

# Cabinet

**Wednesday 18 October 2023**

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

## **Present**

Councillor Bird (Chair)	Leader of the Council
Councillor Ali	Customer
Councillor Andrew	Deputy Leader and Regeneration
Councillor Elson	Children's Services
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**

E. Bennett	Chief Executive
K. Allward	Executive Director – Adult Social Care
D. Brown	Executive Director – Economy, Environment and Communities
C. Male	Executive Director – Children's Services
A. Cox	Director of Governance
S. Darcy	Director of Finance, Corporate Performance Management and Corporate Landlord
N. Inglis	Director of Public Health
C. Goodall	Principal Democratic Services Officer
E. Cook	Democratic Services Officer

## **Part 1 – Public Session**

### **4125 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.

### **4126 Apologies**

No apologies were received.

### **4127 Minutes**

The minutes of the meeting held on 19 July 2023 and the special meeting of 20 September 2023 were submitted.

**Resolved**

That the minutes of the meeting held on 19 July 2023 and the special meeting of 20 September 2023, a copy having been sent to each member of the Cabinet, be approved and signed as correct records.

**4128 Declarations of interest**

Councillor Perry declared an interest in Item 16 Integrated sexual and reproductive health services and the Healthy Child Programme 0-19 Section 75 Agreement Extensions, as an employee of Walsall Healthcare NHS Trust.

**4129 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

**4130 Petitions**

No petitions were submitted.

**4131 Questions**

No questions were received.

**4132 Forward plan**

The forward plan as of October 2023 was submitted:

(annexed)

**Resolved**

**That the forward plan be noted.**

**4133 The Armed Forces Act 2021 – New Statutory Duty: Walsall Armed Forces Covenant 2023**

Councillor Bird introduced a report setting out the new Walsall Armed Forces Covenant and invited Councillor Hicken to give an overview of the report and Covenant, as the Armed Forces Champion.

(annexed)

Councillor Bird thanked Councillor Hicken for his diligence and effort in embracing the Armed Forces Champion role.

It was **moved** by Councillor Bird and **seconded** by Councillor Flint and it was;

**Resolved** (unanimously)

1. **That Cabinet notes the Armed Forces Covenant statutory duty.**
2. **That the Walsall Council Armed Forces Covenant, appended to the report, be approved.**
3. **That authority be delegated to the Executive Director for Economy Environment and Communities in consultation with the Leader of the Council (or nominated Armed Forces Champion) to make amendments to the pledges contained in the local covenant to ensure that they remain current.**

#### 4134 **Corporate Financial Performance 2023/24 – Mid-year position**

Councillor Bird introduced a report providing the forecast corporate financial position for 2023/24, based on known and forecast pressures as at September 2023, as well as actions being taken to address these.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Andrew and it was;

**Resolved** (unanimously)

**That Cabinet:**

1. **Note the forecast revenue spend above budget of £18.35m with services mitigating actions of £3.81m reducing this to £14.53m. A further £10.82m of central mitigating actions have been identified reducing the overspend down further to £3.72m. The forecast overspend has reduced by £10.07m since the June position (month 3) reported to Cabinet on 19 July 2023, mainly due to:**
  - a further underspend of £2.08m in relation to capital financing,
  - the use of central mitigating actions,
  - a one off windfall income from business rates of £2.62m.
  - This position also includes the use of the additional Market Sustainability and Improvement Fund grant allocation given in year of £2.18m as announced in July 2023.
2. **Note that there are additionally high risks of £15.64m to the revenue forecast identified within services as set out in Appendix 2. These risks are actively being monitored and action is being taken to reduce / eliminate them.**

3. **Note the progress on savings approved for 2023/24 and the amendments as detailed in section 4.11 to 4.13 and the proposed use of earmarked reserves to mitigate these in 2023/24. Ongoing into 2024/25 these are expected to be fully delivered or replaced with alternative savings to ensure no financial impact.**
4. **Approve amendments to the capital programme as set out in section 4.15, including the request to increase highways maintenance by £700k in 2023/24.**
5. **Note that the forecast for the capital programme is a predicted underspend of £710k, after the expected carry forward of £23.82m into 2024/25, as set out in sections 4.16 and 4.17 and Appendix 6.**
6. **Approve the release of £2.89m from the development pool for the continuation of the Enabling Technology Programme, as set out in sections 4.19 to 4.23.**
7. **Approve borrowing of up to £6.50m to fund part of the Phoenix 10 funding package on the basis this sum will be reimbursed via retained business rates as approved by the Black Country Joint Committee at its meeting on 24 June 2020, as set out in sections 4.24 to 4.26.**
8. **Note financial health indicator performance as set out in sections 4.27 to 4.32 and Appendix 8.**
9. **Note the prudential indicators as set out in section 4.33 and Appendix 9.**
10. **Note the performance and demand data at Appendices 10 and 11 in relation to Adult and Children's Social Care Services.**

#### 4135 **Draft Revenue Budget and Draft Capital Programme 2024/25 to 2027/28**

Councillor Bird introduced a report which provided an updated medium term financial outlook, first draft revenue budget (including savings proposals for consultation) and draft capital programme for 2024/25 to 2027/28 and set out the process and timescale for setting a balanced budget for 2024/25.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Andrew and it was;

**Resolved** (unanimously)

**That Cabinet:**

1. **Note, as a basis for consultation, the revised financial assumptions and projections within the draft revenue budget, the uncertainty around core funding, and that a further update be provided to Cabinet on 13 December 2023 outlining further actions close the £18.06m gap and balance the 2024/25 budget.**

2. Note that the medium-term financial outlook position assumes an increase in council tax of 4.99% in 2024/25 (2.99% core increase plus 2% Adult Social Care precept) and 1.99% in the following 3 years, the assumed level of “reasonableness” in respect of the current referendum principles.
3. Note the draft policy savings proposals for 2024/25 as set out in Appendix 2A and agree that they proceed to formal consultation, reporting back to Cabinet for a decision once consultation and equality impact assessment is complete.
4. Note and endorse the operational savings proposals for 2024/25 to 2027/28 set out in Appendix 2B 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.
5. Approve as a basis for consultation the current draft capital programme for 2024/25 to 2027/28 in section 4.29 to 4.44, and Appendices 3 and 4 - £132.08m for 2024/25 with a further £202.21m over the 3-year period 2025/26 to 2027/28.
6. Note that the level of contingency funds and general reserves will be set in line with the levels contained within the council’s MTF, the final level to be based on a detailed risk assessment, which will be reported to Cabinet and Council in February 2024 for approval.
7. Refer this report to Scrutiny Overview Committee on 11 December 2023, to enable the Committee’s comments to be considered by Cabinet. All Scrutiny Committees will also receive proposals relating to the individual remit of each Committee.

4136 **Council Plan: Markers of Success Q1 23/24**

Councillor Bird introduced a report which provided an update on performance in Quarter 1 of 2023-24 against the Council Plan Markers of Success, highlighting achievements and support requirements to ensure the Markers were met.

(annexed)

It was **moved** by Councillor Bird and was;

**Resolved** (by assent)

1. That Cabinet note the performance in Q1 relating to the period April-June 2023.
2. That Cabinet note any key achievements, identified interdependencies and support required to achieve the Outcomes, set out in this report.

#### 4137 **Biodiversity Net Gain (BNG)**

Councillor Andrew introduced a report which set out Biodiversity Net Gain (BNG) guidance and the Black Country Local Nature Recovery Strategy to ensure compliance with BNG legislation being introduced.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. **That Cabinet note the legal requirement to deliver biodiversity net gain from January 2024 and the planning processes required for its effective implementation;**
2. **That Council be recommended to adopt and publish biodiversity net gain guidance for Walsall, as set out in Appendix 1.**
3. **That Council be recommended to adopt and publish the Black Country Local Nature Recovery Map and Strategy, as set out in Appendix 2, to be used as guidance and evidence in the planning process.**

#### 4138 **Willenhall Framework Plan: Phase 1 Developer Partner Procurement Outcome and Award**

Councillor Andrew introduced a report which sought approval to appoint the developer partner for Phase 1 of the Willenhall Framework Plan.

(annexed)

**Resolved**

*The decision was taken in the private session following consideration of exempt information.*

#### 4139 **Future provision of street lighting services**

Councillor Andrew introduced a report which sought to ensure appropriate service delivery arrangements for street lighting would be in place upon the conclusion of existing PFI arrangements in 2028.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. That Cabinet approve the commencement of preparations for a procurement exercise for a combined highway infrastructure services contract.
2. That Cabinet delegate authority to the to the Executive Director for Economy, Environment and Communities, in consultation with the Cabinet Member for Regeneration, to enter into negotiations with Walsall Public Lighting with a view to extending the Public Lighting PFI contract by 11 months [Option 3].

#### 4140 Food Law Enforcement Service Plan 2023/24

Councillor Perry introduced a report which set out how the authority would enforce statutory controls regarding food safety and monitor food, premises and personnel in a structured manner.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Perry and seconded by it was;

**Resolved** (unanimously)

1. That Cabinet receive the plan for the year 2023/24 as evidence of the Council's compliance with its statutory duties in relation to food law and recommend it to Full Council for approval and adoption.
2. That the Chief Executive writes to the Food Standards Agency requesting that the display of food hygiene ratings in food premises becomes mandatory.

#### 4141 Integrated sexual and reproductive health services and the Healthy Child Programme 0-19 Section 75 Agreement Extensions

Councillor Statham introduced a report which sought authorisation to extend the existing Section 75 partnerships with Walsall Healthcare NHS Trust to provide the Healthy Child Programme 0-19 and the Integrated Sexual and Reproductive Health services.

(annexed)

It was **moved** by Councillor Flint and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. That Cabinet approve extending the existing Section 75 partnership arrangement to provide Integrated Sexual and Reproductive Health

services in Walsall Healthcare NHS Trust commencing 1 April 2024 for two years until 31 March 2026 to the value of £1.80m.

2. That Cabinet approve extending the existing Section 75 partnership arrangement to provide the Healthy Child Programme 0-19 delivered by Walsall Healthcare NHS Trust commencing 1 April 2024 for two years until 31 March 2026 to the value of £5.14m (inclusive of 5% uplift for 2023/24).
3. That Cabinet approve the take up of a licence agreement for the use of consulting rooms in Hatherton Medical Centre for the delivery of sexual health services on the terms set out in paragraph 4.11 of this report, to the value of £101,550 per annum.

#### 4142 Winter Service Operational Plan 2023-28

Councillor Murphy introduced a report which detailed arrangements to ensure the Council met its statutory obligation to maintain highways in a safe condition and implement a winter service operational plan, including the provision of winter maintenance.

(annexed)

It was **moved** by Councillor Murphy and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. That Cabinet approve the Winter Service Operational Plan 2023 – 2028 attached as Appendix A.
2. That the Executive Director, Economy, Environment & Communities in consultation with the Portfolio holder for Street Pride, be authorised to make minor amendments to the Winter Service Operational Plan, as necessary, to ensure the ongoing efficient and effective delivery of the winter service

#### 4143 Proposed Early Years Supplementary Grant (EYSG) for two, three & four years olds - 2023/24

Councillor Statham introduced a report which set out the proposed method of distribution of funding from the Early Years Supplementary Grant.

(annexed)

It was **moved** by Councillor Statham and it was;

**Resolved** (by assent)

1. That Cabinet note the work undertaken by officers and recommend that the Early Years Supplementary Grant (EYSG) allocation is passed on to



**childcare providers in full for 2023/24 at the end of the autumn 2023 and spring 2024 terms following a reconciliation.**

**4144 Proposed Schools Local Funding Formula 2024/25**

Councillor Statham introduced a report which sought to obtain approval to finish the transition to implement the National Funding Formula in full from the 2024-25 funding year.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Flint and seconded by it was;

**Resolved** (unanimously)

- 1. That Cabinet note that the recommendation for the basis of the local mainstream schools funding formula for 2024/25 is to implement the National Funding Formula (NFF) rates in full from that year, which is in line with the full consultation exercise undertaken in 2022 and the endorsement of Schools Forum and approval of Cabinet following that in December 2022.**
- 2. Cabinet to note the provisional Schools Block allocation of Dedicated Schools Grant (DSG) funding that the modelling for 2024/25 has been based on.**
- 3. That Cabinet note that, once the final Dedicated Schools Grant (DSG) allocations for 2024/25 have been issued in December 2023, a further report will be presented to Schools Forum at their meeting in January 2024 confirming the final allocation and funding factor values.**
- 4. That authority be delegated to the Director of Children's Services in consultation with the Portfolio Holder for Education and Skills to amend the formula in line with Department for Education requirements and to comply with relevant funding regulations for the 2024/25 Schools Funding Formula.**

**4145 Recommendations from Education Scrutiny Committee regarding Children Not in School, exclusions and suspensions and support for children in Elective Home Education.**

Councillor Statham introduced a report which set out recommendations made by the Education Overview and Scrutiny Committee at their meeting of 5 September 2021 regarding children not in school; exclusions and suspensions; and support for children in Elective Home Education.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. That the Portfolio Holder for Education and Skills writes to the Secretary of State for Education requesting the introduction of the Children Not in School Register as soon as possible;
2. That the Director for Access and Inclusion establish the potential cost of paying fees for all children in elective home education to sit standardised exams and report back to the Portfolio Holder for Education and Skills and the Education Overview and Scrutiny Committee;
3. That Cabinet note the concerns of the Education Overview and Scrutiny Committee regarding the disproportionately lower school attendance figures of boys, SEN pupils and those pupils receiving free school meals.

4146 **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 Paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the items in private.

## **Part 2 - Private Session**

*The following provides a public summary of the decisions taken in the private session.*

4147 **Willenhall Framework Plan: Phase 1 Developer Partner Procurement Outcome and Award**

Councillor Andrew introduced a report which sought approval to appoint the developer partner for Phase 1 of the Willenhall Framework Plan and included exempt information which had not been considered during the public session.

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

1. That Cabinet approve the appointment of Keepmoat Homes Ltd as the Willenhall developer partner for the delivery of the Willenhall Framework Plan Phase 1 scheme (Moat Street and Villiers Street).
2. That Cabinet note that public sector funding is secured to fund the Phase 1 scheme enabling works (demolition and remediation costs).

3. That authority be delegated to the Executive Director for Resources in consultation with the Portfolio Holder for Regeneration to finalise the Agreement for Lease, including agreeing a value for the enabling works within the agreed budget, with the preferred developer Keepmoat Homes Ltd and to subsequently authorise execution and exchange of the Agreement for Lease and entry into, or variation of, any additional documents (including the building lease and transfers) pursuant to that Agreement.
4. That Cabinet note that due to the procurement approach taken, the Council has the option to utilise the services of the preferred developer to deliver the remaining phases of the Willenhall Framework Plan which would be subject to future Cabinet decisions.

*(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)*

#### 4148 **Sale of the Former Allens Centre, Hilton Road, Willenhall**

Councillor Andrew introduced a report which sought approval for the sale of Council land, formerly the site of the Allens Centre.

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and seconded by it was;

**Resolved** (unanimously)

**That Cabinet approve the sale of the land shown edged in black on plan reference EPMS4104/11, and that authority be delegated to the Executive Director for Resources in consultation with the Portfolio Holder for Regeneration, for the approval of the final terms of the sale on the proviso that the transaction represents a sale at best consideration.**

*(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)*

There being no further business, the meeting terminated at 6:56 p.m.

Chair:

Date: