

# **Cabinet minutes**

**Wednesday 23 January 2013 at 6.00 p.m.**

**in Conference Room 2 at the Council House, Walsall**

## **Present**

Councillor Bird	Leader of the Council
Councillor A. Andrew	Deputy Leader and Regeneration
Councillor Arif	Business support services
Councillor R. Andrew	Children's services
Councillor I. Shires	Community engagement and voluntary sector
Councillor Towe	Finance and personnel
Councillor Ali	Public protection
Councillor McCracken	Social care and health
Councillor Ansell	Transport and environment

## **2904 Apology**

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

## **2905 Minutes**

### **Resolved**

That the minutes of the meeting 12 December 2012 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

## **2906 Declarations of interest**

There were no declarations of interest.

## **2907 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.

## 2908 **Forward plan**

The forward plan as at 14 January 2013 was submitted:

(see annexed)

### **Resolved**

That the forward plan be noted.

## 2909 **Local Enterprise Partnership core funding**

Councillor A. Andrew presented the report:

(see annexed)

### **Resolved**

- (1) That Cabinet approves Walsall Council acting as the grant recipient and subsequently acting as the accountable body for the grant programme known as the Local Enterprise Partnerships Core Funding Grant Determination (2012/13), whereby up to £625,000 of matched core funding ('the core funding') will be made available to the Black Country Local Enterprise Partnership over the three-year period from 2012-13 to 2014-15, to be used by the Black Country Local Enterprise Partnership to drive forward the regional growth and jobs priorities.
- (2) That authority be delegated to the Executive Director – Regeneration, in consultation with the Regeneration portfolio holder, to:
  - (i) authorise decisions to allocate the core funding to the Black Country Local Enterprise Partnership or its appointed body as appropriate; and
  - (ii) agree the form of:
    - (a) the funding agreement for the core funding with Central Government;
    - (b) collaboration agreement(s) with the other three Black Country local authorities including their contributions to the core funding; and
    - (c) the grant agreement or similar by which the core funding will be made available for use by the Black Country Local Enterprise Partnership.

- (3) That Cabinet approves Walsall Council's matched contributions to the core funding to be considered as maintenance of its existing annual contributions towards the Black Country Consortium (which currently acts as secretariat to the Black Country LEP), throughout the period from 2012/13 to 2014/15, amounting to a total contribution by Walsall Council of at least £62,500, which represents one quarter of the total match core funding requirement of £250,000.

#### 2910 **Phoenix 10 project**

Councillor A. Andrew presented the report:

(see annexed)

##### **Resolved**

- (1) That Cabinet note the decision to cease negotiations with the prospective purchaser of the Phoenix 10 site.
- (2) That Cabinet support the review of delivery mechanisms in respect of the Phoenix 10 project, note that resources have been allocated to assist this workstream and agree to receive a detailed report on the preferred delivery model at its meeting on 13 March 2013.

#### 2911 **Black Country Business Property Investment Programme**

Councillor A. Andrew presented the report, together with a supplementary paper:

(see annexed)

##### **Resolved**

- (1) That Cabinet agree to enter into the Black Country Business Property Investment Programme (BCBPIP) Collaboration Agreement with its Black Country local authority partners which provides for any potential clawback of the European Regional Development Fund by:
  - (a) jointly and equally contributing to any clawback arising due to Programme irregularities or clawback that is evoked before the grant funding is allocated to individual projects; and
  - (b) contributing to any clawback based on the proportion of ERDF funding allocated to projects in each Local Authority's administrative area if the clawback is related to an individual project within the overall Programme.

- (2) That Cabinet agree to delegate authority to the Executive Director – Regeneration to sign or authorise the sealing of the proposed Collaboration Agreement, to be entered into by the four Black Country Local Authority partners, in relation to BCBPIP and other related documents.

## 2912 **Financial plan 2013/14 – 2017/18 – Draft revenue budget and capital programme**

Councillor Towe presented the report:

(see annexed)

In presenting the report, Councillor Towe advised that the recommendations in the report had been amended, to reflect a change to the catering proposal as follows:

- 2.1 (e): Subject to Council approving the budget, that Cabinet approves the budget plan and all the recommendations, proposals and changes to policies and procedures set out in the plan, and further delegates authority to the relevant executive directors to implement the same, with the following amendment:

“The catering saving proposal be reduced from £762,000 to £600,000 to allow the catering service to work with schools to develop a new model. The reduction of £162,000 to funded as a one-off in 2013/14 from general reserves.”

Following a discussion on the report Councillor Towe **moved** the recommendations as amended which were duly seconded and:

### **Resolved**

- (1) That the following be noted and approved:

#### **Revenue**

- (a) That at the time of despatch of this report, the precepting authorities (fire and police) had not formally notified the authority of their final council tax levels. (We have been advised that they will both be approved following meetings scheduled for early February, so we will provide final figures at the Council meeting on 21 February 2013).
- (b) That at the time of despatch of this report, the levy authorities (Environment Agency and Centro) had not formally notified the authority of their final demand. Current estimates have been used for Centro based on informal communication, but subject to formal approval, with the assumption that the Environment Agency levy will not change from 2012/13. (The final levies are expected to be approved early February, and will be included within the final papers to Council).

- (c) That the aggregate income includes the council tax freeze grant for 2011/12, with the 2012/13 grant falling out in 2013/14.
- (d) The Walsall council draft net council tax requirement for 2013/14 of £85.55m - resulting in an increase of 1.85% to the council's own band D council tax of £25.62.
- (e) Subject to Council approving the budget, that Cabinet approves the budget plan and all the recommendations, proposals and changes to policies and procedures set out in the plan, and further delegates authority to the relevant executive directors to implement the same, with the following amendment:

“The catering saving proposal be reduced from £762,000 to £600,000 to allow the catering service to work with schools to develop a new model. The reduction of £162,000 to be funded as a one-off in 2013/14 from general reserves.”
- (f) That delegated authority be given to the Chief Finance Officer to make any necessary amendments, in consultation with the portfolio holder for finance and personnel and the Leader, to take account of the final levies, precepts which have not yet been notified, any changes arising from final technical guidance on the new Business Rates Retention scheme, and to make any necessary amendments to the statutory determinations and council tax bands to take account of those changes and the resulting final analysis of the budget for 2013/14 and for amendments to those to be submitted and recommended to Council at its meeting on 21 February 2013.

### **Capital**

- (g) The capital programme for 2013/14 of £40.19m, comprising mainstream (council funded) capital of £9.91m and externally funded schemes of £30.28m. Additionally, the leasing programme totals £4.48m of new capital expenditure in 2013/14.

### **Treasury Management**

- (h) The 2013/14 treasury management and investment strategy document set out in Section 2 and the adoption of the Prudential Indicators set out in Annex 6.
- (2) To note, endorse and recommend the following to Council, subject to final approval of precepts and levies, receipt of the final settlement and final specific grant allocations:

#### **(i) Revenue**

- (a) The recommendations of the Chief Financial Officer (CFO) in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves as set out in Annex 3.

- (b) That the net draft levies below for outside bodies be noted. The final levies are expected to be approved early February, so any changes will be reflected in a revised resolution to be provided to the Council meeting of 21 February 2013. An estimate has been used within this report based on informal notification from the authorities.

DRAFT LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	<b>14,314,000</b>
Environment agency	<b>80,532</b>

- (c) Council on 7 January 2013 approved the localised council tax support scheme 2013/14, and approved changes to council tax discounts for empty properties and second homes. These changes have been reflected in the council tax base, which was also approved at Council, and all changes are reflected in this report.

- (d) That approval be given to an opening working balance for 2013/14 set at a prudent level in line with the council's medium term financial strategy.

- (e) That the following statutory determinations be noted and approved (references are to the Local Government Finance Act, 1992) with subsequent changes in the Localism Act 2011:

- I. **£637,922,260** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Localism Act 2011. This includes collection fund deficit of £583,000.
- II. **£552,370,345** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Localism Act 2011.
- III. **£85,551,915** being the amount, by which the aggregate at (e) (I) above exceeds the aggregate at (e) (II), calculated by the council in accordance with Section 31A(4) of the Localism Act 2011, as its council tax requirement for the year.
- IV. **£1,410.26** being the amount at (e) (III) above, divided by the council tax base of **60,664.11**, calculated by the council in accordance with Section 31B of the Localism Act 2011, as the basic amount of its council tax for the year (average council tax at band D)

V. Valuation bands

Being amounts given by multiplying the amount at (e) (iv) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Act 1992, is applicable to dwellings listed in valuation band D, calculated by the council in accordance with Section 30 and 36 of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£940.17	£1,096.87	£1,253.56	£1,410.26
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,723.65	£2,037.04	£2,350.43	£2,820.51

- (f) That the estimated precept from the Fire and Civil Defence Authority and the estimated precept for the Police Authority, issued to the council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwelling shown below be noted and approved and that the final figures be substituted for these provisional ones once they are available at the Council meeting on 21 February 2013.

<b>PRECEPTING AUTHORITY</b>	<b>VALUATION BANDS</b>			
<b>Police</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£66.30	£77.35	£88.40	£99.45
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£121.54	£143.64	£165.74	£198.89
<b>Fire &amp; Civil Defence</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£31.89	£37.20	£42.52	£47.83
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£58.46	£69.09	£79.72	£95.66

- (g) That having calculated the aggregate in each case of the amounts at (e) (v) and (f) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2013/14 for each of the categories of dwellings shown below.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£1,038.36	£1,211.42	£1,384.48	£1,557.54
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,903.65	£2,249.77	£2,595.89	£3,115.06

- (h) That notice be given of the council tax within twenty one days of it being set by publishing details of the same in the "Walsall Advertiser" newspaper circulating in the authority's area.
- (i) That the Chief Financial Officer be instructed to take all necessary action in relation to council tax, community charge and national non-domestic rates, including, where appropriate, the signing of all documents, the giving of notices and the taking of necessary steps to ensure collection thereof.
- (j) That the budget plan be approved, including the opening cash limits, savings and investment proposals set out in the annexes to the report.

(ii) **Capital**

That the draft capital programme set out in the following tables be approved bearing in mind the principle that unless affordable from within current resources, specific projects funded by unsupported borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published. Reserve list items will only commence should funding become available during the financial year.

<b>CAPITAL PROGRAMME 2013/14</b>	
<b>MAINSTREAM (COUNCIL FUNDED) SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Arboretum Play Area	175,000
Walsall Arboretum Restoration Programme – Illuminated Park proposals	270,000
Willenhall Memorial Park	180,000
Greenspace Improvement Plan	100,000
Allotment and Community Garden Strategy – Borneo Street	50,000
Roadway extensions in Streetly Cemetery	150,000
Headstone safety in Cemeteries	80,000
Willenhall Lawn Cemetery extension	120,000
Highways Maintenance	1,450,000
Verge Parking	250,000
Retained Housing Land	100,000
Health Through Warmth and related Retro Fit schemes	470,000
Demolition of Redundant Buildings	200,000
Regenerating Walsall	200,000
Civic Centre Essential Maintenance	566,306
Improving the customer experience when visiting the Council House - includes front of house facilities	700,000
Shop Maintenance	120,000
Aids and Adaptations (statutory element)	1,000,000
Preventative Adaptations - part of the transformation of Social Care (non-statutory element linked to Aids and Adaptations above)	750,000
Essential Enhancement to Data Security Systems	60,000
Bring your own device security layers	70,000
Council wide IT planned rolling replacement and upgrade: Telephony consolidation	50,000
Council wide IT planned rolling replacement and upgrade: Upgrade of Windows	705,700
Replace essential Wide Area Network data circuits that will no longer be supplied by BT. These circuits connect buildings that are not being consolidated by Smarter Workplaces.	21,120
General reactive/planned property maintenance	500,000
Asbestos Removal	155,000
Control of Legionella	275,000
Work resulting from the statutory testing of building services	300,000
Fire Risk Assessment	200,000
Leasing versus Buy	340,000



Risk Management	100,000
Uninsured property damage	200,000
<b>Total</b>	<b>9,908,126</b>

<b>NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM EXTERNAL SOURCES 2013/14</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Basic Need	2,097,621
Devolved Formula Capital	662,580
Capital Maintenance	3,530,556
Local Transportation Plan Highway Maintenance	1,945,000
Local Highways Maintenance funding	352,000
Low Emissions Town & Cities	100,000
Disabled facilities grant	1,351,000
Gypsy & Travellers	20,000
Darlaston Strategic Development Area Access	10,880,000
Local Transport Plan (excluding contribution to Darlaston Strategic Development Agency)	1,115,000
Local Sustainable Transport Fund	260,000
Personal Social Services Grant	769,958
Blackwood Park	95,700
Play Strategy	512,000
George Rose Park	50,000
High Heath Park	129,515
Holland Park	230,000
King George V Playing Fields	280,000
Kings Hill Park	55,000
Health in Parks	30,000
Bentley Green Spaces	88,000
Oak Park and Walsall Wood	40,000
Palfrey Park	30,000
Pelsall Common	78,400
Pleck Park	110,000
Reedswood Park	115,000
The Croft	66,000
Willenhall Memorial Park	123,250
Willenhall Townscape Heritage Initiative – Heritage Lottery Fund	150,000
Willenhall Townscape Heritage Initiative - VIEW	100,000
Black Country Enterprise Zone - Darlaston Site Investigation Programme	847,250
Noirit Site Infrastructure	987,189
Black Country Property Investment Programme	3,075,490
<b>Total</b>	<b>30,276,509</b>

<b>LEASING PROGRAMME 2013/14</b>	
<b>PORTFOLIO</b>	<b>NEW EXPENDITURE £</b>
Transport and Environment portfolio	4,412,657
Business Support portfolio	69,000
<b>Total</b>	<b>4,481,657</b>

<b>CAPITAL PROGRAMME RESERVE LIST ITEMS 2013/14</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Refurbishment of Fryers Road Transfer Station / HWRC site	250,000
Hatherton multi story car park	200,000
Generic highway improvement	125,000
Darlaston Town Hall	500,000
Aids and adaptations	500,000
Health through warmth and retro fit schemes	330,000
Preventative adaptations	250,000
<b>Total</b>	<b>2,155,000</b>

(iii) **Treasury Management**

- (a) That the 2013/14 treasury management and investment strategy document set out in Section 2, and the adoption of the prudential indicators set out in Annex 6, be approved.
  - (b) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, be delegated to the Chief Finance Officer.
  - (c) That decisions to use capital receipts or unsupported borrowing within the framework of approved prudential indicators be delegated to the Chief Finance Officer.
- (3) That a final resolution be despatched or tabled at Council to include final levies and precepts and any final amendments to the budget, including any changes in the final settlement, specific grants and council tax bands.

2913 **Walsall Crisis support scheme**

Councillor Towe presented the report:

(see annexed)

**Resolved**

- (1) That the Walsall Crisis Support Scheme be adopted as an interim scheme for 2013/14.

- (2) That during this period further consultation be undertaken; that applicant data is collected and an equality impact assessment is completed to support the design of a scheme for the longer term based around residents demand.
- (3) That the Council's Chief Finance Officer be delegated the authority to make amendments to the scheme to reflect any changes required by legislation and/or government guidance, in consultation with the portfolio holder – finance and personnel.

#### 2914 **Corporate financial performance**

Councillor Towe presented the report:

(see annexed)

##### **Resolved**

- (1) That a net projected revenue underspend of £1.37m, c1.3% of the net Council tax requirement be noted.
- (2) That the transfer of windfall income which should be maintained centrally to manage any unexpected pressures which may arise over and above normal budgetary provision be noted.
- (3) That the forecast underspend on the mainstream capital programme, after re-phasing, of £1.45m which is to be used to fund 2013/14 capital programme, be noted.
- (4) That the amendments to the capital programme in section 4.7 of the report be noted and approved.
- (5) That the financial health indicators for quarter 3, as summarised in Appendix 1, be noted.
- (6) That the write off of sundry debts as detailed in Table 2 be approved.

#### 2915 **Local HealthWatch**

Councillor Ali presented the report:

(see annexed)

##### **Resolved**

That Cabinet approve the contract with the selected bidder, a consortium made up of MyNHS Walsall, Walsall LINK, Age UK Walsall, Walsall Housing Group and Walsall Citizens Advice Bureau.

## 2916 **Darlaston Strategic Development Area – Bentley Road South bridge**

Councillor Ansell presented the report:

(see annexed)

### **Resolved**

- (1) That Option A as set out in section 3 of the report be approved as the way forward
- (2) That Cabinet approve the commissioning of Bentley Road South Railway Bridge Works in advance of receiving full approval from the Department for Transport.
- (3) That authority be delegated to the Executive Director for Regeneration to authorise the entering into of an agreement for works with Network Rail Infrastructure Limited (“Network Rail”) in relation to the replacement of Bentley Road South Railway Bridge (“the Network Rail Works Agreement”) which obliges the Council to pay the full costs of those works and any related ancillary deeds or documents..
- (4) That Cabinet accept the risk that the costs under the Network Rail Works Agreement will be paid by the Council in full but are currently unquantified and no financial limit to the costs has been set in that agreement.
- (5) That Cabinet authorise a Package Order to be signed by the Executive Director for Regeneration with Birse Civils Ltd for the ground investigations and any other advanced works required complete the highway design.
- (6) That Cabinet note that the Darlaston Strategic Development Area scheme was listed in the Chancellors Autumn Statement 2012, stating construction would commence in 2013.

## 2917 **York’s Bridge, Pelsall**

Councillor Ansell presented the report:

(see annexed)

### **Resolved**

- (1 ) That approval be given to start of pre-application consultation and delegate authority to the Head of Legal and Democratic Services to prepare and submit applications under the relevant sections of the Commons Act 2006 to deregister and if required, to undertake restricted works, on those parts of Pelsall North Common as detailed in Appendices A and B, that will be necessary to facilitate the construction of a new York’s Bridge.

- (2) That Cabinet approve the proposal to offer the Council-owned land detailed in Appendix C and delegate authority to the Executive Director for Neighbourhood services in consultation with the portfolio holder for Transport and Environment to progress this in exchange as replacement land in order to offset the loss of the area of land within Pelsall North Common which is to be deregistered.
- (3) That Cabinet approve the preparation and submission of the necessary planning application for the scheme.
- (4) That Cabinet delegate authority to the Executive Director for Neighbourhood Services in consultation with the portfolio holder for Transport and Environment to undertake a procurement process for the construction element of the bridge replacement scheme and to accept such tenders and to authorise the entering into of any contracts, deed and documents in relation to such works.
- (5) That Cabinet delegate authority to the Executive Director for Neighbourhood Services in consultation with the portfolio holder for Transport and Environment to negotiate and approve the acquisition of land or structures in private ownership that may be necessary for the progression of the York's bridge scheme.

#### **2918 A new market for Walsall**

The report of the Regeneration Scrutiny and Performance Panel was submitted, together with the portfolio holder report:

(see annexed)

#### **Resolved**

- (1) That Cabinet note the conclusions of the Regeneration Scrutiny and Performance Panel and Markets Working Group that the future location of a new Walsall market be consolidated on The Bridge and Bradford Street;
- (2) That Cabinet request officers to commission feasibility and design study to assess the design and financial implications of creating a new market square on The Bridge, including the relocation of The Fountain, and an enhanced town centre public realm, all subject to the granting of planning permission;
- (3) That Cabinet receive a future report outlining the outcome of the feasibility study, the process and timeline for the delivery of the project;
- (4) That all stakeholders, including market customers, retailers, investors and representatives of national and local market trade organisations, are consulted regarding the proposals, and as part of the consultation on the Issues and Options for the Walsall Town Centre Area Action Plan (AAP).

## 2919 **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**

#### **St. Matthews Quarter – redevelopment of Old Square shopping centre**

A report was considered which presented options to help deliver a project to redevelop the Old Square Shopping Centre in order to progress the Council's aspiration for the regeneration of St. Matthews Quarter.

The Cabinet agreed to pursue an option to acquire certain leasehold interests in the site; to appoint consultants to undertake due diligence work; and to enter into a procurement process for contracts to provide construction work.

A further report to award contracts would be submitted to Cabinet in due course.

#### **Walsall Waterfront – acquisition of William House**

Councillor A. Andrew presented the report:

(see annexed)

## **Resolved**

That Cabinet confirms its intention to pursue the acquisition of William House, as shown edged bold on Appendix A (EPMS number 3731), on terms to be agreed, supported by a certified valuation of the site, delegated to the Executive Director Regeneration and the Chief Finance Officer, in consultation with the portfolio holders Regeneration and Finance.

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

The meeting terminated at 6.40 p.m.