

Cabinet minutes

Wednesday 18 March 2015 at 6.00 p.m.

in Conference Room 2 at the Council House, Walsall

Present

Councillor S. Coughlan	Leader of the Council
Councillor Nazir	Deputy Leader and Regeneration
Councillor Cassidy	Children's services and education
Councillor Hussain	Community, leisure and culture
Councillor Jeavons	Environment and transport
Councillor Robertson	Health
Councillor Chambers	Personnel and business support
Councillor D. Coughlan	Social care

3279 Minutes

Resolved

That the minutes of the meeting held on 4 February 2015 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

3280 Declarations of interest

There were no declarations of interest.

3281 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.

3282 Petitions

No petitions submitted:

3283 Questions

There were no questions submitted.

3284 Forward plan

The forward plan as at 9 March 2015 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

3285 Darlaston Local Development Order

Councillor Nazir presented the report:

(see annexed)

Resolved

That Cabinet approves the adoption of the Local Development Order ('the Order') and Statement of Reasons attached as Appendix A to take effect for a three year period on 16 April 2015.

3286 Adoption of Shop Front Supplementary Planning Document

It was noted that the Supplementary Planning Document had not been appended to the report and therefore the item was withdrawn.

3287 Disposal of Allen's Centre, Willenhall

Councillor Nazir presented the report:

(see annexed)

Resolved

- (1) That approval be given to the disposal of the Council's freehold interest in the Allen's Centre as shown edged in bold on plan number EPMS 4104/6 extending to 3.33 acres (13,470 square metres) (or thereabouts).

- (2) That authority for the approval of the terms of the disposal be delegated to the Executive Director for Regeneration acting in consultation with the portfolio holder for Regeneration.
- (3) That prior to marketing for sale on the basis of informal tender, the Allen's Centre be demolished and the site cleared.
- (4) That the Executive Director for Regeneration acting in consultation with the Executive Director for Children's Services be required to consider the viability of transferring management/ ownership of the former caretaker's/ assessment house to a partner organisation or community group and determine if it should be included in the disposal or retained.

3288 Darlaston market – external operator outdoor market proposal

Councillor Nazir presented the report, together with a supplementary report:

(see annexed)

Resolved

- (1) That that the Council enters into a 2 year licence with Bescot Stadium Sunday Market Ltd with the option to extend a further 12 months to enable the operator to manage a market trading three days a week (Monday, Tuesday and Thursday) in King Street, Darlaston, subject to planning permission being granted.
- (2) That a nominal fee of £250.00 be paid to the Council for the first 12 months of trading to be reviewed on an annual basis.
- (3) That Cabinet notes that the market is required to be advertised as a Walsall Council market being led operationally by the external operator.

3289 Walsall Market relocation

Councillor Nazir presented the report:

(see annexed)

Resolved

That Cabinet approve the removal and relocation of 12 stalls and 2 catering vehicles forming part of Walsall Market (the south side of Market Square adjacent to the existing retail units) in order to facilitate the Norton & Proffitt redevelopment plans within St Matthew's Quarter, as shown on the attached plan.

3290 **Walsall Works**

Councillor Nazir presented the report:

(see annexed)

Resolved

- (1) That Cabinet supports and approves the allocation of £400,000 of the reserves in the Economic Growth programme for the continuation of the Walsall Works programme.
- (2) That Cabinet notes that this funding resource along with uncommitted funds in the existing Walsall Works programme will achieve the minimum outcomes set out below:
 - (a) 110 young people into full Apprenticeships;
 - (b) 100 young people through pre-apprenticeships, now formally Traineeships;
 - (c) 600 young people into positive outcomes such as Employment and Training;
 - (d) 200 people over 25 years old supported with their employability and into work.
- (3) That authority be delegated 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.
- (4) That approval be given to the programme expansion to support clients over 25 years old focusing mainly on matching clients to locally available employment vacancies.

3291 **Youth Support Services**

Councillor Cassidy presented the report:

(see annexed)

Councillor Cassidy explained that although extensive consultation had already been undertaken, a further period of consultation was required on the proposals and consequently the recommendations in the report had been amended to reflect this:

- (1) To note the outcomes of the Review of Targeted Youth Support Services including the proposed re-design and re-structure of the Service to be implemented from September 2015, including:

- the use primarily of Community Association run buildings for centre based provision, and the use of Myplace as the central point for Council delivery
- Council delivery will primarily use mobile, outreach and detached provision to focus on the most vulnerable and at risk groups of young people
- that the resource allocation model will be used as the key driver alongside incidences of youth related anti-social behaviour to determine the allocation and deployment of resources for targeted youth work.

(2) That consultation be undertaken on these proposals accordingly.

Members considered the report and amended recommendations and:

Resolved

(1) To note the outcomes of the Review of Targeted Youth Support Services including the proposed re-design and re-structure of the Service to be implemented from September 2015, including:

- the use primarily of Community Association run buildings for centre based provision, and the use of Myplace as the central point for Council delivery
- Council delivery will primarily use mobile, outreach and detached provision to focus on the most vulnerable and at risk groups of young people
- that the resource allocation model will be used as the key driver alongside incidences of youth related anti-social behaviour to determine the allocation and deployment of resources for targeted youth work.

(2) That consultation be undertaken on these proposals accordingly.

3292 Determination of admission scheme and admission arrangements

Councillor Cassidy presented the report:

(see annexed)

Resolved

(1) That the proposed schemes as set out in Appendix A for inter-authority primary and secondary co-ordinated admissions be approved.

(2) That the admission arrangements for primary community and voluntary controlled schools for the academic year 2016/17, as set out in Appendix B of this report, be agreed.

- (3) That Walsall Council inform all consultees of the determination of the admission arrangements for the 2016/17 academic year.

3293 Walsall Education Business Partnership

Councillor Cassidy presented the report:

(see annexed)

Resolved

- (1) That option 4 be approved for the future provision of the Education Business Partnership and its services as part of the Council, operated as a traded service to schools, Academies and Education Providers.
- (2) That Cabinet approves the establishment of a new Education Business Partnership advisory panel, under the remit of the 14-19 Partnership Board.
- (3) That Cabinet agrees the proposal of a 3 year self funded/subsidised business model.

3294 Gala Baths improvements

Councillor Hussain presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the scheme as proposed for a total sum of £1m and delegate authority to the Executive Director for Neighbourhood Services to award the contract to Kier Construction, and
- (2) That Cabinet allocate the project to the existing Active Living Governance Board and the Cabinet Portfolio Holder for Community, Leisure and Culture for monitoring purposes.

3295 Walsall Adult and Community College

Councillor Hussain presented the report:

(see annexed)

The Cabinet thanked Councillor Towe for his work on this project.

Resolved

- (1) That the name of the new entity be registered as Walsall Adult and Community College, a company limited by guarantee and registered charity.
- (2) That in accordance with the Companies Act 2006 and Charities Act 2011, Cabinet approves the Memorandum and Articles of Association for the new entity.
- (3) That Walsall Council be listed in the Memorandum as the sole member of the new entity.
- (4) That the minimum number of directors be 3 and the maximum be 9 and that all of the directors be first approved by the Council.
- (5) That a person qualified to be appointed as a director shall be any elected member, officer or employee of Walsall Council, or any other suitably qualified and experienced person who is nominated to the Council by a resolution of the directors, who is willing to act and who is approved by the Council (or the Council's delegated representative).
- (6) That the Chairman and Vice-Chair of the board of directors shall both be elected by the directors of the company at any meeting of its directors, provided that while the charity remains a wholly owned subsidiary of the Council the appointments of the Chairman and Vice-Chair shall be subject to approval by the Council's Cabinet acting by its Executive Director of Regeneration.
- (7) That the Chairman and Vice-Chair shall, once appointed, have a casting vote in the event of an equality of votes with regard to the any resolution which is voted on by the directors at a meeting of the directors.
- (8) That the current Walsall and Adult Community College board of governors be appointed as the directors of the new entity.
- (9) That the directors agree the constitution and standing orders of the new entity and pass those ordinary resolutions necessary so that the new entity is able to be fully operational and able to discharge all its duties by 1 August 2015.
- (10) That within 6 months of first registration the first annual general meeting be held as detailed in the Articles of Association..
- (11) That delegated authority be given to the Executive Director of Regeneration, or nominated and authorised representative, in consultation with the Portfolio holder, to act as Walsall Council's representative at all general meetings of the new entity and in particular to (firstly) approve the appointment all new directors on the Council's behalf and (secondly) approve the appointment by the directors of the Chairman and Vice-Chair of the board of directors.

- (12) That the charitable Objects of Walsall Adult and Community College be:
- (a) The provision of suitable education and training to meet the reasonable needs of persons who live, work, visit or study in the borough of Walsall, who are either over compulsory school age but under 19 and persons who are aged 19 or over but under 25 who have a learning disability (as per Walsall Council's duty under section 15ZA of the Education Act).
 - (b) The provision of suitable education and training to meet the reasonable needs of persons who are over compulsory school age but under 19 and are subject to youth detention in the borough of Walsall (as per Walsall Council's duty under section 15ZA of the Education Act).
 - (c) The provision for the borough of Walsall of full time or part time education which is suitable to the requirements of persons from other areas who are over compulsory school age but who have not attained the age of 19 (as per Walsall Council's power under section 15(1ZA) of the Education Act).
 - (d) The provision for the borough of Walsall of full time or part time education which is suitable to the requirements of persons who have attained the age of 19, including persons from other areas (as per Walsall Council's power under section 15B of the Education Act).
 - (e) The provision and advancement (or assistance in the provision and advancement) of education, learning and skills (in the interests of promoting social welfare and wellbeing) for the benefit of members of the community aged 16 and above, the general public at large and employers, who live, work, visit, study in and otherwise engage in trade or business activities, in the administrative borough of Walsall and the surrounding geographical area comprising the West Midlands.
 - (f) Such other charitable purposes which are beneficial to the education, learning and skills of the general public, members of the community aged 16 and above and employers, in the administrative borough of Walsall and the surrounding geographical area comprising the West Midlands, as are consistent with the objects stated above, as the directors shall in their absolute discretion, determine from time to time.
- (13) That Cabinet note that a further report on the proposed Commercial Transfer Agreement will be presented to Cabinet for consideration and approval before 31 July 2015.
- (14) That Cabinet note that the first annual financial and operational plans will be presented to Cabinet for approval prior to 31 July 2015, and annually thereafter whilst Walsall Adult and Community College is a wholly owned subsidiary of Walsall Council.

3296 Community hubs final evaluation report

Councillor Hussain presented the report:

(see annexed)

Resolved

- (1) That the evaluation of the activities of the Community Hubs project in Moxley and Ryecroft be noted.
- (2) That the main learning points from the evaluation be incorporated into the development of the rollout of Community Hubs.

3297 Highways maintenance strategy and Highways asset management plan

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves Walsall Council's Draft Highway Maintenance Strategy 2015-18 and the Highway Asset Management Plan 2015-21.
- (2) That Cabinet notes the list of identified highway maintenance schemes contained in Appendix A and approves the method of scheme prioritisation presented in Appendix B.
- (3) That Cabinet delegates authority to set the subsequent programme of works following the prioritisation method approved in 2.2 and to amend the programme to accommodate varying demands over the life of the Plan to the Head of Engineering and Transportation in consultation with the Portfolio Holder.
- (4) That Cabinet delegate authority to the Head of Engineering and Transportation, in consultation with the Portfolio Holder to make minor amendments and editorial changes to the Strategy and Plan following consultation. This may also be necessary in light of case law, legal advice and developments, which might assist in managing the risk of litigation in relation to the statutory duty to maintain the highway.

3298 West Midlands Local Transport Plan and Capital Programme 2015/16

Councillor Jeavons presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the West Midlands 2015/16 Block Allocations as set out at Table 1 in Section 6 of this report.
- (2) That Cabinet approves the Walsall Transport Capital Programme 2015/16 as set out at Table 2 in Section 6 of this report.
- (3) That Cabinet approves the utilisation of the Integrated Transport Block element of the grant funding for 2015/16 as described in paragraphs 6.3 to 6.8 of this report and appendices A to G, including the allocation of any slippage from 2014/15 to the 2015/16 programme.
- (4) That Cabinet delegate authority to the Executive Director for Regeneration, in consultation with the Cabinet Member for Environment and Transport, to manage any changes to the 2015/16 Integrated Transport Block programme allocations in order to manage the overall budget within approved limits.
- (5) That Cabinet delegate authority to the Executive Director for Regeneration, in consultation with the Cabinet Member for Environment and Transport, to negotiate on its behalf with the Black Country Local Enterprise Partnership, West Midlands ITA and government departments to maximise the values of future financial resources allocated to Walsall in pursuit of its transport priorities, including signing relevant agreements and contracts for schemes approved within Walsall Transport Capital Programme 2015/16.
- (6) That Cabinet approve the use of the Homes and Communities Agency Technical Framework Panels 2014 – 2018 to procure essential specialist services such as structural engineering or traffic modelling as necessary to ensure that delivery programmes are met. This would be utilised when the resource is not available in-house or via existing shared services with other local authorities in line with the Council's Contract Rules 2010 and in consultation with the Council's Procurement Team.

3299 Award of contracts for three Public Health services

Councillor Robertson presented the report:

(see annexed)

Councillor Robertson said that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information.

3300 Better Care Fund

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

- (1) That Cabinet approves the Council continuing the previous agreement that was with NHS Walsall Primary Care Trust pursuant to Section 75 of the National Health Service Act 2006 to host a pooled fund for learning disability services, now to be with Walsall Clinical Commissioning Group.
- (2) That Cabinet delegates to the Executive Director for Social Care and Inclusion in consultation with the Portfolio Holder for Social Care to enter into an agreement for the Better Care Fund pursuant to Section 75 of the National Health Service Act 2006 from 1 April 2015, by using the most appropriate procedures and to subsequently authorise the sealing of any deeds, contracts or other related documents for such an agreement, and
- (3) That Cabinet approves the Council becoming the host for the pooled budget for the Better Care Fund, as recommended by the Health and Wellbeing Board.

3301 Charging policy for community based services

Councillor D. Coughlan presented the report and a revised Equality Impact Assessment:

(see annexed)

Resolved

- (1) That Cabinet approves the cessation of the existing contributions policy for community based services and approves a revised community based charging policy, effective from 6 April 2015 for new and existing clients, post financial reassessment.
- (2) That a flat rate charge be applied to 'preventative' services linked to benefits received, when eligibility for Social Care funding is not met as in table 6.11.
- (3) That 90% disposable income forms part of the model.
- (4) That in the case of Direct Payment awards, the normal methodology will be to deduct the charge towards social care costs from the Direct Payments and Direct Payments will therefore be paid after this charge is applied (i.e. a net payment).

- (5) That a graduated scheme for assessing Disability Related Expenditure (DRE) be approved. As set out in table 2 paragraph 6.10. DRE costs greater than this would be considered on an exception, evidence based, case by case basis.
- (6) That the principle of contributions by carers towards their eligible support costs be approved and a 100% discount be applied to this for 2015/16 whilst the implications of the Care Act are evaluated.

3302 Residential and nursing transitional contracts

Councillor D. Coughlan presented the report:

(see annexed)

Councillor Coughlan said that the decision relating to this matter would be made in the private session following consideration of a report containing confidential information.

3303 Walsall Crisis Support Scheme

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

That approval be given for the "Walsall Crisis Support Scheme" (attached as Appendix B) to continue supporting customers using the reserves generated as a result of under spend in the local welfare assistance grant during 2013/14 and 2014/15.

3304 Extension of transitional relief for business rates

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

- (1) That approval be given to grant transitional relief by placing a cap on rate increases for the next two years for those business ratepayers who would otherwise face increases over the prescribed amount. The cap to apply to ratepayers of properties with a rateable value of less than £50,000.

- (2) That the Chief Finance Officer be delegated responsibility for devising a scheme to process the transitional relief for qualifying bodies, together with the authority to amend the scheme to reflect any changes required by legislation and/or government guidance.
- (3) That the Chief Finance Officer be delegated authority to manage and determine awards of transitional retail relief under the scheme.

3305 Private Session

Exclusion of public

Resolved

That during consideration of the remaining item on the agenda, the Cabinet considers that the item for consideration is 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 item in private.

3306 Liability insurance arrangements

Councillor S. Coughlan presented the report:

(see annexed)

Resolved

That Cabinet approve the award of the contract to Zurich Municipal for a period of 3 years with effect from 1 April 2015 to 31 March 2018.

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

3307 Award of contracts for three Public Health services

Councillor Robertson presented the report:

(see annexed)

Resolved

- (1) That Cabinet awards the contract for the Healthy Child Programme 5-19 years to Walsall Healthcare NHS Trust for a period of 3 years, from 7 April 2015 until 31 March 2018, with an option to extend by up to 2 years.

- (2) That Cabinet awards the contract for the Adult Weight Services to Walsall Healthcare NHS Trust for a period of 2 years, from 1 July 2015 until 31 June 2017, with an option to extend by up to 2 years.
- (3) That Cabinet awards the contract for the Drug and Alcohol Integrated Recovery Service to Crime Reduction Initiatives for a period of 3 years, from 1 July 2015 until 31 March 2018, with an option to extend by up to 2 years.
- (4) That Cabinet agree, in view of the planned implementation periods outlined in 2.1 to 2.3 above, a further extension to the current contracts is required to cover the period from 1 April 2015 until the contracts commence.
- (5) That Cabinet delegate authority to the Director of Public Health in consultation with the Portfolio Holder to enter into new contracts to deliver the Healthy Child Programme 5-19 years Service, Adult Healthy Weight Service and Drug and Alcohol Integrated Recovery Service by using the most appropriate procedures and to subsequently authorise the sealing of any deeds, contracts or other related documents for such services.

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

3308 Residential and nursing transitional contracts

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

- (1) That the approach set out in this paper (paragraphs 3.7 and 3.8) to consolidating fee levels for care home placements, be approved;
- (2) That approval be given to the extension of transitional, spot purchase, and call off contracts to all 2009-13 contracted providers to cover the period from when the current transitional contracts expire until the procurement exercise has been completed and the new framework put in place as set out in paragraphs 3.1 and 3.4 of the report in Part 1 of the agenda;
- (3) That approval be given to the updated revisions to the previous policies for usual costs, preferred accommodation, top up payments, and deferred payments to be known as "Financial Arrangements for Preferred Accommodation" and changes as outlined in paragraph 3.9 of the report in Part 1 of the agenda.

[Exempt information under paragraph 5 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

3309 **Response to Monitoring Officer report on Appointees**

Councillor D. Coughlan presented the report:

(see annexed)

Resolved

- (1) That Cabinet note the progress made to resolve the outstanding matters arising from the transfer of appointeeships to an independent organisation
- (2) That approval be given to the reimbursement of charges paid by appointees between May 2011 and April 2015 as set out in paragraphs 3.2 and 6 in this report.
- (3) That Cabinet approve the delegation to the Executive Director of Social Care and Inclusion in consultation with the Portfolio Holder to enter into an agreement for a shared service for appointeeships and deputyships with Sandwell Metropolitan Council or another best practice local authority.

[Exempt information under paragraph 5 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

The meeting terminated at 6.50 p.m.

Chair:

Date: