

# **Cabinet minutes**

**Wednesday 25 October 2017 at 6.00 p.m.**

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

## **Present**

Councillor S. Coughlan	Leader of the Council
Councillor Jeavons	Deputy Leader and Regeneration
Councillor Nawaz	Children's services and education
Councillor Jones	Clean and green
Councillor Robertson	Health
Councillor D. Coughlan	Social care
Councillor Chambers	Agenda for change/Personnel and business support

## **3690 Apology**

An apology for non-attendance was submitted on behalf of Councillor Shires.

## **3691 Minutes**

### **Resolved**

That the minutes of the meeting held on 6 September 2017 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3692 Declarations of interest**

The undermentioned members declared an interest in the items indicated: and left the room during consideration of the items:

Councillor D. Coughlan	Items 14 and 24 – Award of contract for 0-19 early help locality services
Councillor S. Coughlan	
Councillor Nawaz	
Councillor Chambers	Proposed expansion of Leighswood, Manor, Old Church CE, Salisbury, Short Heath Foundation and St. Michaels CE Primary Schools

**3693 Local Government (Access to Information) Act, 1985**

**Resolved**

**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.

**3694 Petitions**

There were no petitions submitted.

**3695 Question – Borneo Street allotment land**

Mr. K. Mahmood asked the following question of Councillor Jones:

“The access to number 2 and number 4 Borneo Street was established and previously agreed by Walsall council. We have evidence showing this going back to 1974. The agreement with the allotments association was also in place, only the annual fee being the outstanding matter. In 2012 Cllr Adrian Andrew discussed the relocation of the allotments Gate in order to allow us access to the garage for number 2 and 4. This will allow us to use our garages without affecting the allotments. Taking this all into account we ask the Cabinet to consider granting access to the garages for number 2 and 4. We accept that the Secretary of State has come to a discussion not allow the proposed improvement scheme. However access can be granted outside of this scheme as it had in the past. We ask the council as landlords to allow access as previously established. You can use some of the money (£50,000) which was reserved for the proposed improvement scheme to relocate the entrance gate so we have access to the garage.”

Councillor Jones replied as follows:

“Allotment legislation dictates that any loss of allotment land requires a Section 8 application to the Secretary of State. Walsall Council officers hold no record of any previous Section 8 request to Secretary of State for Borneo Street, therefore we can only work on the assumption that no previous formal permission for the access was sought from the Secretary of State.

Following the meeting with Councillor Adrian Andrew in 2012 to which you refer, officers were authorised to commence a Section 8 application to seek approval from the Secretary of State for works to the allotment site which would enable a shared access to be created. This was necessary as the sharing of access amounts to the loss of statutory allotment land.

The Secretary of State refused consent and the details of the application and outcome of the Secretary of State's decision are included on this Cabinet agenda."

### 3696 **Changes to Borneo Street allotment land**

Councillor Jones presented the report:

(see annexed)

Councillor Nawaz, as Ward Councillor, said that he recognised that the decision of the Secretary of State to refuse consent to dispose of the land was disappointing for residents who had used the access in the past. He said that he understood the needs of residents in this respect and that it would have been good if an agreement could have been reached amicably between the residents and allotment holders however, the Council had followed due process and had referred this issue to the Secretary of State, therefore the matter had been taken as far as it could.

It was **moved** by Councillor Jones, duly seconded and:

#### **Resolved**

- (1) That Cabinet accepts the response from Secretary of State, which refuses consent to dispose of 280 sq. m. of statutory allotment land at the Borneo Street Allotments.
- (2) That Cabinet confirms that the scheme should not proceed.
- (3) That Cabinet approves £10,000 of capital funding to be spent on improvements at Borneo Street Allotments and for the rest of the capital budget to be reallocated to security works at the depot.
- (4) That Cabinet acknowledges the abortive costs.

### 3697 **Forward plan**

The forward plan as at 9 October 2017 was submitted:

(see annexed)

#### **Resolved**

That the forward plan be noted.

### 3698 **Draft revenue budget and efficiency plan 2017/18 – 2020/21**

Councillor S. Coughlan presented the report and thanked Cabinet members for their work to get to this point:

(see annexed)

#### **Resolved** (Unanimous)

- (1) That the latest forecast 2017/18 financial position be noted.
- (2) That Cabinet note the financial assumptions and projections within the draft budget, the uncertainty around final funding, and that these assumptions may change as the budget progresses.
- (3) That the 2017/18 to 2020/21 provisional directorate revenue cash limits, saving and investment proposals be noted.
- (4) That Cabinet note that 2018/19 and 2019/20 are balanced, with further savings of c£10.7m in 2020/21 to be identified.
- (5) That the draft revenue proposals relating to the services within their remit be forwarded to each overview and scrutiny committee for feedback as appropriate, noting that overview and scrutiny committees have previously been consulted on all 2018/19 and 2019/20 policy saving proposals as part of the 2017/18 budget setting process and that feedback was taken into account at that point.
- (6) That proposals for 2018/19 to 2019/20 as set out in this report be referred for stakeholder consultation (where required), and for equality impact assessment, with feedback on these informing the final budget.
- (7) That Cabinet note that the medium term financial outlook position assumes an increase in council tax of 4.99% (including a 3% increase ring-fenced to adult social care) in 2018/19 and 1.99% for 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 gap.
- (8) That Cabinet note that provisional revenue resources are based on a forecast government grant position, and includes appropriate cost pressures and estimates of other specific grants. Should the final allocation be less than current estimates, revised proposals for ensuring a balanced budget will need to be brought back for Cabinet consideration as the budget develops and information is published.
- (9) That Cabinet note that the level of contingency funds and general reserves will need to be in line with the levels set out with the council's medium term financial strategy, the final level to be based on a detailed risk assessment which will be reported to Cabinet in February 2018.

### 3699 **Corporate financial performance 2017/18**

Councillor S. Coughlan presented the report:

(see annexed)

#### **Resolved**

- (1) That the revenue forecast overspend of £1.21m be noted.
- (2) That Cabinet note the forecast on the Council funded capital programme is currently expected to be £30k overspent which is expected to be mitigated in year.
- (3) That delegated authority be given to the Chief Finance Officer and Leader of the Council (as Portfolio Holder for Finance) to agree the calculation of business rates growth payable to the West Midlands Combined Authority (WMCA) in conjunction with the constituent member authorities of the WMCA as detailed in section 3.6.
- (4) That approval be given to the write off of debt as set out in section 3.7.
- (5) That Cabinet approve the passporting of grant as set out in section 3.8.
- (6) That the amendments to the capital programme as set out in section 3.9 be approved.
- (7) That financial health indicator performance as set out in Appendix 1 be noted.

### 3700 **M6 Junction 10 – scheme proposals**

The item was withdrawn as ongoing negotiations with Highways England in relation to the development agreement had not concluded.

### 3701 **M6 Junction 10 – land acquisition**

The item was withdrawn as outstanding cost estimates for the land necessary were outstanding.

### 3702 **Special school place planning**

Councillor Nawaz presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approve the proposals to provide additional special school places at the school sites set out in this report to meet the increase in demand for special school places, to be achieved by September 2018 and September 2019.
- (2) That Cabinet approve a process of statutory consultation on the proposals to significantly enlarge Old Hall School, Shepwell School, Castle Business and Enterprise College, Jane Lane School, (all from September 2018); and at Oakwood School and Mary Elliot School (both from September 2019).

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

### **3703 Proposed expansion of Leighswood, Manor, Old Church CE, Salisbury, Short Heath Foundation and St. Michaels CE Primary School**

Councillor Nawaz presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approve the proposal to significantly enlarge – Leighswood School, Manor Primary School, Old Church Primary School, Salisbury Primary School, Short Heath Foundation, and St. Michael's CE Primary School from 1 September 2019.
- (2) That Cabinet approve the schemes and budgets set out in this report for school alteration works significantly enlarge – Leighswood School, Manor Primary School, Old Church Primary School, Salisbury Primary School, Short Heath Foundation, and St. Michael's CE Primary School from 1 September 2019.
- (3) That Cabinet approves the procurement of school alteration works to significantly enlarge – Leighswood School, Manor Primary School, Old Church Primary School, Salisbury Primary School, Short Heath Foundation, and St. Michael's CE Primary School from 1 September 2019 (such procurement exercises to be made in conjunction with Integrated Facilities Management).
- (4) That Cabinet delegates to the Executive Director for Children's Services, in consultation with the relevant Portfolio Holder, authority to award contracts for the provision of school alteration works to significantly enlarge – Leighswood School, Manor Primary School, Old Church Primary School, Salisbury Primary School, Short Heath Foundation, and St. Michael's CE Primary School from 1 September 2019 and to enter into

contracts, by using the most appropriate procedures and to subsequently authorise the sealing or signing of any deeds, contracts or other related documents.

At this point, Councillors D. Coughlan, S. Coughlan and Nawaz left the meeting having declared an interest in the following item.

### **Councillor Jeavons in the chair**

#### **3704 Award of new contract for 0-19 early years locality services**

Councillor Jeavons presented the report:

(see annexed)

In presenting the report, Councillor Jeavons made the following statement:

“If the Cabinet does not make an award of contract in respect of the 0-19 Early Help Locality Services including the Children’s Centre Services in South and Central Walsall contract, I would remind everyone that this, as with any other contractual award, can as normal be reviewed under the Council’s own Call-in procedure for Cabinet, or as part of this ongoing procurement process. This is an open, fair, and transparent process and the Council will respect the rights of all participants in this matter.”

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

### **Councillor S. Coughlan in the chair**

#### **3705 Garden waste charging**

Councillor Jones presented the report:

(see annexed)

In presenting the report, Councillor Jones proposed that Cabinet accepts Option C as the option that best fits the results of the consultation. In addition, he proposed that the relevant parts of Option F may be considered, after further consultation, should there be an appetite for this once Option C was embedded.

The Cabinet considered the findings of the public consultation on the future direction of the garden waste collection service for 2018 following which it was **moved** by Councillor Jones, duly seconded and:

## **Resolved**

- (a) Provide a reduced free service, three weekly garden waste collections over a period of 36 weeks between March and November, saving circa £138k per annum.
- (b) That further consultation is undertaken regarding the possibility of residents paying for a second bin. To be considered for implementation post 2020/21.

### **3706 Remodelling of the Health Protection function**

Councillor Robertson presented the report:

(see annexed)

## **Resolved**

That Cabinet approve the proposed new service model for the Health Protection Function within Walsall Public Health as described in Section 3.5 of the report.

### **3707 Discretionary business rate relief**

Councillor D. Coughlan presented the report:

(see annexed)

## **Resolved**

- (1) That approval be given to the adoption and publication of the discretionary rate relief scheme as contained within Appendix A of this report, effective from 1 April 2017 to 31 March 2021.
- (2) That the Chief Finance Officer, in consultation with the relevant portfolio holder, be delegated responsibility to review the scheme on a regular basis and amend the scheme where necessary to reflect any changes required by legislation and/or government guidance or significant increased demand which would result in more relief awarded than grant received from the government.
- (3) That the Chief Finance Officer be granted delegated authority to manage and determine awards of discretionary rate relief under the scheme.



**3708 Black Country Sustainability and Transformation Plan – Memorandum of understanding**

Councillor D. Coughlan presented the report:

(see annexed)

The Leader made clear that this was to sign up to the draft Memorandum of Understanding and not the Sustainability and Transformation Plan itself.

**Resolved**

That Cabinet agree Option 1 (at paragraph 5.2 of the report) that Walsall Council becomes a signatory to the Black Country and West Birmingham Sustainability and Transformation Partnership (STP) Draft Memorandum of Understanding attached as Appendix 1.

**3709 Integrated Intermediate Care Services (Discharge to assess)**

Councillor D. Coughlan presented the report and thanked officers for their work, in particular the Head of Integrated Commissioning, Ms. K. Allward:

(see annexed)

**Resolved**

- (1) That Cabinet note the development of an Integrated Intermediate Care Service in partnership with Walsall Health Care Trust.
- (2) That Cabinet agree to the development of a Section 75 Partnership Agreement and Partnership Board between Walsall MBC and Walsall Healthcare Trust to govern the partnership between the two organisations.
- (3) That authority be delegation to the Executive Director of Adult Social Care in consultation with the portfolio holder for Social Care to oversee arrangements for the development of the s75 partnership agreement.

**3710 Walsall Housing Standards and Improvement Enforcement Policy**

Councillor D. Coughlan presented the report:

(see annexed)

**Resolved**

That the Housing Standards and Improvement Enforcement Policy (Appendix A) be approved.

### 3711 **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.

### 3712 **M6 Junction 10 – scheme proposals**

Report withdrawn see item in public session for reason.

### 3713 **M6 Junction 10 – land acquisition**

Report withdrawn see item in public session for reason.

At this point, Councillors D. Coughlan, S. Coughlan and Nawaz left the meeting having declared an interest in the following item and took no part in the discussion or voting thereon.

#### **Councillor Jeavons in the chair**

### 3714 **Award of new contract for 0-19 early help locality services**

Councillor Jeavons presented the report and reminded everyone of the statement he had made in the public session in relation to this item:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the award of a contract, valued in the region of £600,000, to Change, grow, live (CGL), for “0-19 Early Help Locality Services including Children’s Centre Services in South & Central Walsall”, for the period 1 March 2018 until 28 February 2020 with an option to extend annually for up to 2 years.
- (2) That Cabinet delegate authority to the Executive Director for Children’s Services, to enter into a new contract to deliver “0-19 Early Help Locality Services including Children’s Centre Services in South & Central Walsall” provision by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contracts, deeds 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)]

## Councillor S. Coughlan in the chair

### 3715 New Art Gallery – procurement of new provider

Councillor S. Coughlan presented the report:

(see annexed)

In presenting the report, Councillor S. Coughlan pointed out that the wording of recommendation 2 had been amended for the purposes of clarification and now read:

- (2) That Cabinet note that as the potential externalisation of the New Art Gallery will require additional support across a number of Council services, a project budget of up to £150,000 may be required to meet the costs of legal and other support services and external consultancy work to successfully deliver the negotiations and appropriate due diligence;

Councillor S. Coughlan **moved** the recommendations as amended, which was duly seconded and:

#### **Resolved**

- (1) That Cabinet delegate authority to the Executive Director for Economy and Environment to undertake an appropriate procurement process as advised by the council's Procurement Service, and commence negotiations with any successful bidder(s) with the Principles outlined in this report forming the starting basis for those negotiations;
- (2) That Cabinet note that as the potential externalisation of the New Art Gallery will require additional support across a number of Council services, a project budget of up to £150,000 may be required to meet the costs of legal and other support services and external consultancy work to successfully deliver the negotiations and appropriate due diligence; and
- (3) That Cabinet receive a further report with the outcome of the procurement exercise prior to making a final decision.

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

The meeting terminated at 6.30 p.m.

Chair:

Date: