly less than the schools published admission numbers. For September 2019, should the number of children registered for reception increase such that demand reflects the published pupil places of 60 places (numbers registered will be known March 2019), any additional places required would be met through a temporary modular unit or refurbishment/remodelling of existing school space.”

### **Question 2: Zoe Watkins**

“Additional staff have been employed from September 2018 to support the additional pupils we were told would be joining the school. Over the course of the year this will cost the school £52,000 but without the extra funding as there are no additional pupils. What support is the school going to receive in order to cope with the strain on an already stretched budget? “

Councillor Towe replied:

“For the 2018/19 financial year additional funding has already been allocated to the school to cover the potential costs of additional teaching staff for 15 extra children for 7mths of the academic year from September 2018 to March 2019, and paid as part of the 2018/19 school budget. As such, the additional costs referred to should not cause a pressure for the school.”

### **Question 3: Sam Forsyth, Deputy Head Teacher**

“It was identified in the expansion planning report (published in April 2018; agenda item 12) that “the school has significant refurbishment costs to provide fit for purpose basic need facilities.” These refurbishment needs were planned to be addressed during the expansion work. Given that the building has these needs, and there is a separate Hub that remains unsafe to use, how are these needs to be addressed in order to enable the school to make safe use of its estate footprint?”

Will there be funding forthcoming from the LA to help ensure that the school is able to provide a safe environment for its pupils?"

Councillor Towe replied:

"Having enough school places in safe, high quality buildings in the right area is a crucial aspect of Walsall's longer-term capital education strategy. This is challenging because many of our existing school buildings are in need of investment and the authority receives limited funding from Government for capital works to the school estate. Emergency / urgent works required to keep buildings safe, tackle poor building condition, ensure building compliance, energy efficiency and health and safety issues are prioritised from the funding received. Roof works, corridor repairs and floor replacements, carried out at Salisbury to ensure a safe environment for children, are examples of such works. The Council is committed to ensuring the provision of a safe environment for all pupils and takes all matters of health and safety seriously. Integrated Facilities Management will review arrangements in light of concerns expressed."

#### **Question 4: Karl Sullivan**

"It states in the report that the Cabinet has identified that £12,000 has been spent on preparatory work for the expansion. This is in addition to the significant number of hours committed to the project (both inside and outside of working hours) by members of the Senior Leadership Team, staff and Governors who, at the request of Walsall LA, have been involved in planning and project meetings, supporting numerous surveying professionals on site, and the recording and supplying of research data, such as postcode analysis, traffic surveys, bat surveys, and travel plans. The school have also employed an external advisor at a cost of £8000 to ensure that the expansion plans met the school's needs. If this expansion is not to go ahead, how will the school be reimbursed for the financial outlay that has so far been incurred due to the actions and recommendations of Walsall LA? "

Councillor Towe replied:

"The Council would ordinarily expect that the management of any expansion programme at the school to be undertaken by Council procured resources. Our internal records do not indicate the Council requested that the school put this external advisor in place and would therefore want to see evidence of the actual costs incurred and the request from the Council to put these resources in place before considering this matter further."

The Leader allowed a request from Councillor Burley to address the Cabinet in relation to proposals for Salisbury Primary School.

Councillor Burley said that she had been a Local Authority Governor of the school for a number of years. She said that the school was desperately in need of refurbishment to improve the environment for pupils to work in and pointed out that preliminary work had been undertaken by the school in line with the previous decision to expand it. Councillor Burley was concerned that she had not been given advance warning of the proposal to revoke the decision to expand the school and highlighted some factors she considered should be taken into account, including

that planning permission had been granted for a large number of three and four bedroom houses nearby; and that Darlaston had many large families and had the largest number of children under five years in the borough. She urged the Cabinet to defer making a decision until further information on the implications was provided.

The Leader allowed a request from the Head teacher of Salisbury Primary School, Mrs D. Steen, to address the Cabinet.

Mrs Steen said that she had not known of the proposal to revoke the decision to expand the school and consequently she had already allowed extra pupils above the Published Admission Numbers and had employed additional teaching staff based on the expectation that the school would be expanded.

Councillor Towe thanked Councillor Burley and Mrs Steen and said that the recommendations had been formed on the basis of advice from the Education and Skills Funding Agency however, he said that he would look again at how the schools affected had been consulted.

The Leader allowed a request from the Head teacher of St. Michaels Primary School, Pelsall, Mrs R. Hutchinson and Mr A. Roberts, Governor.

Mrs Hutchinson said that she had not been told of the proposals relating to St. Michaels primary school to modify the implementation date for the increased number of school places and had found out via the local media. She said that the school was always full and that a waiting list was in operation, with all nursery children filling the sixty places for next September. Mrs Hutchinson was concerned that she had already employed staff in anticipation of the increase in places and she explained the logistical challenges the delay would create.

Mr Roberts said that the schools project team had worked hard to ensure that the school was well prepared to accommodate the additional pupils and saw no reason to delay the implementation date. He was however, concerned about the use of temporary modular units. Mr Roberts went on to say that permission had been granted for a large housing development of 263 new homes within a mile of the school which was likely to mean an increased number of admission applications.

In response to the issues raised, the Assistant Director, Children's Services, Mrs A. Potts highlighted the key areas in the report which explained the expectation of the Education and Skills Funding Agency and the methodology which led to the recommendations. She advised that she understood that all schools affected had received communications in relation to the proposals and that the School Organisation Manager had visited each school.

Having listened to the representations and responses and having considered the information contained in the report, the leader and cabinet members did not feel that they could make an informed decision at this meeting. Members therefore were minded to defer further consideration to give additional time for officers to engage in further dialogue with schools about the proposed changes. Councillor Towe undertook to ensure that urgent meetings were arranged with schools accordingly.

## **Resolved**

That the decision be deferred to enable further consideration of the matter.

### **3863 Financial penalties policy**

Councillor Andrew presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approve the financial penalties relating to the Housing and Planning Act 2016 Policy (contained in Appendix 1 and 2).
- (2) That the report be referred to the Economy and Environment Overview and Scrutiny Committee to look at supporting its implementation and to consider in connection with its work on private rented sector housing and selective licensing options.

### **3864 Walsall Revised Local Development Scheme**

Councillor Andrew presented the report:

(see annexed)

## **Resolved**

That the amended Local Development Scheme be approved to take effect from 1 November 2018.

### **3865 Food Law Enforcement Service Plan 2018-19**

Councillor Perry presented the report:

(see annexed)

In presenting the report, Councillor Perry referred to the Food Hygiene Rating scheme said that he was disappointed that whilst a significant amount of work had been undertaken with businesses to display their rating, it remained a gap in the law that they were not compelled to do so. He said that he would be writing to the relevant Minister to highlight this. The Leader asked that the Minister be also asked to apply the requirement to display to internet based food providers.



## **Resolved**

(1) That Cabinet receive the Food Law Enforcement Service Plan for the year 2018/19 as evidence of the Council's compliance with its statutory duties in relation to food law.

(2) **To recommend to Council**

That the Food Law Enforcement Service Plan for 2018/19 be approved and adopted.

### **3866 Future of Community Alarm Service**

At this point, Councillor Andrew left the meeting for this item having declared an interest and took no part in the discussion or voting thereon.

Councillor Martin presented a report:

(see annexed)

The Leader allowed a request from a resident, Mr P. Smith, to address the Cabinet.

Mr Smith said that he was concerned with the recommendations in the report. He referred to the numbers of people using the service, and to previous Council decisions to reduce the budget for this service, and urged the Cabinet to consider the use of Reserves to enable option 1, to make no change to the service, to be supported. Mr Smith suggested that should the Cabinet not be minded to approve option 1, then the possibility of looking at variations such as age related charging be considered.

The Leader responded to Mr Smith during which time the Leader expressed his view that the service was no longer fit for purpose which could put service users at risk and therefore the best option was to enable those requiring the service to purchase a better service from alternative providers in the market place.

It was **moved** by Councillor Martin, seconded by the Leader and:

## **Resolved**

(1) That Cabinet notes:

(a) The feedback of public consultation conducted between 10 August and 21 September 2018 (appendix 1).

(b) That the overall preferred option for 53% of respondents was Option 1 followed by 27% preferring Option 2 and Option 4 being the most unpopular, however, officers are unable to recommend either of these options as detailed further under the weakness and threats sections of the report (refer to 3.3.6 and 3.6.13) and summarised below:

- Option 1 – the Council decided to reduce the funds for this service and it is recommended that this option is discounted as unaffordable. If option 1 is pursued a budget variance of £888,461 would need to be identified.
  - Option 2 – this option is not recommended as it is not affordable, creates an administrative burden and is unlikely to deliver full cost recovery. Again, a budget variance of £135,002 as a minimum to £689,488 as a maximum, would need to be identified.
- (c) That in addition to addressing the budget variance to implement either Option 1 or 2, investment would be required to upgrade equipment/ technology to ensure a quality service, comparable to the external market, was available.
- (d) That the top three suggestions from responders who selected Option 1 or 2 on how to fund CAS in the future were:
- By other means - i.e. changes to other services, efficiencies, less essential services, tackle benefit dependency – 32%
  - reduce staff costs i.e. higher paid – 16%
  - Council Tax increase – 9%
- (2) That having taken into consideration the responses to public consultation and for the reasons set out in section 3 of this report Cabinet approves the recommendation of Option 4: to cease the provision of the service and direct customers to alternative providers in the market place, as set out in paragraph 3.6.26 of the report.

### **3867 Proposed schools local funding formula 2019/20**

Councillor Towe presented the report:

(see annexed)

Members were informed that Schools Forum at its meeting on 17 October 2018 unanimously agreed the recommendations.

#### **Resolved**

- (1) That Cabinet approves that a full consultation exercise with all mainstream primary and secondary schools in Walsall is undertaken to determine the formula that will be utilised to distribute funding to mainstream schools and academies within Walsall for 2019/20.
- (2) That Cabinet notes that the outcome of this consultation will be reported back to Schools Forum at their meeting on 5 December 2018 for recommendation of a final funding formula to Cabinet at their meeting on 12 December 2018.

### 3868 **West Midlands Children's residential care flexible contracting arrangements**

Councillor Wilson presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet note the development of the West Midlands Regional Residential Flexible Contracting Arrangement which will operate in a similar manor to a Dynamic Purchasing System (DPS) enabling providers to join throughout the life of the contract.
- (2) That Cabinet approve award of spot purchase call off contracts under the West Midlands Regional Children's Residential Flexible Contracting Arrangement, for an initial term of three years, to commence service delivery from December 2018, with the option to extend the initial term by up to three additional years, from December 2021.
- (3) That Cabinet delegate authority to the Executive Director of Children Services, in consultation with the Portfolio Holder of Children Services, to enter into spot purchase call-off contracts with providers under the West Midlands Regional Residential Flexible Contracting Arrangement for the provision of children's residential placements, by using the most appropriate procedures and to subsequently authorise contracts or other related documents for such service.

### 3869 **Household Waste Recycling Centres**

Councillor Harrison presented the report:

(see annexed)

The Leader thanked officers for their hard work to deal with, and to prepare option, to address, fly tipping.

#### **Resolved**

- (1) That Cabinet approve a 13 week trial for Fryers Road and Merchants Way HWRC sites to open seven days per week on current summer operating hours (8:00am – 6:00pm) with one additional late night opening (8:00am – 8:00pm) per week at each site.
- (2) That Cabinet approve the allocation of an earmarked reserve of £110k to fund the one-off costs of the 13 week trial.
- (3) That Cabinet approve the revised timescale for the Free Bulky Collection trial to be for a period of 6 weeks starting on Monday 5 November 2018.

**3870 Open water safety policy**

Councillor Harrison presented the report:

(see annexed)

**Resolved**

- (1) That Cabinet notes the actions achieved to date on the Open Water Safety Policy.
- (2) That Cabinet approves the revised Open Water Safety Policy as detailed in Appendix A.

**3871 Walsall Arboretum sustainable events policy**

Councillor Harrison presented the report:

(see annexed)

**Resolved**

That Cabinet approve the adoption of the Sustainable Events Policy and delegate authority to the Executive Director, Economy and Environment, in consultation with the portfolio holder for Clean and Green, to approve any minor amendments.

**3872 Contract for printing equipment and multi-functional devices**

A report was submitted:

(see annexed)

It was noted that the decision on this matter would be made in the private session following consideration of a report containing confidential information.

**3873 Contract for a managed service for temporary agency workers**

At this point, Councillor Towe left the meeting for this item having declared an interest and took no part in the discussion or voting thereon.

A report was submitted:

(see annexed)

It was noted that the decision on this matter would be made in the private session following consideration of a report containing confidential information.

#### **3874 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 the items in private.

#### **Summary of items considered in private session**

#### **3875 Phoenix 10 project**

Councillor Andrew presented the report:

(see annexed)

The Cabinet considered a report which set out the actions to establish the overall funding package to undertake the remediation and development of the Phoenix 10 site and:

- Agreed to enter into a Grant Agreement with the City of Wolverhampton Council for Black Country Land and Property Investment Funding.
- Approved the award of a contract to undertake the remediation and development of the site to Henry Boot Developments Ltd., as a development partner subject to completion of relevant legal agreements

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

#### **3876 Contract for printing equipment and multi-functional devices**

Councillor Harris presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approve the award a 5 year contract, with an associated value of £1,695,547.03, to Konica Minolta, for the leased supply of multi-functional printing devices, production printing devices and associated printing software.
- (2) That Cabinet delegate authority to the Executive Director Resources and Transformation to enter in to subsequent lease agreements which may be taken out under this contract and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.

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

### **3877 Digital autopsies**

Councillor Perry presented the report:

(see annexed)

The Cabinet considered a report on an approach by a commercial company for the provision of MRI digital autopsy services. The Cabinet decided not to enter into a contract with the company. Cabinet also decided to continue to allow/not object to the Coroner recommending the use of MRI digital autopsy services to bereaved families where the Coroner deemed it acceptable as this would allow the bereaved families to choose whether or not to purchase those services privately.

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

### **3878 Contract for a managed service for temporary agency workers**

At this point, Councillor Towe left the meeting for this item having declared an interest and took no part in the discussion or voting thereon.

Councillor Harris presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approves the award of the new contract (valued overall to be in the region of £48 million) to Starting Point Recruitment Limited for the provision of a Managed Service for Temporary Agency Workers for the period 1 April 2019 until 31 March 2022 with the option to extend for 12 month at the sole discretion of Walsall Metropolitan Borough Council.

- (2) That Cabinet delegate authority to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Personnel and Business Support, to enter into a new contract to deliver a Managed Service for Temporary Agency Workers Service' by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contract, deeds or other related documents for such services.
- (3) That Cabinet note the commencement of a further procurement process to commission such temporary agency worker services for Social Work across both Children's and Adults services in order to obtain required assurances on the future quantity and quality of such provision.

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

The meeting terminated at 8.05 p.m.