

Cabinet minutes

Wednesday 20 March 2019 at 6.00 p.m.

in a Conference Room at the Council House, Walsall

Present

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

3937 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Andrew and Harrison.

3938 Minutes

Resolved

That the minutes of the meeting held on 13 February 2019 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

3939 Declarations of interest

There were no declarations of interest.

3940 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.

3941 **Petitions**

Mr. G. Ali submitted the following petitions:

- Develop land on Farringdon Street
- Cut speeding on Cavendish Road, Beechdale
- Green Lane Park – improvements for local people

3942 **Pre-submitted questions**

(a) **Brownhills District Centre and Ravenscourt site**

Councillor Ferguson asked the following question of Councillor Bird, Leader of the Council:

“Could you please advise me of how much money was dedicated to Brownhills District Centre by the previous Administration for regeneration and secondly, could you also inform me who has instigated the recent structural repairs at Ravenscourt and the clearing of the substantial fly tipping within the site?”

Councillor Bird replied as follows:

“The previous Cabinet on the 21 March 2018 agreed a £4m package identified for district centres highways improvements. This report confirms the budget for Brownhills was agreed at that time to be £300k (estimated).

In terms of Ravenscourt, I can confirm that the recent works to urgently repair the crumbling structure were as a result of Councillor Stephen Craddock raising health and safety concerns directly to the Executive Director for Economy and Environment on 26 February 2019, with Building Control making the area safe the very next day and arranging for urgent works to be carried out and recharged to the owners. Furthermore, in the same communication to the Executive Director, Councillor Craddock continued to raise concerns about the build-up of litter and fly-tipping at the site following an earlier clean up in response to a Community Protection Warning issued on the owners in autumn 2018. This warning was issued after sustained pressure from Councillor Craddock and requires the owners to clear the land that is subject to fly tipping of waste and keep it clear and secure the accesses to the stair wells and keep them secure. As a result of their failure to address the recent build up, Community Protection officers engaged a contractor to clean the site and the owners are to pay the bill.”

At this point in the meeting, in view of the numbers of residents attending in relation to item 16 on the agenda, Former Willenhall Gas Works, the Leader brought that item forward for consideration.

3943 **Former Willenhall Gas Works (Stonegate & Trent Estates)**

Councillor Bird presented the report

(see annexed)

Councillor Bird **moved** the recommendations as set out in the report which were duly **seconded**. He then received pre-submitted questions from residents.

Pre-submitted questions:

(b) Former Willenhall Gas Works

Residents asked the following questions of Councillor Bird, Leader of the Council:

Margaret Comley (Note: Mrs Comley was not in attendance however, she had asked that her question be put to the Cabinet. Accordingly the Leader read out the question as follows:

“(1) Where do we go from now?”

(2) What price the stress and misery caused to all the families involved?

- We have all been unable to lead a normal everyday life due to the consequence of being wrongly deemed contaminated.
- We have been denied the peace of mind that our home and garden are a safe haven.
- Our lives have been on hold. We have not had the opportunities we should have had to move-on, upsize, downsize or re-mortgage.
- After 10+ years of misery, procrastinating, misleading and inaccurate information- We are now told we are not contaminated.
- After 10+ years of being unable to sell our properties other than to cash buyers at a well below the value of similar properties in our area -We are now told we are not contaminated.
- 10+ years of being frightened to let your children, grandchildren play in garden. Told not to eat your home grown produce. We have been denied the peace of mind that our home and garden are a safe haven. We are now told we are not contaminated.
- 10+ years of restrictions on extensions and groundworks on properties which now will cost far more to repair and or replace than it would have if should have done.

Our properties will still be blighted for years to come. We will never forget this.”

Councillor Bird replied:

“The Councils position is that for land contamination regime purposes and the Councils statutory duties the matter is now closed. There is no further action in that regard but the Council understands the residents’ have concerns. The Council has always carried out its duties and with its advisers endeavoured to resolve and clarify the matters for all.

As regards where residents may wish to seek further action, as per Paragraphs 3.16 and 3.17 of the report before us today it explains the situation regarding compensation and that residents must seek independent legal advice on their individual positions.

Paragraphs 3.21 and 3.22 outline the support that the Council can give to affected residents going forward.”

Mrs Lunn

- “(1) Are you going to make a claim against Aecom ?
- (2) If so, will that be so you have funds to compensate residents?
- (3) Or do we have to place a claim with Aecom ourselves?
- (4) The Secretary of State said that you had not taken due care regarding Aecom. So this gives us the opportunity to place a claim against yourselves Walsall Council. Or do you intend to compensate without being asked too?
- (5) What intentions do you have regarding compensations for the total disruption of our lives, for so long...
- (6) Question for Mike Bird re: Council Tax:

At the January meeting Mr Bird stated that there was a way of reclaiming our council tax, as homes were worthless and council tax is against the rateable value, our homes had NO value.

I telephoned the council and enquired about the necessary form/ paperwork and was told they would look into this query by asking Mr Bird but I have not received any communication with an answer., Perhaps Mr Bird will now give me the answer I need to claim back rates paid.

- (7) As I was unable to sell my property, and had to use my savings to move to buy another property, will the Council pay any capital gains tax upon the sale of my property.

Councillor Bird replied:

“The questions about potential claims against AECOM by the Council is a private matter for the Council to consider and is subject to legal and professional privilege. Regarding your ability to claim is a matter for you to seek your own independent legal advice.

If residents feel they have suffered a loss or have a claim for compensation, as per Paragraphs 3.16 and 3.17 of the report before us today it explains that residents must seek independent legal advice.

Paragraphs 3.21 and 3.22 outline the general support that the Council can give to affected residents going forward.

Paragraphs 3.18, 3.19 and 3.20 specifically address the matter of Council Tax and sets out the procedure to be followed.”

Christine Meads on behalf of residents

“I would like to ask if the council will look at council tax again which we feel was overpaid, bearing in mind that for nearly 10 years or more the house owners were unable to move forward with their lives due to their homes being deemed valueless.

We feel that the council could have been sympathetic to this problem, and, as advised used their discretion to reduce the band from C to A.

Councillor Bird advised at the meeting on 23rd January that this was possible..

With everything we, the owners, have gone through for all of these years would it not make sense to offer some empathy.

No one is expecting this to continue from the new tax year but although there is a section 13a for some grounds this problem is not covered by it and we all feel our circumstance should be.

Thank you for including this question in your meeting.”

Councillor Bird replied:

“If residents feel they have suffered a loss or have a claim for compensation as per Paragraphs 3.16 and 3.17 of the report before us today it explains the situation compensation and that residents must seek independent legal advice, and paragraphs 3.21 and 3.22 outline the support that the Council can give to affected residents going forward.

Paragraphs 3.18, 3.19 and 3.20 specifically address the matter of Council Tax and sets out the procedure to be followed, again if any residents feels they do not qualify they should seek independent legal advice.

Paragraphs 3.21 and 3.22 outline the general support that the Council can give to affected residents going forward.”

Mr. M. Longmore

“I would like the question asked at the cabinet meeting how the council is going to approach redress for the financial situation that determining the land contaminated has caused.”

Councillor Bird replied:

“The Councils has acted on independent specialist advice to determine the land as contaminated land, and subsequently acted on further specialist advice to de determine the land as contaminated.

If you feel you have suffered a loss or have a claim for compensation as per Paragraphs 3.16 and 3.17 of the report before us today it explains the situation compensation and that residents must seek independent legal advice, and paragraphs 3.21 and 3.22 outline the support that the Council can give to affected residents going forward.

Paragraphs 3.18, 3.19 and 3.20 specifically address the matter of Council Tax and sets out the procedure to be followed, again if any residents feels they do not qualify they should seek independent legal advice.”

The motion was put to the vote and declared carried.

Resolved

- (1) That Cabinet note the content of this report which sets out the activities and actions since the 23 January 2019 Special Cabinet meeting.
- (2) That Cabinet, in noting the content of this report, requests the Executive Director, Economy and Environment, in consultation with the Portfolio Holder for Clean and Green, take necessary steps to continue to support residents, in particular to engage with mortgage lenders, local estate agents and contaminated land search organisations as set out in this report.

3944 Forward plan

The forward plan as at 4 March 2019 was submitted:

(see annexed)

Resolved

That the forward plan be noted.

3945 West Midlands Strategic Transport Plan and Transport Capital Programme 2019/20

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet notes the West Midlands 2019/20 Block Allocations as set out at Table 2 in Section 6 of this report.
- (2) That Cabinet approves the Walsall Transport Capital Programme 2019/20 as set out at Table 3 in Section 6 of this report.

- (3) That Cabinet approves the utilisation of the Integrated Transport Block element of the grant funding for 2019/20 as described in paragraphs 6.3 to 6.9 of this report and appendices A to H, including the allocation of any slippage from 2018/19 to the 2019/20 programme.
- (4) That Cabinet delegate authority to the Executive Director for Economy & Environment, in consultation with the Cabinet Member for Regeneration, to manage any required changes to the 2019/20 Integrated Transport Block programme, including amending individual scheme budgets (within the overall programme budget); and adding new projects (to replace or part-replace other projects that can no longer be delivered), in order to maximise the use of the grant.
- (5) That Cabinet notes that it agreed to accept the National Productivity Investment Fund (NPIF) grant award for 2018/19 and 2019/20 in March 2018, which is set out in Appendix H.
- (6) That Cabinet delegate authority to the Executive Director for Economy & Environment, in consultation with the Cabinet Member for Regeneration, to manage any required changes to the 2018/19 & 2019/20 NPIF Programme allocations, including amending individual scheme budgets (within the overall programme budget); and adding new projects (to replace or part-replace other projects that can no longer be delivered), in order to maximise the use of the grant.
- (7) That Cabinet delegate authority to the Executive Director for Economy & Environment, in consultation with the Cabinet Member for Regeneration, to negotiate on its behalf with the Black Country Local Enterprise Partnership, WMCA and government departments to maximise the values of future financial resources allocated to the Council in pursuit of its transport priorities, including signing relevant agreements and contracts for schemes which are approved within the Walsall Transport Capital Programme 2019/20.

3946 Highways Infrastructure Asset Management

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet, in noting the content of this report and the Highway Asset Management Policy (appendix A), approve the release of the draft Highway Asset Management Strategy (appendix B) and draft Highway Maintenance Management Plan (appendix C) for a four week consultation period.

- (2) That Cabinet delegate authority to the Head of Planning, Engineering and Transportation, in consultation with the Portfolio Holder for Regeneration and Executive Director of Economy and Environment, to make minor amendments and editorial changes to the Policy, Strategy and Plan as may be necessary and that may assist in managing highway assets.
- (3) That Cabinet approve the approach to highway tree management as assets in the highway and use of the new highway tree assessment (appendix D) to document the decision making process for highway trees across the borough. This process would determine maintenance works to be undertaken or felling in some circumstances and would be alongside tree inspection/assessment programmes, whilst having due consideration for Conservation Area status and Tree Preservation Orders.

3947 Contract for domestic abuse emergency accommodation support service

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve the extension of the contract for the Provision of Domestic Abuse Emergency Accommodation Support Service with Accord Housing Association for the period 1 April 2019 to 31 March 2020, and the option to extend for a further 12 months.
- (2) That Cabinet approve the variation of the contract for the Provision of Domestic Abuse Emergency Accommodation Support Service with Accord Housing Association to provide an additional dispersed accommodation and support service, for up to 10 dispersed units, for the period 1 April 2019 to 31 March 2020, and the option to extend for a further 12 months.

3948 Appointment of enhanced managing agent for the Council's investment portfolio

Councillor Bird presented the report:

(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.

3949 **Adult social care supported living framework**

Councillor Martin presented the report:

(see annexed)

Resolved

- (1) That approval is given for the Council to award Transitional 5 contracts to existing Providers who are currently contracted with the Council under Transitional 4 contracts, for a new contract term from the 1 April 2019 to either 31 March 2020 or until such time as the contracts arising from the new procurement are successfully awarded and take effect (whichever the earlier).
- (2) That delegated authority to approve the award of the contracts following completion of the procurement exercise and sign all associated procurement recommendation reports, agreements and other documents associated with the procurement is approved in favour of both the Executive Director of Adult Social Care and Executive Director of Children's Services in consultation with the Portfolio Holders for Adults and Children's social care.

3950 **Residential and nursing services for older people and complex care**

Councillor Martin presented the report:

(see annexed)

Resolved

- (1) That the award of new 2019/20 transitional contractual arrangements for the provision of Residential and Nursing Care services for older people, complex care and mental health services be approved for a period of 6 months from 1 April 2019 to 30 September 2019. With the option to extend for a further period of up to 6 months from 1 October 2019 to 31 March 2020. This is pending completion of a competitive tendering process and the award of new Residential and Nursing Care services contracts for older people, complex care and mental health services.
- (2) That delegated authority be given to the Executive Director for Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care, to approve the award of and finalise the transitional contractual arrangements.
- (3) That delegated authority be given to the Executive Director for Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care, to subsequently authorise the sealing or signing of the transitional contractual arrangements, deeds or other related documents with existing providers of Residential and Nursing Care services for older people, complex care and mental health services.

3951 **Re-commissioning of Healthwatch Walsall**

Councillor Martin presented the report:

(see annexed)

Resolved

- (1) That Cabinet delegates authority to accept tenders and award contract for the provision of a local Healthwatch, for a period of 3 years, with the option to extend on an annual basis for a further period of up to one year on two separate occasions, to the Executive Director of Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care following the completion of the procurement process.
- (2) That Cabinet delegates authority to the Executive Director of Adult Social Care, to enter into contract for the provision of a local Healthwatch and to subsequently authorise the sealing of any deed and other related documents for the provision of such services.

3952 **Flood risk management in Walsall**

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet, in noting the content of this report, approve the publication of the Section 19 Flood Investigation Report (appendix A).
- (2) That Cabinet, in consultation with the Director for Economy and Environment and the Portfolio Holder for Clean and Green, explore opportunities for internal and external funding sources through avenues such as the Environment Agency by submitting applications to secure such funding in order to alleviate flooding risk issues identified.
- (3) That Cabinet, in consultation with the Director for Economy and Environment and the Portfolio Holder for Clean and Green, support the development of a 'Flood Incident Plan' setting out aims, objectives and roles for the Council and its partners before, during and after a flood event.
- (4) That Cabinet, in noting the content of this report, approve that sandbags are held by the Council for the use of the Emergency Services only and provided for by Tarmac Trading Limited through the Highway and Infrastructure Services contract (starting 1 April 2019).

3953 Regional Family Drug and Alcohol Court

Councillor Wilson presented the report:

(see annexed)

Resolved

- (1) That Cabinet give approval for Walsall Council to enter into a collaboration agreement with Dudley MBC and Sandwell Children's Trust to deliver a Family Drugs and Alcohol Court with the Wolverhampton Justice Centre.
- (2) That Cabinet give approval for Walsall Council take the lead role on behalf of the collaborating Local Authorities and take the lead on the commissioning, procurement and contract management of a Family Drug Alcohol Court service for a 3-year period proportionately funded by the three parties to the collaboration.

3954 Environmental enforcement and amendment to penalty notice levels

Councillor Perry presented the report:

(see annexed)

In presenting the report, Councillor Perry drew members attention to large scale photographs of incidents of fly-tipping which had been placed around the meeting room, and which he said demonstrated the size of the problem.

Cabinet members thanked community volunteers and local schoolchildren who undertake litter picking activities.

Resolved

- (1) That Cabinet set the levels for penalty notices as detailed below:

Offence	Existing Penalty	Recommended Penalties	
		Full Penalty	Discounted Penalty
Littering	£80	£150	£120
Littering from vehicles		£150	£120
Failure to produce a waste transfer note		£300	£250
Domestic waste receptacle offences		£80	£60
Industrial and commercial waste receptacle offences		£110	£90
Household Waste Duty of Care Offences		£400	£350
Graffiti		£150	£120
Fly Posting		£150	£120

Fly Tipping	£400 £350 for early payment	Remain at current £400	Remain at current £350
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- (2) That Cabinet sets 15 April 2019 as the commencement date for the implementation of the new levels.
- (3) That Cabinet approve the re-tendering of the Environmental Enforcement contract using a partnership model to include reference to offences for littering, fly tipping and dog fouling, littering from vehicles, domestic waste receptacle offences, household waste duty of care offences, graffiti and fly posting.

3955 **School place planning and expansions**

Councillor Towe presented the report:

(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.

3956 **High Needs Funding Formula 2019/20**

Councillor Towe presented the report:

(see annexed)

Resolved

That Cabinet notes the outcome of working group exercise and approves the local High Needs Funding Formula that was recommended by Walsall's Schools Forum at its meeting on 13 March 2019 (which is set out in detail in Appendix C of this report).

3957 **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.

3958 Former Willenhall Gas Works (Stonegate & Trent Park Estates)

The report containing legally privileged advice was handed out to members and officers and returned at the conclusion of the meeting.

Councillor Bird presented the report:

(see annexed)

Resolved

That Cabinet note the contents of the report and the legal advice provided within it.

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

3959 Appointment of enhanced managing agent for the Council's investment portfolio

Councillor Bird presented the report:

(see annexed)

Resolved

- (1) That Cabinet approve, in accordance with the information contained in the public report accompanying this report, the contract award for the Appointment of an Enhanced Managing Agent for the Council's Commercial Investment Portfolio Contract to Avison Young (formerly GVA Grimley Limited). The contract will start on 1 May 2019 until 31 March 2024 with an option to extend for a further period of one year (depending on performance).
- (2) That Cabinet delegate authority to the Executive Director for the Economy and Environment, in consultation with the Portfolio Holder for Regeneration, the Executive Director Transformation and Resources/ Head of Legal and Democratic Services to finalise the contract documents to ensure satisfactory completion prior to sealing and signing of the contracts, deeds or other related documents for the Appointment of an Enhanced Managing Agent for the Council's Commercial Investment Portfolio Contract.

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

3960 **Walsall Third Sector hub and operational accommodation**

Councillor Bird presented the report and thanked the Economy and Environment Overview and Scrutiny Committee for its support:

The Cabinet approved the acquisition of 139-144 Lichfield Street shown edged in black on plan reference EPMS4748 for the purposes of providing a Walsall Third Sector Hub and operational accommodation, co-locating organisations who interface with similar customers

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

3961 **Recreational Centre on Hall Street, Darlaston**

Councillor Bird presented the report:

(see annexed)

Resolved

That Cabinet approves the granting of a lease to FC Darlaston of the recreational centre on Hall Street, Darlaston, as shown edged in black on plan reference EMPS 4287 and delegates authority to Executive Director for Economy and Environment, in consultation with the Portfolio Holder Regeneration, to agree the detail of the final transaction and enter into any contracts, deeds or warranties deemed necessary for the leasing of the property.

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

3962 **School place planning and expansions**

Councillor Towe presented the report:

(see annexed)

Resolved

2018 School Expansions

- (1) That the interim contractual arrangements for enabling works up to the value of £150,000 being proposed and which may be procured using the Solihull Metropolitan Council Framework Agreement to mitigate the risks of further delays associated with changes to the provider be noted.

- (2) That authority to award contracts using the most appropriate procedures to complete works at The Shepwell School, Old Hall Special School and Castle Business and Enterprise College, be delegated to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder.
- (3) That authority to subsequently authorise the sealing or signing of contracts, deeds or other related documents to complete works at The Shepwell School, Old Hall Special School and Castle Business and Enterprise College, be delegated to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder.

2019 School Expansions

- (4) That authority to award contracts using the most appropriate procedures to complete school expansions at Manor Primary School, Rosedale Infant School, St Michael's CE (C) and Old Church CE (C) Primary School, Oakwood, Mary Elliot, and for temporary works to facilitate newly identified need for pupil intake for September 2019 be delegated to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder.
- (5) That authority to subsequently authorise the sealing or signing of contracts, deeds or other related documents to complete school expansions at Manor Primary School, St Michael's CE (C), Rosedale Infant School, Old Church CE (C) Primary School, Oakwood and Mary Elliot and for temporary works to facilitate new pupil intake for September 2019, be delegated to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder.

New Need – School Expansions

- (6) That the feedback from the formal statutory consultation process on options to meet new need for mainstream primary pupil places in Primary Planning Areas 4 and 5 referred to in paragraphs 3.16 and 3.17, and included in Appendices C and D to this report, be noted.
- (7) That the proposals to significantly enlarge Christ Church CE (C) Primary School, Goldsmith Academy, Reedswood E-ACT Academy, Sunshine Nursery & Infant School and Blakenall Heath Junior School as outlined in paragraphs 3.10 to 3.23 of this report from 1 September 2021 to meet new need identified following the review of pupil place planning data, be approved, to allow the undertaking of competitive procurement processes to determine the most suitable provider(s) for the provision of school alteration works.
- (8) That the procurement of school alteration works to significantly enlarge Christ Church CE (C) Primary School, Goldsmith Academy, Reedswood E-ACT Academy, Sunshine Nursery & Infant School and Blakenall Heath Junior School from 1 September 2021 be approved.

- (9) That authority to award contracts using the most appropriate procedures for the provision of school alteration works to significantly enlarge Christ Church CE (C) Primary School, Goldsmith Academy, Reedswood E-ACT Academy, Sunshine Nursery & Infant School and Blakenall Heath Junior School from 1 September 2021, be delegated to the Executive Director for Children's Services, in consultation with the relevant Portfolio Holder.
- (10) That authority to subsequently authorise the sealing or signing of contracts, deeds or other related documents to complete school expansions at Christ Church CE (C) Primary School, Goldsmith Academy, Reedswood E-ACT Academy, Sunshine Nursery & Infant School and Blakenall Heath Junior School from 1 September 2021, be delegated to the Executive Director for Children's Services in consultation with the relevant Portfolio Holder.
- (11) That authority to award a contract using the most appropriate procedures for a strategic partner to develop and deliver proposals relating to 2019/2020 school expansions modifications and to develop and deliver proposals which relate to the longer term need for pupil places in 2021 and beyond, including a review of the Council's school estate as part of the Council's longer term education capital strategy, be delegated to the Executive Director for Children's Services, in consultation with the relevant Portfolio Holder.

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

The meeting terminated at 7.15 p.m.

Chair:

Date: