

# **Cabinet minutes**

**Wednesday 12 December 2018 at 6.00 p.m.**

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

## **Present**

Councillor Bird	Leader of the Council
Councillor Andrew	Deputy Leader and Regeneration
Councillor Martin	Adult social care
Councillor Wilson	Children's and health and wellbeing
Councillor Harrison	Clean and green
Councillor Towe	Education and skills
Councillor Harris	Personnel and business support

## **3885 Apology**

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

## **3886 Minutes**

### **Resolved**

That the minutes of the meetings held on 24 October and 21 November 2018 copies having been sent to each member of the Cabinet be approved and signed as correct records.

## **3887 Declarations of interest**

There were no declarations of interest.

## **3888 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.

### 3889 **Petitions**

Councillor Hicken submitted a petition in relation to anti-social issues arising from the shopping area on Nottingham Drive.

### 3890 **Questions**

There were no questions.

### 3891 **Forward plan**

The forward plan as at 3 December 2018 was submitted:

(see annexed)

#### **Resolved**

That the forward plan be noted.

### 3892 **Walsall Proud Programme**

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.

### 3893 **Draft revenue budget and feedback from Overview and Scrutiny Committees**

Councillor Bird presented the report, together with Appendix 1f - Recommendations of Children's Overview and Scrutiny Committee:

(see annexed)

#### **Resolved**

- (1) That Cabinet note the feedback from Overview and Scrutiny Committees on revenue and capital proposals to date and consider this feedback in preparation for final budget recommendations in February (Appendices 1a-1f).

- (2) That Cabinet note the publication of the Chancellor's Autumn Budget on 29 October and that detailed work is in hand to work through the implications of this in time for the final budget report in February 2019.
- (3) That Cabinet note that the Provisional Grant Settlement has been delayed until after 11 December 2018.

#### 3894 **Treasury Management mid-year position statement 2018/19**

Councillor Bird presented the report:

(see annexed)

##### **Resolved**

(1) That Cabinet note report.

(2) **To recommend to Council**

To consider and note (in line with the requirements of the Treasury Management Code of Practice (2017)), the mid-year position statement for treasury management activities 2018/19 including prudential and local indicators (Appendix A).

#### 3895 **Black Country UNESCO Global Geopark project**

Councillor Harrison presented the report:

(see annexed)

##### **Resolved**

(1) That Cabinet endorses ABCA's application to UNESCO for Global Geopark status for the Black Country.

(2) That Cabinet delegates authority to the Executive Director of Economy and Environment to negotiate and enter into a Partnership Agreement or similar for the Black Country UNESCO Global Geopark Project.

#### 3896 **Highways and infrastructure services contract**

Councillor Andrew 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.

### **3897 Permit scheme**

Councillor Andrew presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the Walsall Metropolitan Borough Council Permit Scheme for implementation with effect 1 April 2019. (Appendix A)
- (2) That Cabinet approve the proposed permit fees as detailed in 6.3 of this report and authorise the preparation and sealing of the necessary Traffic Management Act 2004 Permit Scheme Order.
- (3) That Cabinet delegate authority to the Executive Director for Economy and Environment, in consultation with the Portfolio Holder for Regeneration, to approve any minor changes to the draft permit scheme, to approve the annual report for submission to the Department for Transport and to change the permit fees, within legislative constraints, that may be required as a result of evaluating the annual report.

### **3898 Young persons housing services**

Councillor Andrew presented the report, together with a supplementary 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.

### **3899 Housing First service**

Councillor Andrew presented the report:

(see annexed)

Cabinet members thanked officers and partners involved in the project for their work.

## **Resolved**

- (1) That Cabinet delegate authority to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Regeneration, to approve the award of the new contract (valued at approximately £1 million) for the provision of a Housing First Service for the period January 2019 (subject to any staff transfer issues) until 31 March 2021, with the option to extend by 2 additional periods of 12 months at the sole discretion of Walsall Metropolitan Borough Council.
- (2) That Cabinet delegate authority to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Regeneration, to enter into a new contract to deliver the Housing First Service by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contract, deeds or other related documents for such services.

### **3900 Council tax premium on long term empty properties**

Councillor Andrew presented the report:

(see annexed)

#### **Resolved to recommend to Council**

- (1) That Walsall Council change the council tax premium from 50% to 100% from 1 April 2019 for properties that have been empty and unfurnished for more than 2 years.
- (2) That Walsall Council introduces a 200% council tax premium from 1 April 2020 for properties that have been empty and unfurnished for more than 5 years.
- (3) That Walsall Council introduces a 300% council tax premium from 1 April 2021 for properties that have been empty and unfurnished for more than 10 years.

### **3901 Intermediate care beds tender**

Councillor Martin 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.

**3902 Advertising and sponsorship policy**

Councillor Harrison presented the report:

(see annexed)

**Resolved**

That the Advertising and Sponsorship policy be approved.

**3903 Treatment and recycling of “Dry mixed recycling waste”**

Councillor Harrison 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.

**3904 Proposed schools funding formula 2019/20**

Councillor Towe presented the report:

(see annexed)

Cabinet was informed that Schools Forum at its meeting on 5 December 2018 agreed with the recommendations.

**Resolved**

- (1) That Cabinet notes the outcome of the consultation exercise and approves the Schools Funding Formula (Appendix 1) that was recommended by Walsall’s Schools Forum at its meeting on 5 December 2018.
- (2) That Cabinet notes that the Department for Education may request revisions to the school funding formula and that values attributed in the formula may need to change once the Department for Education review the October 2018 census data.
- (3) That Cabinet delegates authority to the Director of Children’s Services in consultation with the Portfolio Holder for Children’s Services and Education to alter or amend the formula in line with Department for Education requirements and to comply with all and any relevant Department for Education regulations for the 2019/20 Schools Funding Formula.

### 3905 **Regional Adoption Agency**

Councillor Wilson presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approve the establishment of the Regional Adoption Agency (RAA).
- (2) That Cabinet approve the service design, structure and governance of the Regional Adoption Agency (RAA) as a 'hosted' model.
- (3) That the City of Wolverhampton Council be the host authority for the RAA and TUPE transfer of staff into City of Wolverhampton Council to work within the Regional Adoption Agency.
- (4) That Cabinet approve the proposed financial model and formula for funding contributions from the four Councils.
- (5) That Cabinet approve the establishment of a Lead Members RAA Board to enable Lead Members from the four Councils to collectively execute their responsibilities in respect of monitoring outcomes for children in care.
- (6) That Cabinet approve the necessary technical delegation of functions under section 3ZA subsection 3(c) of the Adoption and Children Act 2002 (i.e. the decision making responsibility for the approval of prospective adopters) to City of Wolverhampton Council for the purpose of ensuring the proposed RAA arrangements work and operate as agreed.

### 3906 **Corporate energy services contract**

Councillor Harris presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approves the purchasing of energy supply for the Council for the period 1 April 2019 to 31 March 2020 by using an Eastern Shire Purchasing Organisation (ESPO) framework for gas and a Yorkshire Purchasing Organisation (YPO) framework for electricity.
- (2) That Cabinet delegates authority to enter and to subsequently authorise the sealing of any deeds, contracts or other related documents for the purchase of gas and electricity as set out in Recommendation 2.1 above to the, Executive Director Resources and Transformation in consultation with the Portfolio holder for Personnel and Business Support.

## 3907 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.

## 3908 Walsall Proud Programme (Summary decision)

Councillor Bird presented the report:

(see annexed)

#### Resolved

- (1) That Cabinet approves the “new ways of thinking” and “ways of working” framework as set out in sections 3.8 and 3.10 of the public report.
- (2) That Cabinet approves the award of contracts for the provision of Transformation Delivery to PricewaterhouseCoopers LLP (PwC), for a period of up to 3 years and 3 months, with an associated value of up to £10.7 million; noting that the majority of the final contract value will be directly linked to benefits realisation.
- (3) That Cabinet delegates authority to the Executive Director Resources and Transformation to enter into subsequent call off work orders under the contract referred to in recommendation (2) of this report and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents, subject to the totality of work orders meeting the financial parameters in (4) over the life of the contract.
- (4) That Cabinet approves the following financial parameters for delivery of the WPP:
  - (i) A total investment cost to benefit ratio of 1:3 (i.e. for every one-off £1 invested - inclusive of contract value and all other investment - this will deliver at least £3 recurring benefit which can be used to support the councils financial position or be reinvested into services).
  - (ii) Within the above total investment cost ratio, total one-off revenue and capital investment to be capped at £26.1m, inclusive of the contract values at (2).



- (iii) From a cash flow and financing position, that, apart from year 0 (2018/19), in year financial benefits will exceed the in-year investment and therefore finance itself, without placing any strain in any particular year on the medium term financial plan. Year 0 to be funded from the transformation reserve.
- (iv) That once the final savings and costs are known, for these to be reflected in future capital programme and revenue budgets.
- (v) That the investment costs, once finalised, be funded from a combination of existing transformation fund earmarked reserves, and recurring savings generated from the WPP, without any further call on the medium term financial plan.

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

### 3909 **Black Country Enterprise Zone – Darlaston Road masterplan area**

Councillor Andrew presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet approve the commencement of stakeholder and resident/community consultation on the masterplan options for the future development of the Darlaston Road area of the Black Country Enterprise Zone.
- (2) That Cabinet delegates authority to the Executive Director Economy and Environment, in consultation with the relevant Portfolio Holder, to finalise the masterplan options and consultation plan prior to consultation commencing.
- (3) That Cabinet note the work undertaken to date on the delivery options for the Council-owned former Gasholders site in the Black Country Enterprise Zone.

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

### 3910 **Highways and infrastructure services contract**

Councillor Andrew presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approve the contract award for the provision of Highways and Infrastructure Services to Tarmac Trading Limited. The contract will start on 1 April 2019 for a period of six years initially with options to extend for a further two periods of two years (depending on performance) and have an annual (indicative) contract value of up to £15 million.
- (2) That Cabinet delegate authority to the Executive Director for the Economy and Environment, in consultation with the Portfolio Holder for Regeneration, to finalise the contract documents to ensure satisfactory completion prior to sealing and signing of the contracts, deeds or other related documents for the new Highways and Infrastructure Services Contract.

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

### **3911 Young Persons Housing Services**

Councillor Andrew presented the report:

(see annexed)

## **Resolved**

- (1) That Cabinet approves the award of the new contracts for
  - A 15 unit supported lodgings scheme with a Night/Day stop service to YMCA with an estimated value of £395,320 over the maximum 4 year term of the proposed contract
  - Housing accommodation for 76 young people with medium to low level needs to whg with an estimated value of £1,137,822 over the maximum 4 year term of the contract
- (2) That Cabinet delegate authority to the Executive Director of Resources and Transformation, in consultation with the Portfolio Holder for Regeneration, to enter into a new contract/s to deliver the 'Young Persons Housing Services' by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contract, deeds or other related documents for such services (including any necessary temporary extensions of the existing contracts).
- (3) That Cabinet delegate authority to the Executive Director of Resources and Transformation to extend existing contracts as necessary to ensure continuity of services while any necessary staff transfer and contract implementation requirements are undertaken.

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

### 3912 **Intermediate care beds tender**

Councillor Martin presented the report:

(see annexed)

#### **Resolved**

- (1) That Cabinet delegates authority to accept tenders and award contracts for the provision of intermediate care beds, for a period of two 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 completion of the tender.
- (2) That Cabinet delegates authority to the Executive Director of Adult Social Care, to enter into contracts for the provision of intermediate care beds and to subsequently authorise the sealing of any deeds, contracts or other related documents for such services.

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

### 3913 **Treatment and recycling of “Dry mixed recycling waste”**

Councillor Harrison presented the report:

(see annexed)

In presenting the report, Councillor Harrison gave examples of initiatives she had led and supported, including writing to all supermarkets to introduce plastic-free aisles. The Leader considered that more work could be done by the packaging industry to help with this agenda and suggested that the relevant Overview and Scrutiny Committee could look at engaging the packaging industry to help them understand the problems which occur at the end of the packaging life.

Councillor Harrison, having regard to the information contained in the report, recommended the Cabinet to approve option 2, to re-tender the contract.

#### **Resolved**

- (1) That Cabinet do not approve the award of a contract for the provision of the treatment and recycling of Dry Mixed Recyclable waste and accept the procurement process has failed due to the significant increase in estimated costs and affordability to the Council.
- (2) That Cabinet approve Officers to re-tender the contract for the treatment and recycling of Dry Mixed Recycling Waste. Re-tendering would be via a Negotiated Procedure without prior publication under Regulation 32 of the

Public Contracts Regulations 2015, with a selection of contractors who have expressed an interest during this current tendering exercise.

- (3) That Cabinet approve officers to negotiate an extension to the existing contractual arrangements for the recycling of dry mixed recycling waste in accordance with Regulation 72 of the Public Contracts Regulations 2015. This would be for a period of 6 months from 31 March 2019 or to a maximum value of £750,000, whichever is the sooner and allow Officers the opportunity to re-tender the contract
- (4) That Cabinet delegate authority to the Executive Director, Economy and Environment, in conjunction with the Portfolio Holder, Clean and Green, to enter into a contract extension using the most appropriate procedures and to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services.

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

The meeting terminated at 6.50 p.m.

Chairman:

Date: