

# Cabinet minutes

**Wednesday 29 October 2014 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	
Councillor Chambers	
Councillor D. Coughlan	

## **3208 Minutes**

### **Resolved**

That the minutes of the meeting held on 10 September 2014 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **3209 Declarations of interest**

The following members declared their interest in the items indicated:

- Councillor Jeavons – Item 12 - Proposals to expand Christ Church CE JMI, Fibbersley Park Primary and King Charles Primary Schools (non-pecuniary)
- Councillor S. Coughlan – Item 12 - Proposals to expand Christ Church CE JMI, Fibbersley Park Primary and King Charles Primary Schools (non-pecuniary)

(Note: Councillor Coughlan withdrew from the room during consideration of this item)

- Councillor Nazir – any public health related issues involving BME United Limited (non-pecuniary)

## 3210 **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.

## 3211 **Petitions**

No petitions were submitted.

## 3212 **Questions**

There were no questions submitted.

## 3213 **Forward plan**

The forward plan as at 6 October 2014 was submitted:

(see annexed)

### **Resolved**

That the forward plan be noted.

## 3214 **Corporate financial monitoring**

A revised report was circulated which provided amended figures in paragraph 3.2.

Councillor S. Coughlan presented the revised report:

(see annexed)

### **Resolved**

(1) That the pressures outlined in the report be noted and that directorate corrective action plans have been produced to mitigate the potential overspend down to £1.35m.

(2) That the action being taken to manage the cost pressures arising be noted.

- (3) That the risks to the forecast be noted.
- (4) That the forecast underspend on the Council funded capital programme of £350k be noted.
- (5) That Cabinet approve the amendments to the capital programme and virement of funds from health through warmth and preventative adaptations to aids and adaptations as detailed in section 3.6.
- (6) That Cabinet approve in principle, as part of the corrective action for Regeneration, the use of windfall income as detailed in section 3.3.4, to reduce the potential overspend should this be needed to mitigate the position further.
- (7) That approval be given to the appointment of Walsall Council as Accountable Body/Managing Authority for the Black Country Growth Deal, with interest accrued utilised to support the effective programme management of the Growth Deal by Walsall Council acting in its role as Accountable Body in accordance with its Treasury Management Policies and Procedures.
- (8) That approval be given, subject to acceptance by the Joint Committee, to the appointment of Walsall Council as managing authority for the entire City Deal programme, with interest accrued utilised to support the effective programme co-ordination and management of the City Deal programme by Walsall Council in accordance with its treasury management policies and procedures.

### **3215 Financial plan 2015/16 to 2018/19: Draft revenue budget and capital programme for consultation**

The Leader, Councillor S. Coughlan presented the report:

(see annexed)

In presenting the report, he commented that the Council would be exploring opportunities for shared services. At this point, the Leader allowed the Leader of the Conservative Group, Councillor Bird, to address the Cabinet who advised that approaches had been made to neighbouring authorities in the past, however, they had chosen not to engage at that time.

Councillor Chambers highlighted the consultation process and responses to date following which it was:

#### **Resolved**

- (1) That the draft expression of priorities and commitments as detailed within this report as a basis for the development of a Corporate Plan for 2015-2019 be adopted.

- (2) That Cabinet approve as the basis for consultation, provisional revenue cash limits by portfolio for 2015/16 and savings as set out in the individual portfolio plans in Appendix 1, along with indicative cash limits for a further three years.
- (3) That Cabinet approve as a basis for consultation the current draft capital programme of £46.73m for 2015/16, and an indicative capital programme of £26.20m for 2016/17, £18.59m for 2017/18 and £18.59m for 2018/19.
- (4) That Cabinet refer this report to all scrutiny and performance panels, to enable their comments to be considered by Cabinet on 17 December 2014.
- (5) That Cabinet refer this report and saving options for wider public and stakeholder consultation and receives reports on the results of this, to inform the budget as it progresses.
- (6) That Cabinet note that the provisional revenue cash limit for each year is based on a forecast government grant position, and includes appropriate cost pressures and estimates of other specific grants. 2015/16 is the second of a two year settlement announced on 5 February 2014, which is expected to be confirmed in the draft settlement to be announced in late December 2014. Should the final allocation be less than current estimates, revised cash limits and options for ensuring a balanced budget will need to be brought back for Cabinet consideration as the budget develops and information is published.
- (7) That following formal approval of the capital programme in February by Council, Cabinet delegate responsibility to the Chief Financial Officer, in consultation with the Asset Strategy Group, to designate resources to projects off the capital reserve list should resources become available in year.
- (8) 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 allocation to be based on a detailed risk assessment which will be reported to Cabinet in February 2015.
- (9) That Cabinet note and approve the consultation arrangements and reporting framework back to Cabinet set out in section 3, and that the findings from the budget consultation be used and evidenced alongside other feedback and available data by Cabinet as it develops the council's 2015/16 draft corporate revenue and capital budget.
- (10) That Cabinet note that options in relation to the Council tax reduction scheme and Council tax discounts are subject to consultation and then formal Council approval.

- (11) That Cabinet note that options in relation to the senior management review and employee terms and conditions review are subject to consultation and then formal approval by Personnel Committee.

**3216 Property services – restructure and related contract procurement**

Councillor Nazir presented the report:

(see annexed)

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

**3217 Schools Forum – proposed schools funding formula**

Councillor Cassidy presented the report:

(see annexed)

**Resolved**

- (1) That Cabinet approves the Schools Funding Formula (Appendix 1) that was approved at Schools Forum on 23 September 2014.
- (2) That Cabinet notes and approves that any surplus on Dedicated Schools Grant (DSG) will be allocated amongst schools as a 'flat cash per pupil' amount as Schools Forum agreed in October 2013.
- (3) That Cabinet notes that the Department of Education (DfE) may request revisions to the school funding formula and that values attributed in the formula may change once the DfE receive the October census data and Cabinet therefore delegate authority to the Director of Children's Services in consultation with the portfolio holder for Children's Services to alter or amend the formula in line with DfE requirements and to comply with all and any relevant DfE regulations for the 2015/16 Schools Funding Formula.

**3218 Expansion of Christ Church CE JMI, Fibbersley Park Primary and King Charles Primary School**

Note: At this point, the Leader took no part in the discussion or voting and withdrew from the room having declared an interest in the item

**Councillor Nazir in the Chair**

Councillor Cassidy presented the report:

(see annexed)

**Resolved**

That Cabinet approve the proposal to significantly enlarge King Charles Primary School, Fibbersley Park Primary School and Christ Church CE JMI School from 1 September 2015.

**Councillor S. Coughlan in the Chair**

**3219 Bentley Employability and Learning Hub**

Councillor Hussain presented the report:

(see annexed)

**Resolved**

- (1) That a one-off investment of £115,000 in the provision of community run library/learning facilities as part of an Employability and Learning Hub at the building managed by Old Hall People's Partnership (OHPP) in Wing Close be approved.
- (2) That an award up to £30,000 be offered to Old Hall People's Partnership (OHPP) as a capital grant towards necessary improvements to its building at Leys Hall in Darlaston where the "Pass It On" project has relocated to make room for the Learning Hub at Wing Close
- (3) That the remainder of this capital be released to support future capital programmes.

**3220 Anti-Social Behaviour, Crime and Policing Act 2014**

Councillor Hussain presented the report:

(see annexed)

**Resolved**

- (1) That Cabinet delegate to the Executive Director, Neighbourhood Services, the functions of the Council under the Anti-social Behaviour, Crime and Policing Act 2014 including, but not limited to, exercising all strategic, operational and management powers and duties of the Council under the aforementioned Act.

- (2) To note that the Executive Director, Neighbourhood Services has the power to authorise officers in his service areas to exercise on his behalf powers delegated to him by Cabinet.

### 3221 **Coroner service – petition**

Councillor Hussain presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet note that the consultation process has provided no information or individual examples of delays in releasing bodies by the Black Country Coroner. It has therefore not been possible to undertake any further investigation, and;
- (2) That Cabinet note that Councillor Hussain, Portfolio Holder for Community, Leisure and Culture, is arranging to meet the new Coroner at the earliest opportunity to explore options to further improve the service provided by the Coroner to the residents of the borough.

### 3222 **Local Healthwatch**

Councillor Hussain presented the report:

(see annexed)

In presenting the report, Councillor Hussain mentioned that the matter had been discussed at the last meeting of the Health and Wellbeing Board when concerns had been expressed about the transparency of Healthwatch Walsall Board meetings. Councillor Robertson, Chair of the Health and Wellbeing Board advised that, as requested by the Board, should an extension to the contract be granted, both he and the Executive Director for Neighbourhood Services would be working with Healthwatch Walsall to address the concerns raised.

At this point, the Leader acceded to a request from Councillor Smith and Councillor I. Shires, members of the Health and Wellbeing Board; and Councillor Longhi, Chair of the Social Care and Health Scrutiny and Performance Panel, to address the Cabinet.

Councillor Smith asked the Cabinet to consider a number of questions in relation to the governance arrangements of the organisation and whether there was sufficient transparency of the organisations' Board meetings, its arrangements for holding service providers to account, and its own accountability processes. Councillor Longhi asked the Cabinet to consider the Advocacy role of Healthwatch Walsall and how that organisation, as consumer champion, delivered the obligations set out in the Health and Social Care Act. Councillor I.

Shires concurred with the concerns raised at the Board and considered that if an extension was granted, it would be important for the organisation to use the extra year to improve its transparency.

A further short period of debate took place during which time the Leader confirmed that Healthwatch Walsall had been made aware of, and would be working to address the concerns raised.

It was moved by the Leader, duly seconded and:

**Resolved**

- (1) That Cabinet approve an extension to the existing Healthwatch Walsall contract, for a further 1 year, to then expire on 31 March 2016.
- (2) That the Chair of the Health and Wellbeing Board and the Executive Director Neighbourhoods work with Healthwatch to address concerns about public engagement and transparency of decision making.

**3223 Winter Service Operational Plan 2014/15**

Councillor Jeavons presented the report:

(see annexed)

**Resolved**

- (1) That the Winter Service Operational Plan 2014/15 be approved.
- (2) That the Executive Director for Neighbourhood Services, in consultation with the Portfolio Holder for Environment and Transport, be authorised to make amendments to the plan, as necessary, to ensure the ongoing efficient and effective delivery of the winter service.

**3224 Commissioning winter capacity 2014/15**

Councillor D. Coughlan presented the report:

(see annexed)

**Resolved**

That authority be delegated to the Executive Director, Social Care and Inclusion, in consultation with the relevant portfolio holder, to negotiate and award contracts for the provision of contracts for beds in nursing home setting as additional support for people being discharged from hospital or to provide an alternative to hospital admission.



### 3225 **Social care and inclusion contract management**

Councillor D. Coughlan presented the report:

(see annexed)

#### **Resolved**

- (1) That authority be delegated to the Executive Director of Social Care and Inclusion in consultation with the portfolio holders for Social Care and Health, to award, and enter contract for the provision of Integrated Community Equipment Services from Walsall Healthcare NHS Trust via a memorandum of Agreement under a Section 75 agreement with Walsall Clinical Commissioning Group;
- (2) That authority be delegated to the Executive Director of Social Care and Inclusion in consultation with the portfolio holders for Social Care and Health, to award, and enter contract with Black Country Partnership Foundation NHS Trust for specialist health learning disability services under a Section 75 agreement with Walsall Clinical Commissioning Group;
- (3) That Cabinet authorises procurement tenders be undertaken in respect of the services listed in paragraph 1.3;
- (4) That authority be delegated to the Executive Director of Social Care and Inclusion in consultation with the portfolio holders for Social Care and Health, to award, and enter contracts for the services listed in 1.3 by using the most appropriate procedures and to sign or authorise the sealing of contracts, deeds or other documents in relation to the provision of the services listed in 1.3 and carry out appropriate consultation with existing users and carers.
- (5) That Cabinet agrees to include the services listed in paragraph 1.4 in the Support to Live at Home Services tender exercise.

### 3226 **Walsall market feasibility study**

Councillor Nazir presented the report:

(see annexed)

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

## 3227 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.

### Summary of items considered in private session

## 3228 Walsall market feasibility study

Councillor Nazir presented the report:

(see annexed)

#### Resolved

- (1) That Cabinet agrees the recommendations of the Regeneration Scrutiny and Performance Panel with regard to the preferred design of the permanent Walsall Market, as set out in Appendix A.
- (2) That Cabinet approves the relocation of market stalls to facilitate the Network Rail electrification works which are planned to take place on Park Street at the start of 2015 and to accommodate the Market Exclusion Zone that exists as part of the Old Square Phase 1 development (detailed in paragraphs 3.14, 3.15 and Appendix B).
- (3) That Cabinet agrees to delegate to the Executive Director for Regeneration, in consultation with the portfolio holder for Regeneration:
  - (a) the authority to take the recommendations of the Markets Working Group and form these into a planning application and submission for the permanent Walsall Market;
  - (b) the authority to procure further specialist consultancy support and seek tender costs for the implementation of the final preferred design for Walsall Market, subject to the project cost falling within the budget of £2m as approved by Council on 27 February 2014 and subject to the granting of Planning Permission.

- (4) That Cabinet agrees to delegate to the Executive Director for Regeneration, in consultation with the portfolio holder for Regeneration, the letting of a contract for the consultancy support works described in 2.2 subject to having carried out a compliant procurement process to implement the work and subject to the costs of which being within the £2m approved capital project budget.

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

### 3229 **Phoenix 10 project**

- (1) Cabinet approved the commencement of a procurement approach for the project which involves the Council and the Homes and Communities Agency jointly seeking to appoint a private sector partner to undertake the remediation and development of the site, acknowledging the potential revenue costs associated with this approach to the delivery of the project.
- (2) Cabinet approved undertaking a procurement process to appoint a consultant team to support procurement of the private sector partner and delegates authority to the Executive Director Regeneration to award the contract and to sign or authorise the sealing of any deeds, contracts and other related documents in relation to such contract.
- (3) Cabinet noted the current draft Heads of Terms attached as Appendix A for the Collaboration Agreement between the Council and Homes and Communities Agency (HCA) to govern the procedural basis for joint working to deliver the project through undertaking the procurement process and delegates authority to the Executive Director Regeneration, in consultation with the Portfolio Holder, to negotiate and amend the agreement as necessary.
- (4) Cabinet noted the current draft Head of Terms attached as Appendix B for disposal of the Council's landholding to a private sector partner, as indicated on plan no. EMPS 3558/6, for the purpose of undertaking the procurement process and delegates authority to the Executive Director Regeneration, in consultation with the Chief Finance Officer and the relevant Portfolio Holders, to amend and negotiate as necessary the exchange and completion of the sale agreement.
- (5) Cabinet noted the order of costs that the Council may be required to offer a private sector partner in order to facilitate the transfer of liabilities associated with its landholding.
- (6) Cabinet noted the current draft Heads of Terms attached as Appendix C relating to a funding and development agreement between the Council and the private sector partner for the purpose of undertaking the procurement process and delegates authority to the Executive Director Regeneration, in consultation with the Chief Finance Officer and the relevant Portfolio Holders, to amend and negotiate as necessary exchange and completion of the funding agreement.

- (7) Cabinet authorised officers to enter into negotiations with the landowner for the acquisition of a piece of connected land to enable its inclusion within the project, and on terms to be agreed at a future Cabinet meeting.
- (8) Cabinet to receive a future report setting out a proposed course of action and seeking necessary approvals once tenders have been received.

### 3230 **Property services – restructure and related contract procurement**

Councillor Nazir presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet agrees to the Council entering into the Contract with Solihull Metropolitan Borough Council (SMBC) to host and manage building and mechanical and electrical repair services and works for the Council through the Framework Agreements with Graham's FM (John Graham Holdings Ltd) and Dodd Group (Midlands) Ltd, with the Contract to be tailored to meet the requirements of the Council for a period of three years, unless the arrangement is terminated within this time, with an anticipated annual spend of £5-10m.
- (2) That Cabinet delegate authority to the Executive Director for Regeneration to sign or authorise the sealing of the single contract for the management and delivery of building related services and work orders.
- (3) That Cabinet approve the market testing of longer term procurement options for all Council building related services, including management of the commercial/retail investment estate.
- (4) That Cabinet acknowledge the restructure of the Council's Property Services team to deliver:
  - (i) A strategic asset management team to advise on acquisitions, disposal and development opportunities;
  - (ii) A programme and commissioning team to provide customer/client facing property advisory, support; and
  - (iii) A contract and performance monitoring team to manage the lifecycle maintenance of the assets through the contract with SMBC and other related supply chain contracts.

To achieve revenue savings of £1,150k per annum to contribute to the £85m savings need over the next four years. This includes £316k procurement savings arising from the Contract and £834k from the restructure of the Council's Property Services.

- (5) That Cabinet note this will include the removal of the Head of Property Services post, subject to approval at Personnel Committee, in addition to the previous removal of the Assistant Director of Regeneration post for oversight of the Council's Property Services which is part of a continuing restructure of management posts within the Regeneration directorate.

[Exempt information under paragraph 4 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

The meeting terminated at 6.50 p.m.

Leader:

Date: