

Cabinet (Resources) Panel

21 May 2019

Time	5.30 pm	Public Meeting?	YES	Type of meeting	Executive
Venue	The Mayoral Suite - 3rd Floor, Civic Centre, St Peter's Square, Wolverhampton WV1 1SH				

Membership

The Chair and members of the Cabinet (Resources) Panel

Quorum for this meeting is five Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Dereck Francis, Democratic Services
Tel/Email 01902 555835 or dereck.francis@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square, Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <https://wolverhamptonintranet.moderngov.co.uk>
Email democratic.services@wolverhampton.gov.uk
Tel 01902 550320

Please take note of the protocol for filming, recording, and use of social media in meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interests**
- 3 **Minutes of the previous meeting - 2 April 2019** (Pages 5 - 10)
[To approve the minutes of the previous meeting as a correct record]
- 4 **Matters arising**
[To consider any matters arising from the minutes]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET (RESOURCES) PANEL)

- 5 **Care and Support Provider Fee Review 2019 - 2020** (Pages 11 - 30)
[To approve a proposed increase in the fee levels for care and support provider services areas]
- 6 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 50 Crowther Street, Wolverhampton WV10 9AG** (Pages 31 - 40)
[To approve the acquisition of the property by agreement or compulsory purchase order]
- 7 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 17 Haggar Street, Wolverhampton WV2 3ET** (Pages 41 - 50)
[To approve the acquisition of the property by agreement or compulsory purchase order]
- 8 **Schedule of Individual Executive Decision Notices** (Pages 51 - 58)
[To note the summary of open and exempt individual executive decisions approved by cabinet members following consultation with relevant employees]
- 9 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below]

Part 2 - exempt items, closed to press and public

- | | | |
|----|--|--|
| 10 | 21 May 2019 - Procurement - Award of Contracts for Works, Goods and Services (Pages 59 - 70)
[To approve the award of contacts for works, goods and services] | Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3) |
| 11 | External Funding - Grants from Black Country Local Enterprise Partnership for sites at Daisy Bank, Ash Street, Bilston and Wolverhampton Environment Centre, Wolverhampton (Pages 71 - 80)

[To approve the acceptance of the grant to be received from the Black Country LEP to enable site investigations at various sites] | Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3) |

This page is intentionally left blank

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 2 April 2019
--	---

Attendance

Members of the Cabinet (Resources) Panel

Cllr Louise Miles (Chair)
Cllr Roger Lawrence (Vice-Chair)
Cllr Peter Bilson
Cllr Steve Evans
Cllr Hazel Malcolm
Cllr Lynne Moran
Cllr John Reynolds
Cllr Sandra Samuels OBE
Cllr Paul Sweet

Employees

Emma Bennett	Director of Children's Services
John Denley	Director of Public Health
Dereck Francis	Democratic Services Officer
Tim Johnson	Managing Director
Richard Lawrence	Director of Regeneration
Claire Nye	Director of Finance
David Watts	Director of Adult Services

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Councillor Val Gibson.
- 2 **Declarations of interest**
No declarations of interests were made.
- 3 **Minutes of the previous meeting - 5 March 2019**
Resolved:
 That the minutes of the meeting held on 5 March 2019 be approved as a correct record and signed by the Chair.
- 4 **Matters arising**
There were no matters arising from the minutes of the previous meeting.

5 **Corporate Complaints Procedure**

Councillor Roger Lawrence presented the report on a proposed amendment to the Corporate Complaints Procedure to put in place a 12-month time limit for making a complaint and to include a compliment process. The proposal would bring the Council in line with best practice and policy from other local authorities, the Local Government and Social Care Ombudsman and public bodies; provide consistency in approach; and provide effective early information to local people who may wish to raise a complaint.

Resolved:

That the amendments to the Corporate Complaints Procedures to put in place a 12- month time limit for making a corporate complaint and revisions to the compliment process be approved.

6 **Appointeeship Charging**

Councillor Sandra Samuels OBE withdrew the report to allow further discussion on the proposal.

7 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 45 Springhill Road, Wednesfield, Wolverhampton, WV11 3AW**

Councillor Peter Bilson presented the report seeking approval to authorise the acquisition of privately owned property 45 Springhill Road, Wednesfield by agreement or through compulsory purchase.

The proposal would ensure that the property provides much needed housing by prompting the owner to either act voluntarily or via enforcement through a CPO to bring the property back into use; ensure that the property does not continue to be visually detrimental to the area and does not continue to attract anti-social behaviour/ fly tipping; and ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding and removing the on-going expenditure arising from anti-social behaviour.

Resolved:

1. That the Service Director of City Housing be authorised to negotiate terms for the acquisition of the property 45 Springhill Road, Wednesfield, Wolverhampton, WV11 3AW, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme be approved.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director of City Housing the property be withdrawn from the CPO.
4. That following any acquisition, the Service Director of City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).

5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

8 **City East Gateway A454 Phase 1 and 2 Consultation Feedback and Preferred Option**

Councillor Steve Evans presented the report on the outcomes from the consultation on options to improve the transport facilities along the City East Gateway – A454 Willenhall Road corridor. The public had been consulted on four options which had been developed to improve travel conditions and support the regeneration objectives for the Willenhall Road. 60 percent of respondents supported the multi-modal option D, which included fundamental re-engineering of the available highway to provide a balanced provision for network users of all modes. Approval of the Panel was sought to a preferred route to progress essential improvement works for the corridor.

Resolved:

1. That option D be endorsed as the preferred principles of a scheme for further development following the public consultation.
2. That continued development work to progress the principle of option D to detailed design options and full business case be approved.
3. That the submission of bids for potential funding be approved.
4. That authority be delegated to the Cabinet Member for City Environment and the Director of Finance to approve submission of funding bids and receive funding related to development activity for the major scheme preferred option D.
5. That a further report be submitted in Autumn 2019 to provide detailed design options, enhanced costing information, funding options and provide feedback on on-going discussions with interested parties and potentially affected land owners.

9 **Schedule of Individual Executive Decision Notices**

Resolved:

That the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees be noted.

10 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within the paragraph 3 of Schedule 12A of the Act.

Part 2 - exempt items, closed to press and public

11 **Sufficiency of Extra Care Housing**

Councillor Sandra Samuels OBE presented the report on the current provision of extra care housing within the city and on a strategy to meet future need. She recommended that the title of the report be amended to 'Future Extracare Strategy for City of Wolverhampton' and that a further report be submitted to a future meeting setting out the proposed ambition timeline following market engagement including any known financial implications.

Resolved:

1. That the title of the report be amended to 'Future Extracare Strategy for City of Wolverhampton'.
2. That the extracare strategy to meet future need be supported.
3. That the Panel receive a future update report setting out the proposed ambition timeline following market engagement including any known financial implications.

12 **Schools Capital Programme 2019/2020**

Councillor Lynne Moran presented the report on priorities for the school's capital programme for 2019-2020 for the school condition allocation (SCA). The report also confirmed funding for devolved formula capital to schools, the locally co-ordinated voluntary aided programme (LCVAP) and basic need until 2019-2020 (including top ups). Approval was sought to detailed projects for the schools condition allocation capital funding.

Resolved:

1. That the detailed projects for school's condition allocation capital funding in 2019-2020 as listed in paragraph 3.7 of the report be approved.
2. That authority be delegated to the Cabinet Member for Education and Skills in consultation with the Director of Education, to initiate works in relation to emergency works preventing a school closure, the nature of which would not allow sufficient time to gain normal Council approvals, the works to be confirmed through an Individual Executive Decision Notice.
3. That authority be delegated to the Cabinet Member for Education and Skills in consultation with the Director of Education, to initiate works in relation to asbestos removal preventing a school closure, the nature of which would not allow sufficient time to gain normal Council approvals, the works to be confirmed through an Individual Executive Decision Notice.

4. That it be noted that the resources available for implementing the 2019-2020 school's capital maintenance programme are provisionally £1.3 million (This figure would be adjusted once grant confirmed) against a condition backlog of £3 million for priority 1 items.
5. That it be noted that the resources available for basic need have been fully committed toward the expansion of the primary and secondary school estate, to support the provision of additional pupil places given a continued increase in demand.

13

Procurement - Award of Contracts for Works, Goods and Services

The Panel considered proposals for the award of contracts for works, goods and services.

Resolved:

1. That the extensions of the following contracts be approved:
 - a. Electrical and Mechanical Repairs, Maintenance, and Minor Works with RMC Mechanical Services Ltd of Unit 1, Steelhouse Lane, Wolverhampton, West Midlands WV2 2AF; R D Jukes of Walsingham Works, Walsingham Street, Walsall WS1 2JZ and Midwest of 1 Pelham Street, Wolverhampton, WV3 0BJ for six months from 01 May 2019 to 31 October 2019 with a combined estimated extension value of £1,509,973.
 - b. Building Repairs, Maintenance, and Minor Works, with Gough Group Holdings Limited of Tudor House, Moseley Road, Bilston, WV14 6JD for six months from 01 May 2019 to 31 October 2019 with an extension value of £737,487.
2. That authority be delegated to the Cabinet Member for City Environment, in consultation with the Director of Environment, to approve the award of a contract for Supply of LED Street Lighting and Accessories when the evaluation process is complete.
3. That an exemption from compliance with Contract Procedure Rules, to allow the transfer of funding up to £794,000 to Royal Wolverhampton NHS Trust, who would host employment of Public Health staff working within the Prevention and Population Health Unit be approved.
4. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Education, to approve the award of a contract for e-Learning when the evaluation process is complete.
5. That authority be delegated to the Cabinet Member for Resources, in consultation with the Deputy Managing Director, to approve the award of a contract for Network Cabling when the evaluation process is complete.
6. That authority be delegated to the Cabinet Member for Education and Skills, in consultation with the Director of Education, to approve the award of a contract for Managed Client Caseload Information System when the evaluation process is complete.

7. That the contract for the Provision of Programme Management for the City Learning Quarter be awarded to Turner and Townsend Limited of Low Hall, Calverley Lane, Horsforth, Leeds LS18 4GH for a duration of three months from 4 April to 3 July 2019 for a total contract value of £200,000.
8. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Director of Regeneration, to approve the award of a contract for the City Learning Quarter (CLQ) Design associated services when the scope of services is finalised.
9. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Director of Regeneration, to approve the award of a contract for the CLQ Demolition of Faces Night Club and other associated buildings when the evaluation process is complete.
- 10 That the use of the budget currently allocated to Midland Heart for the provision of extra care housing-based care services for the re-tendered services be approved.
11. That authority be delegated to the Cabinet Member for Adults, in consultation with the Director for Adult Services, to approve the award of contracts for extra care housing-based care services contracts once the procurement process is complete.
12. That the Director of Governance and staff with appropriate delegated authority be authorised to execute contracts in respect of the above as required.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 21 May 2019
--	--

Report title	Care and Support Provider Fee Review 2019 - 2020		
Decision designation	AMBER		
Cabinet member with lead responsibility	Councillor Sandra Samuels OBE Adults		
Key decision	Yes		
In forward plan	Yes		
Wards affected	All		
Accountable director	David Watts, Director for Adult Services		
Originating service	Commissioning		
Accountable employee(s)	Andrew Wolverson Tel Email	Head of Service, people 01902 555550 Andrew.Wolverson@wolverhampton.gov.uk	
Report to be considered by			

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the following proposed increase in fee levels for 2019-2020 as recommended in the report to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage (NLW), pension contribution and where applicable increases to sustain the care market.

Type of provision	Recommendation	Current £	Proposed £
Domiciliary Care	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.	14.52 (hourly rate)	15.04 (hourly rate)

Home Based Respite	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.	13.80 (hourly rate)	14.32 (hourly rate)
Direct Payments Domiciliary Care Agency Rate	Increase fee levels to meet the additional costs (employee only) resulting from the increases to the National Living Wage.	13.72 (hourly rate)	14.10 (hourly rate)
Direct Payments for Personal Assistants	Do nothing do not increase fee levels	10.76 (hourly rate)	10.76 (hourly rate)
All Residential and Nursing Care Agreements for Older People	Uplift all agreements with a current rate of less than £433.30 to £433.30.	Less than £433.30 (weekly rate)	433.30 (weekly rate)
All Residential and Nursing Care Agreements for Older People	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the NLW.	More than £433.30 (weekly rate)	Current rate plus additional NLW related costs
Extra Care	Increase fees by 3%	N/A part of block contract	Increase to all contracts total £71,000
Supported Living	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the NLW.	13.80 (hourly rate)	14.32 (hourly rate)

2. Approve that any increase in fees are backdated to 1 April 2019 to reflect when the increase to NLW came into effect.

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. That engagement has been undertaken with current care and support providers as part of the fee review to listen to feedback, however due to current financial restraints the recommendations are not solely based on provider requests.
2. That work will be undertaken over the next nine months to work with providers in developing the social care market to ensure a shared approach based on high quality demand management to address the ongoing financial challenge faced by all stakeholders in Adult Social Care.

1.0 Purpose

- 1.1 The purpose of this report is to set out the proposed increase for the following care and support service areas and Direct Payment cost rate, and to outline the methodology used to develop the new rates.

2.0 Background

- 2.1 Section 5 of the Care Act 2014 establishes a duty on local authorities and Directors of Social Services to ensure a sustainable market of care in their areas. This covers all care sectors and providers of care. The main areas of care provision and a growing sector of individual service users using personal budgets to employ Personal Assistants.

3.0 Domiciliary Care and Direct Payment Service

- 3.1 The Domiciliary Care and Direct Payment service delivers care and support to people in their own homes.
- 3.2 A snapshot taken as of January 2019, highlighted 12,500 planned hours of domiciliary care per week for 65+ and 7,850 direct payments planned hours per week for all age services.

4.0 Older Peoples Residential and Nursing placements

- 4.1 Residential Care services deliver personal care and accommodation to people within a Care Quality Commission (CQC) registered setting.
- 4.2 People in Nursing Care placements have the need for care and support in a CQC registered care home but in addition have a primary health care need, that requires the intervention or oversight of a registered nurse to support the safe delivery of their care plan. Nursing care placements attract a financial contribution from NHS England to pay for the nursing element of the care provided. This is paid directly from Wolverhampton Clinical Commissioning Group and is known as Funded Nursing Care (FNC) payment. The FNC for 2018-2019 was £158.16 per week. The FNC settlement for 2019-2020 is £165.56.
- 4.3 In January 2019 there were 556 individuals aged 65+ in receipt of a permanent residential placement, this compared to a figure of 578 in January 2018.
- 4.4 In January 2019 there were 327 individuals aged 65+ in nursing placements, this compared to a figure of 296 in January 2018.

5.0 Extra Care

- 5.1 Extra care housing is a nationally recognised model of extending the range of housing options available to older people with care and support needs and is commissioned by local authorities across the country.

- 5.2 Currently, the City of Wolverhampton Council has eight contracts in place with four extra care service providers for the provision of 265 funded places. The services are provided on a 'block' basis, which means that each provider is funded to accommodate and support a specified number of people with eligible care needs at any one time. In order to maintain growth at the required rate in the city and reduce reliance on residential care in the medium term, Cabinet Resources recently agreed to support the ambitious strategy to increase extra care units by an additional 579 by 2030.

6.0 Supported Living

- 6.1 The supported living accreditation framework delivers care and support to people with disabilities. These services support people to become as independent as possible and have a focus on reablement and enablement. These services provide 24/7 care where required for people who live in supported living schemes.
- 6.2 Accreditation to the supported living framework was awarded on 1 August 2016 for a one year with extension options of one plus one year. The table below confirms the current rates:

Band One	Substantial needs – up to £13.80 per hour
Band Two	High level needs – £13.80 per hour
Band Three	Intensive support for complex needs between £13.80 - £17.72 per hour

- 6.3 There are 28 accredited supported living providers on the supported living framework. There is no guaranteed amount of work for providers on the framework. Band One is no longer used as most people are assessed as requiring Band Two support. A framework was tendered in 2018 to increase the providers available who can meet specialist forensic needs. The process to tender for supported living care will take place from May 2019 and will be in place by September 2019.
- 6.4 A snapshot taken as of 5 March 2019, highlighted 16,000 hours of supported living per week.

7.0 Residential Provision for People under 65 years with complex needs

- 7.1 There are currently 150 placements in residential provision for people under 65 years with complex needs (113 Learning Disability, 16 Physical Disability and 21 Mental Health). This provision is not funded at a set rate with providers. The cohort accessing this provision have complex needs with disabilities and each package is based on the social care assessed needs and negotiated with the provider and as a result funding levels vary for each individual placement.

8.0 Overview of the Wolverhampton Market

- 8.1 The Care Act 2014 includes duties for Local Authorities to facilitate and shape a diverse, sustainable and quality market has implications for everyone involved, people with care and support needs, carers, providers and commissioners. The Act gives the local authority powers and duties in the case of provider failure to ensure that continuity of care is maintained for people that use care and support services.
- 8.2 The council is committed to supporting people to be independent for as long as possible and is working with the market to develop a range of services to support this. This has implications for existing service models and service providers as traditionally there was a higher demand for residential provision which is decreasing as home-based care and supported living increases.
- 8.3 National intelligence and local provider forums confirm that the main challenges the market is experiencing is in the recruitment and retention of staff into the care sector. There are several reasons for this, one of which is pay rates for care staff at, or just above National Living Wage (NLW). Recruitment in both the home care and care home sector is difficult for many providers.
- 8.4 From 1 April 2019 the hourly rate of the National Living Wage for those of 25 years and over, increases from £7.83 to £8.21, and will rise to £9.00 an hour by 2020. The Council has reviewed the fees, considering the NLW and seeking opportunities to secure future stability of the care and support market.
- 8.5 From April 2019 there is also a 1% increase to the employer contribution to staff pensions.
- 8.6 The payment for CQC registration fee has changed and increased the costs to providers.
- 8.7 In order to provide more effective use of commissioning and fee review cycles in the future work will be undertaken to align these processes going forward which will support stability of the market and remove uncertainty for providers between commissioning cycles.

9.0 Care and Support Provider Engagement

- 9.1 Providers have been engaged through provider forums to give them the opportunity to provide feedback about the approach. There was also an opportunity for domiciliary and older people nursing and residential care providers to share evidence of their costs where they differ from those included in the fee methodology, for benchmarking purposes only.
- 9.2 City of Wolverhampton Council has also received feedback from providers in the form of requests for fee review in 2019 -2020.

Key themes arising include:

- Increase in National Living Wage an increase of 4.9% with the national living wage increasing from £7.83 to £8.21 per hour.

- Shortage of care workers
- Requirement of auto enrolment of staff in pensions: Employer contribution has risen from 2% in 2018-2019 to 3% for 2019-2020
- Introduction of the apprentice levy
- Workforce pressures, including higher costs for recruitment, training and retention
- Increase in utility costs- a Consumer Price Index inflation of calculation of 2.2% was quoted as a good reflection of additional costs incurred by providers
- Annual CQC fee increase and increased costs of compliance
- Higher management and admin costs as contracts and service delivery become more complex
- Increase in dependency of people needing their support
- Equipment costs to meet increased need of clients

10.0 Methodology/evaluation of alternative options

10.1 The legislative National Living Wage (NLW) is intended to recognise the dignity of work and the importance for individuals, families and society of people being able to earn a living.

10.2 The Council is required to provide appropriate care and support services to meet the statutory requirement and the needs of individual service users.

10.3 Due to increases to the NLW and employer pension contributions from April 2019, the Council have undertaken a fee review exercise.

10.4 The review has been concluded and sets out options for each type of social care service areas as set out below:

Option One	Do nothing. Do not increase fee levels.
Option Two	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage and pensions.
Option Three	Where appropriate average range of provider costs based on open book accounting

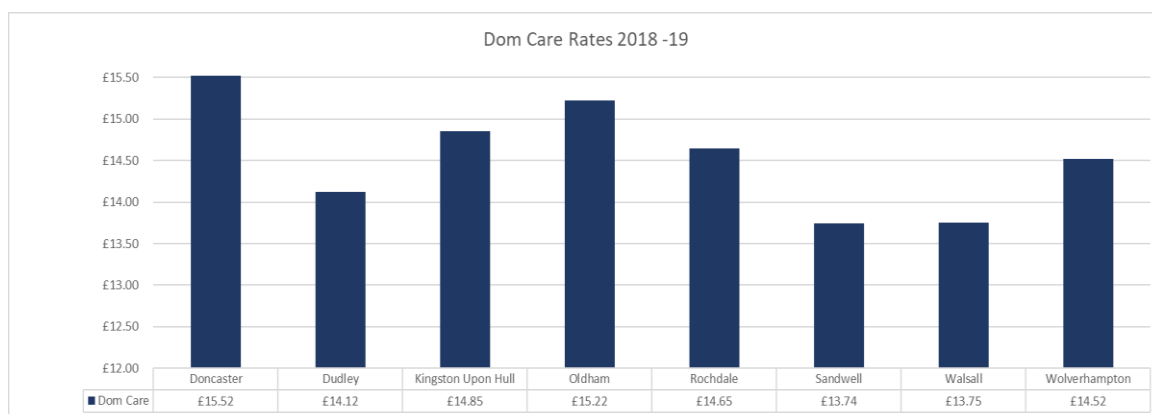
11.0 Benchmarking and Market Analysis

11.1 Benchmarking data has been reviewed against neighbouring and CIPFA (the Chartered Institute of Public Finance and Accountancy) nearest neighbour comparator authorities to support the process. The Council recognises that several potential cost pressures impact upon the care market both locally and nationally, this has been mitigated by the rates in comparison to other local authorities in the region.

12.0 Domiciliary Care

12.1 The table below outline the benchmarking data for domiciliary care 2018-2019. The regional benchmarking data highlights that Wolverhampton is paying a higher rate than the Black Country neighbouring local authorities. CIPFA nearest neighbour comparators confirm that Wolverhampton is paying lower hourly rates.

Table 1: Benchmarking data for domiciliary care hourly rates 2018-2019



12.2 Demand for domiciliary care is predicted to increase due to the strategic intention to increase independence and help people stay in their homes. Seven providers have exited the Wolverhampton market since the domiciliary care framework agreement started in 2016 (three during 2018 – 2019), citing financial instability and changes to their business model as the reason. The exit of providers has been managed and the care re-provided to alternative providers from the current framework. It is felt that there is current sufficiency to meet need and demand if further providers exited Wolverhampton, however, there is a risk to sufficiency and the market could become unstable and fragile if too many providers exit Wolverhampton due to the current rate.

12.3 There are a limited number of Wolverhampton providers operating in neighbouring Black Country councils therefore the benchmarked hourly rates which are lower than Wolverhampton's are not considered a viable benchmark and CIPFA comparators have been considered.

12.4 However, provider engagement has highlighted that our current providers are likely to operate within Staffordshire and Shropshire and that the rates at which these councils pay creates a potential deficit in the market.

12.5 Provider engagement confirmed continued cost pressure exist and providers have asked for increases to the hourly rate from £0.00 to £8.49.

12.6 Based on market analysis and considering budgetary pressures the recommended option for domiciliary care is option two in the table below which reflects a fee level to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage. This may create some instability in the market with

some providers possibly choosing to withdraw but it is anticipated that other providers will be able to absorb and provide these hours.

12.7 Table 2: Options for Domiciliary Care

Option	Methodology for increase	Cost increase per unit	Proposed Hourly Rate £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels.	0.00	14.52	-
Option 2	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.	0.52	15.04	354
Option 3	Increase fee levels based on average of calculated costs submitted by providers.	2.24	16.76	1,515

13.0 Home-Based Respite

13.1 Home based respite is provided to support carers and is provided in the home, the rates are based on supported living rates. The lower rate, in comparison to domiciliary care is reflective of the fact that individuals are based in one location and therefore do not have any associated travel costs.

13.2 The recommended option for home based respite is option two in the table below which is to increase fee levels to a rate of £14.32 to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.

13.3 Table 3: Options for the Home-Based Respite:

Option	Methodology for increase delivered over 25 hours	Cost increase per unit	Proposed Hourly Rate £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels.	0.00	13.80	-
Option 2	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.	0.52	14.32	14

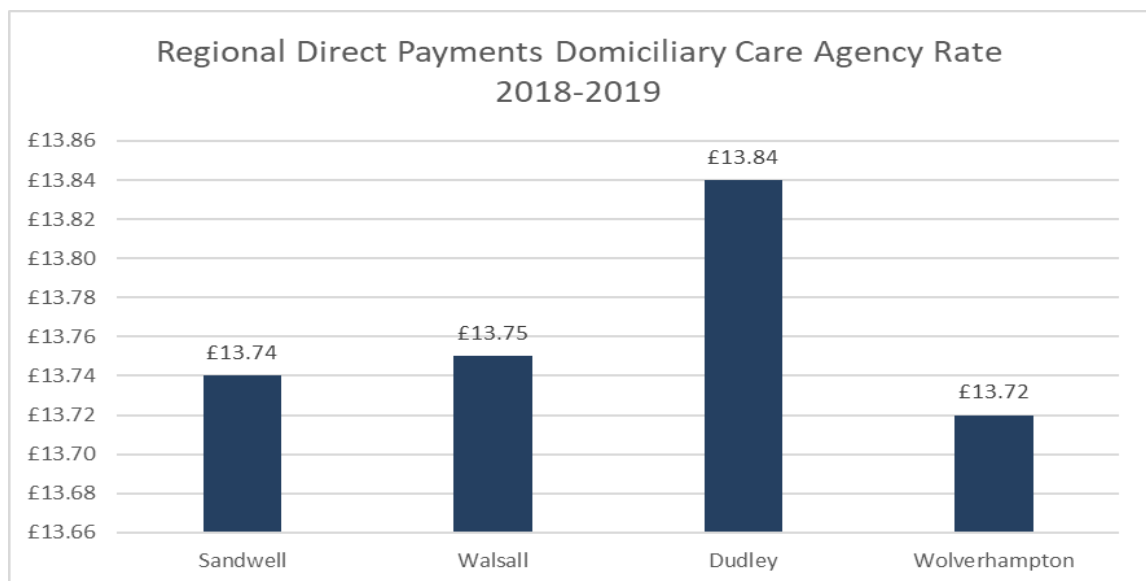
14.0 Direct Payments

14.1 Direct Payments are cash payments made to individuals who have been assessed as being eligible for funded care and support in line with the Care Act (2014) eligibility criteria; they are intended to give individuals greater choice in their care as they enable individuals to choose not to receive services purchased by the City Council instead choosing to receive a payment in lieu of these to arrange their own support.

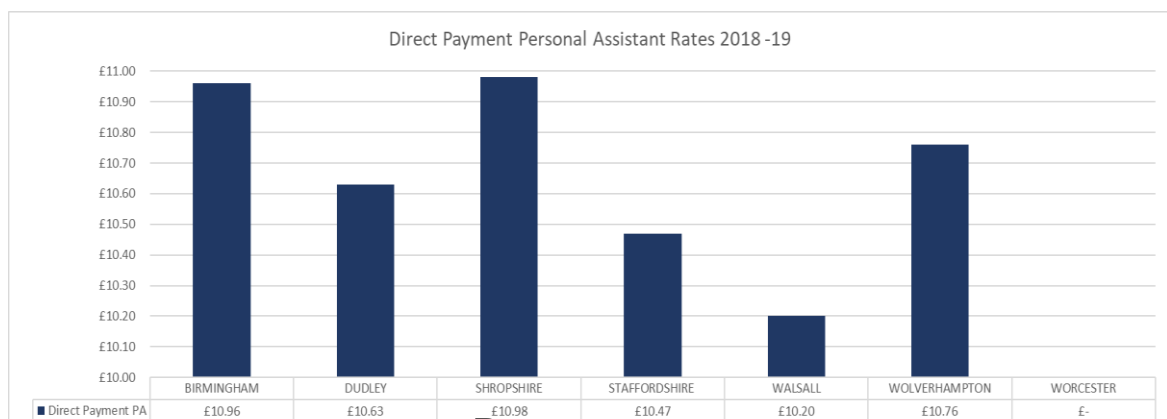
14.2 At present the Wolverhampton agency direct payment rate is £13.72 per hour and for the Personal Assistants is £10.76 per hour, which are in line with the current regional rates. The agency Direct Payment rate is higher as agencies are paid to administer the payroll for care workers, travel cost, national insurance, holiday and sick pay, and for a PA the care worker is employed directly by the individual and does not incur any administration costs.

14.3 A benchmarking exercise was carried out to understand the Direct Payment Domiciliary Care Rate for agencies and Personal Assistant rate.

14.4 Table 4: Direct Payments - Domiciliary Care Agency rate for 2018-2019:



14.5 Table 5: Direct Payment – Personal Assistant rate for 2018-2019:



14.6 The recommended options for direct payments domiciliary care is option two in the table below to increase fee levels to meet the additional costs (employee) resulting from the increases to the National Living Wage.

14.7 Table 6: Options for Direct Payments Domiciliary Care:

Option	Methodology for increase	Cost increase per unit	Proposed Hourly Rate Direct Payments Domiciliary Care £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels.	0.00	13.72	-
Option 2	Increase fee levels to meet the additional costs (employee only) resulting from the increases to the National Living Wage.	0.38	14.10	26
Option 3	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage	n/a	n/a	-

14.8 The recommended option for Direct Payments Personal Assistants is option one in the table below, this is because from July 2019, Direct Payment recipients (as employers) will no longer be required to meet insurance costs from the hourly rate awarded. Instead the local authority will arrange the required insurance directly with the insurance company on behalf of the Direct Payment recipient. This has the effect of reducing some of the on-costs currently factored in the hourly rate allowing a real-terms increase which can be passed onto the worker.

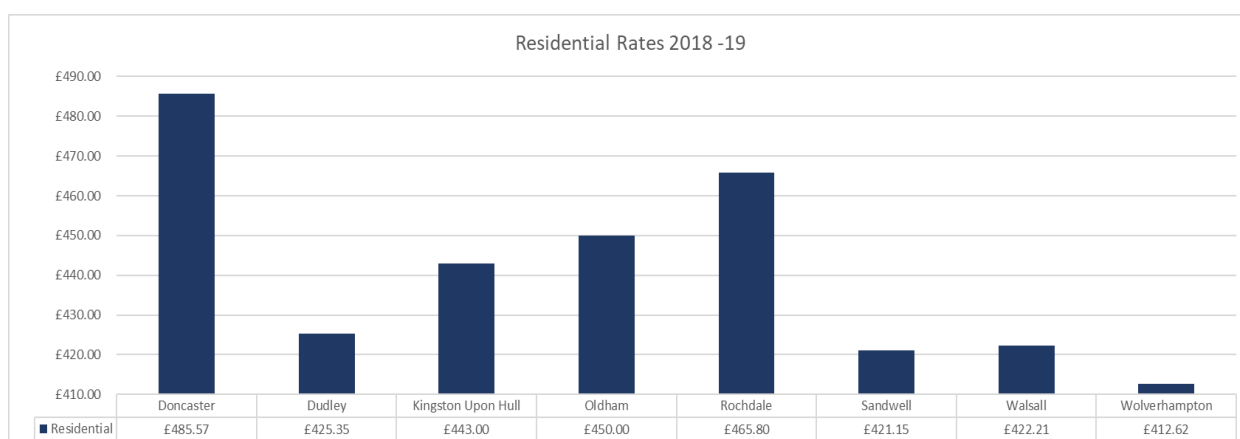
14.9 Table 7: Options for Direct Payments Personal Assistants

Option	Methodology for increase	Cost increase per unit	Proposed Hourly Rate Direct Payments Personal Assistant £	Impact to Budget £000
Option 1	Do nothing. Do not increase fee levels.	0.00	10.76	-
Option 2	Increase fee levels to meet the additional costs (employee only) resulting from the increases to the National Living Wage.	0.38	11.14	109
Option 3	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage	n/a	n/a	-

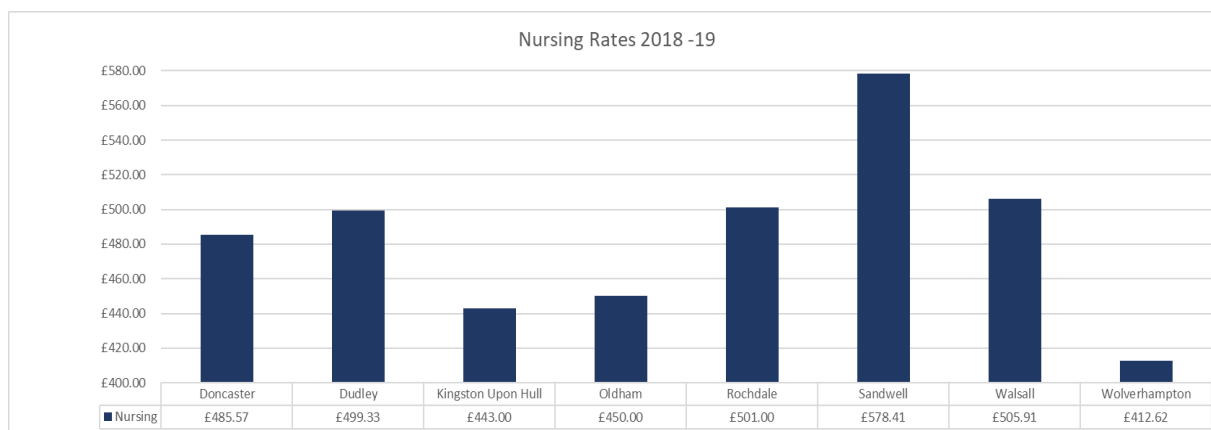
15.0 Residential and Nursing Care – 2018-2019

15.1 The following tables outline the regional benchmarking data for residential and nursing care 2018-2019 excluding Funded Nursing Care (FNC).

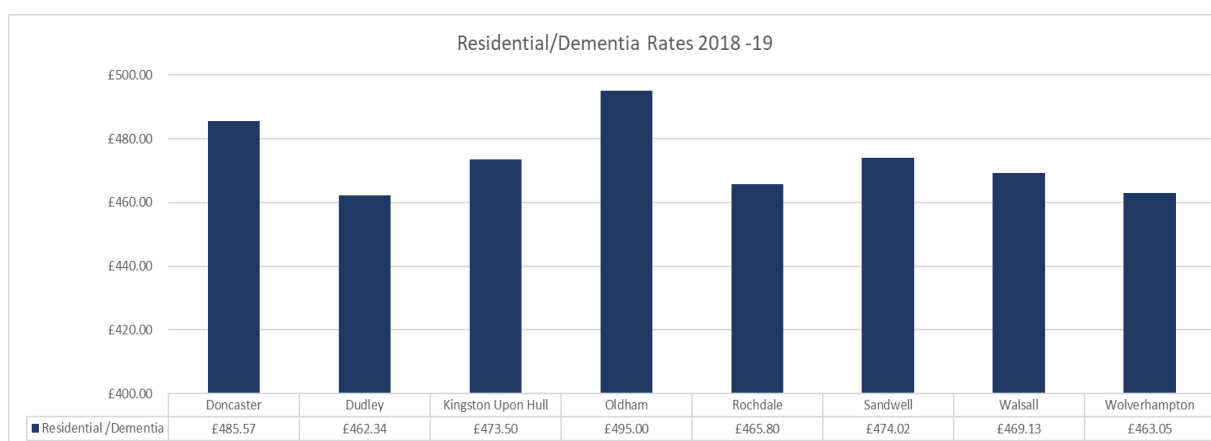
15.2 Table 7: Regional benchmarking data for Residential 2018-2019



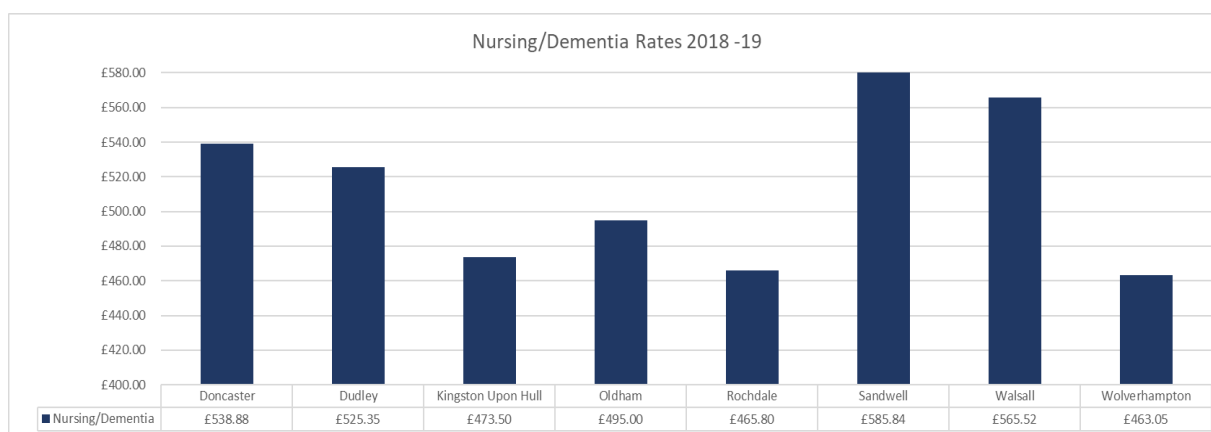
15.3 Table 8: Regional benchmarking data for Nursing 2018-2019



15.4 Table 9: Residential and EMI/Dementia



15.5 Table 10: Residential and EMI/Dementia Nursing



15.6 Legislation states that a placing authority must be able to be able to offer at least one appropriate care home placement at their advertised rate when a placement is being considered. City of Wolverhampton Council has a standard rate for nursing and residential placements and a standard rate for nursing and residential Elderly Mentally Infirm (EMI) or Dementia placements. Within Wolverhampton there are 36 Care Quality Commission registered residential care homes, as of March 2019, 16 were declaring that they accept placements at the current council rate. There are 15 nursing homes of which eight are registered as being Nursing Emi or

Dementia homes. As of March 2019, there were two homes declaring they accept placements at the current council nursing rate, but none of the homes currently accept a nursing EMI or Dementia placement at the Council rate. Two residential care providers have withdrawn from the care market.

15.7 The recommended option for residential and nursing care is option three as detailed in the table below to increase the council standard rates by five percent. For providers whose rates are above this amount an increase to reflect the employee costs due to the increase in the national living wage will be given. This reflects that our nearest neighbours are currently paying higher fees and that there is a significant number of residential and nursing homes which don't accept placements at the council rates. Whilst we have an agreed rate, analysis shows that a significant number of placements are commissioned at a higher rate indicating the current agreed rate is unrealistic. In line with the council's intention to grow community based provision it is expected that placements within residential settings will reduce in the coming years, thereby reducing overall spend in this sector.

15.8 The uplift is to recognise ongoing pressures within the provider market and to bring about stability. Over the next nine months a process will be entered into to understand the cost of delivering good quality care whilst also ensuring equity in fees paid for individual packages of care with the intention to reward and support provider who work with the Council in managing costs.

15.9 Table 11: Options for Residential Care:

Option	Methodology for increase	Current weekly rate 2018-2019 £	Proposed weekly increase £	Proposed new weekly rate 2019- 2020 £	Impact to Budget £000
Option 1	Do nothing. Do not increase fee levels	412.65	0.00	412.65	-
Option 2	National Living Wage to the employee and employer	412.65	11.13	423.78	93
Option 3	Provider model - increase rates less than £433.30 to £433.30 and NLW plus employee and employer costs for rates more £433.30	Variable	Variable	Variable	134

15.10 Table 12: Options Residential Care with Dementia:

Option	Methodology for increase	Current weekly rate 2018-2019 £	Proposed weekly increase £	Proposed new weekly rate 2019- 2020 £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels	463.05	0.00	463.05	-
Option 2	National Living Wage to the employee and employer	463.05	11.13	474.18	206
Option 3	Provider model - increase rates less than £433.30 to £433.30 and NLW plus employee and employer costs for rates more £433.30	Variable	Variable	Variable	206

15.11 Table 13: Older People Nursing Care

Option	Methodology for increase	Current weekly rate 2018-2019 £	Proposed weekly increase £	Proposed new weekly rate 2019- 2020 £	Impact to Budget £000
Option 1	Do nothing. Do not increase fee levels	412.65	0.00	412.65	-
Option 2	National Living Wage to the employee and employer	412.65	11.13	423.78	77
Option 3	Provider model - increase rates less than £433.30 to £433.30 and NLW plus employee and employer costs for rates more £433.30	Variable	Variable	Variable	105

15.12 Table 14: Nursing Care with Dementia/EMI

Option	Methodology for increase	Current weekly rate 2018-2019 £	Proposed weekly increase £	Proposed new weekly rate 2019- 2020 £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels	463.05	0.00	463.05	-
Option 2	National Living Wage to the employee and employer	463.05	11.13	474.18	97
Option 3	Provider model - increase rates less than £433.30 to £433.30 and NLW plus employee and employer costs for rates more £433.30	Variable	Variable	Variable	106

16.0 Extra Care

- 16.1 The eight extra care schemes across the city, all have a ten-year contract that runs from 2012 to 2022 with an option to extend until 2023. One provider is withdrawing from the market, due to a change in their preferred business model nationally and five of those schemes are being re-tendered within the same contract to commence January 2020.
- 16.2 Future demand for extra care in future has been analysed and in order to match the increase in numbers of the over seventy fives in the city an additional 322 extra care units will be required in the city by 2030. However, to support the strategy of reducing the reliance on residential care a more ambitious target, based on independent analysis, of achieving an additional 579 units by 2030 has been agreed by Cabinet Resources.
- 16.3 There has been one fee increase given since the contracts were awarded in 2012. This uplift was in 2018-2019 for 2%. Two providers have asked for increases, one at 5.89% the other for 10%.
- 16.4 The provider which is exiting the market has not asked for an uplift. The rates for those five schemes will be agreed as part of the tender process to re-procure the provision.
- 16.5 The risk of not considering an uplift is that providers may choose not to participate in the re-tendering for the block contract when the existing contracts end, thereby reducing the range of provision in the market.

16.6 In recognition that fee uplifts were not built into the ten year contract but that extra costs will have been borne by providers the recommended option for extra care is option four as detailed in the table below which is to give a percentage increase to the block contracts to ensure stability of the provider market.

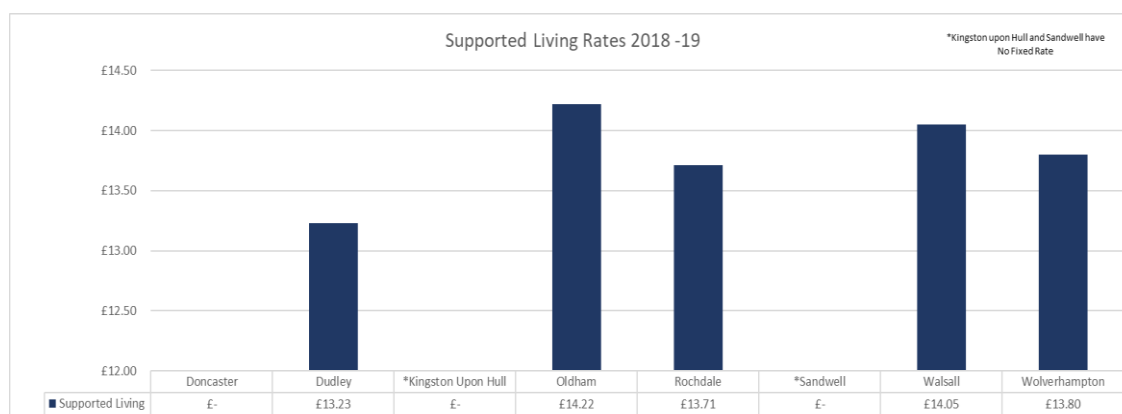
16.7 Table 15: Options for Extra Care:

Option	Methodology for increase	Estimated annual cost increase £000
Option 1	Do nothing. Do not increase fee levels.	-
Option 2	1% increase	24
Option 3	2% increase	48
Option 4	3% increase	71
Option 5	6% increase based on average of fee uplift requests from providers	143

17.0 Supported Living

17.1 The costing model for supported living across the region varies, some Local Authorities operate a fixed hourly rate and others a banding costing model. Most Local Authorities' rates are determined based on the level of support needs by individual customers; this is translated in number of hours (amount of care) required by each client and providers rates will be determined depending on tendered rates. The table below outlines the regional benchmarking data for supported living 2018-2019.

17.2 Table 16: Benchmarking data for Supported Living 2018-2019



17.3 The market is currently stable; however, some providers are refusing new packages at the existing band two rate (which is the usual level of support required) giving increases to national living wage and pensions as the reason.

17.4 The recommended option for supported living is option two in the following table which enables providers to pay the increase to the National Living Wage within the current fees. The lower rate, in comparison to domiciliary care is reflective of the fact that individuals are based in one location and therefore do not have any associated travel costs. The proposed increase is also reflective of the rate range which will be subject to re-tendering in June 2019.

17.5 Table 17: Options for Supported Living:

Option	Methodology for increase	Cost increase per unit	Proposed Hourly Rate Supported Living £	Impact to budget £000
Option 1	Do nothing. Do not increase fee levels.	0.00	13.80	-
Option 2	Increase fee levels to meet the additional costs (employee and employer) resulting from the increases to the National Living Wage.	0.52	14.32	455

18.0 Residential Provision for People under 65 years with complex needs

18.1 For the last six years this type of provision has not been subject to a set fee review. This is because each placement cost is agreed based on the individuals identifiable need. City of Wolverhampton Council have determined that during this time the fees paid enable the provider to meet the National Living Wage requirements.

18.2 The current forecast costs of under 65's residential placements for 2018- 2019 is £9.6 million.

18.3 Due to the range and variation of the funding arrangements for residential provision for people under 65 years with complex needs an automatic uplift of rates is not recommended. Instead requests for a fee increase for an individual placement will continue to be considered on a case by case basis based on open book accounting.

19.0 Community Activities for Older Adults

19.1 The framework for Community Activities was tendered in 2016 and ten providers were awarded places on the framework. The contract was for an initial two-year period, with the option to extend by up to a further two years. In July 2018 a further six providers were awarded places on the framework. A 12-month extension was approved, meaning the framework will be operational up to December 2019.

19.2 A review into the future models has begun which indicates that where providers are operating on a staff to client ratio of 1:5 or greater the current rate of £20.93 per day/activity is enough to ensure the national living wage can be paid. From the review carried out so far none of the contracted services have a working ratio of 1:4 or less therefore it is felt that this service should not be included in calculations for any fee uplift because of the review.

20.0 Reason for decision:

20.1 To ensure sufficiency with the external social care provider market to meet the social care needs of residents in Wolverhampton.

21.0 Financial Implications

21.1 The costs identified above are funded from Adults Services care purchasing which has a net controllable budget of £42.2 million in 2019-2020.

21.2 The recommendations being considered in this report represent a total estimated increase in costs of £1.5 million. These costs can be met from existing budgets within Adults Services.
[AJ/13052019/K]

22.0 Legal Implications

22.1 The increase would mean that care providers are supported to meet their legal obligations to pay the increase in the National Living Wage and pension contribution from 1 April 2019. The implementation of a cost rate increase supports local providers to meet the requirements of the National Living Wage and cost of living increases falls within the remit of the Care Act 2014. The Care Act 2014 has reiterated and strengthened this expectation with explicit requirements to maintain market sustainability and responsibilities for dealing with provider failure for both assisted and self-funding people.
[TC/090519/N]

23.0 Equalities Implications

23.1 The proposals impact on people with vulnerabilities with the intended outcome of sustaining the external market for provision social care services.

24.0 Environmental Implications

24.1 There are no environmental implications from this proposal.

25.0 Human resources Implications

25.1 There are no human resources implications from this proposal.

26.0 Corporate landlord Implications

26.1 There are no corporate landlord implications for the Council's property portfolio.

27.0 Health and Wellbeing Implications

27.1 A values-driven, quality workforce will enhance the experience of people requiring formal support through paid assistance and enhance health and wellbeing.

28.0 Schedule of background papers

28.1 None

This page is intentionally left blank

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 21 May 2019
--	--

Report title	Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 50 Crowther Street, Wolverhampton WV10 9AG	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets and Housing	
Key decision	No	
In forward plan	Yes	
Wards affected	Bushbury South & Low Hill Ward	
Accountable Director	Kate Martin (Director of City Housing)	
Originating service	Private Sector Housing	
Accountable employee	Richard Long Tel Email	Housing Improvement Officer 01902 555705 Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	Housing Leadership Team	1 May 2019

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Director of City Housing to negotiate terms for the acquisition of the property 50 Crowther Street, Wolverhampton WV10 9AG, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. In the event that the property is improved and re-occupied to the satisfaction of the Director of City Housing, authorise withdrawal of the property from the CPO.

4. Following any acquisition, authorise the Director of City Housing to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. Authorise the Head of Legal Services to:
 - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b) Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c) Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d) Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

1.0 Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the acquisition of 50 Crowther Street, Wolverhampton WV10 9AG. by negotiation or by the making of a Compulsory Purchase Order (CPO) under Section 17 of Part II of the Housing Act 1985. Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of the Council's Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property, highlighted on the attached plan, is a mid-terraced property that has been empty since 20 April 2015. Occupation of the property was prohibited under the Housing Act at that time and the owner has failed to carry out the necessary repairs.
- 2.2 The owner was the subject of a bankruptcy order in 2017 which resulted in a number of properties being sold by the trustee. 50 Crowther Street was not one of the properties sold as part of the bankruptcy process.
- 2.3 A Notice under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 resulted in the Council carrying out works to secure the property in default in October 2018. A further Notice under Section 215 of the Town and Country Planning Act 1990 requiring the owner to remedy the detrimental effect of the property and land has not been complied with. The owner has not contacted the Council or made any appeal against either of the Notices served.
- 2.4 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired, marketed for sale and brought back into residential occupation. The arrangements proposed for the property identified are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the Council, the Council would seek to dispose of the property by tender, auction, or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit.

3.0 Evaluation of alternative options

- 3.1 There are three options that the Council could consider:
 - a) Do nothing – the property is likely to remain empty, continue to be a wasted housing resource, continue to have a detrimental effect on the amenity of the area and continue to be a drain on the public purse.

- b) Empty Dwelling Management Order (EDMO) – An EDMO is considered to be a less draconian option than a compulsory purchase. However, the cost of refurbishment for this property would place a strain on the Council's finances. It would not be possible to recover the cost of initial refurbishment and subsequent management/maintenance through the rental income generated over the seven years that a Final EDMO could be in place.
- c) Compulsory Purchase Order (CPO) – The prospect of a CPO often prompts the owner to act leading to the property being refurbished and re-occupied. However, if it is necessary to acquire the property, the proposals for the onward disposal and refurbishment ensure that the property is brought back into use at a minimum cost to the Public Purse.

3.2 Based on the above it is recommended that the option of a Compulsory Purchase Order is progressed.

4.0 Reasons for decision(s)

4.1 The reasons for the decision are:

- a) To ensure that the property provides much needed housing by prompting the owner either act voluntarily or via enforcement through a CPO.
- b) To ensure that the property does not continue to be a drain on public resources.
- c) To ensure that the detrimental effect that the property is having on the area is removed.
- d) To ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding.
- e) The proposal to pursue a CPO is the most cost effective in terms of financial and physical resources for the Council.

5.0 Proposals

5.1 Where it is necessary to make a Compulsory Purchase Order and this is subsequently confirmed in favour of the Council, the Council would usually seek to dispose of the property by tender, auction, or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit. This will also apply to any negotiated acquisitions.

6.0 Financial implications

- 6.1 In the event of an acquisition, the costs can be met from the approved capital budget for of £626,000 for the Empty Property Strategy. The subsequent sale of the property would result in a capital receipt ring-fenced to finance future purchases through the Empty Property Strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.
- 6.2 As the Notice under Section 215 of the Town and Country Planning act 1990 has not been complied with, the additional statutory 7.5% compensation payment will not be applicable in this case.

- 6.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and will result in additional council tax revenue.
[JM/180402019/L]

7.0 Legal implications

- 7.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land houses or other properties for the provision of housing accommodation. However, the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 7.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.
[TS/17042019/W]

8.0 Equalities implications

- 8.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

9.0 Environmental implications

- 9.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Bringing the property back into residential use will improve the appearance of the neighbourhood, enhance property conditions and contribute to the regeneration of the City, meeting the Council's strategic objectives.

10.0 Human Resources implications

- 10.1 There are no human resources implications arising from this report.

11.0 Corporate landlord implications

- 11.1 Where applicable, Corporate Landlord Estates Team will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.

12.0 Health and Wellbeing implications

- 12.1 Bringing an empty property back into use will improve the health and wellbeing of the new occupants by providing safe and secure housing.
- 12.2 Enabling occupation and removing the detrimental effect of the property will reduce the anxiety associated with crime and the fear of crime that living adjacent to an empty property can cause.

13.0 Schedule of background papers

- 13.1 An Action Plan to Deliver the Empty Property Strategy 11 January 2006.
- 13.2 Private Sector Empty Property Strategy 2010-2015.
- 13.3 The Council's Annual Housing Supply Statement, 31 March 2018.

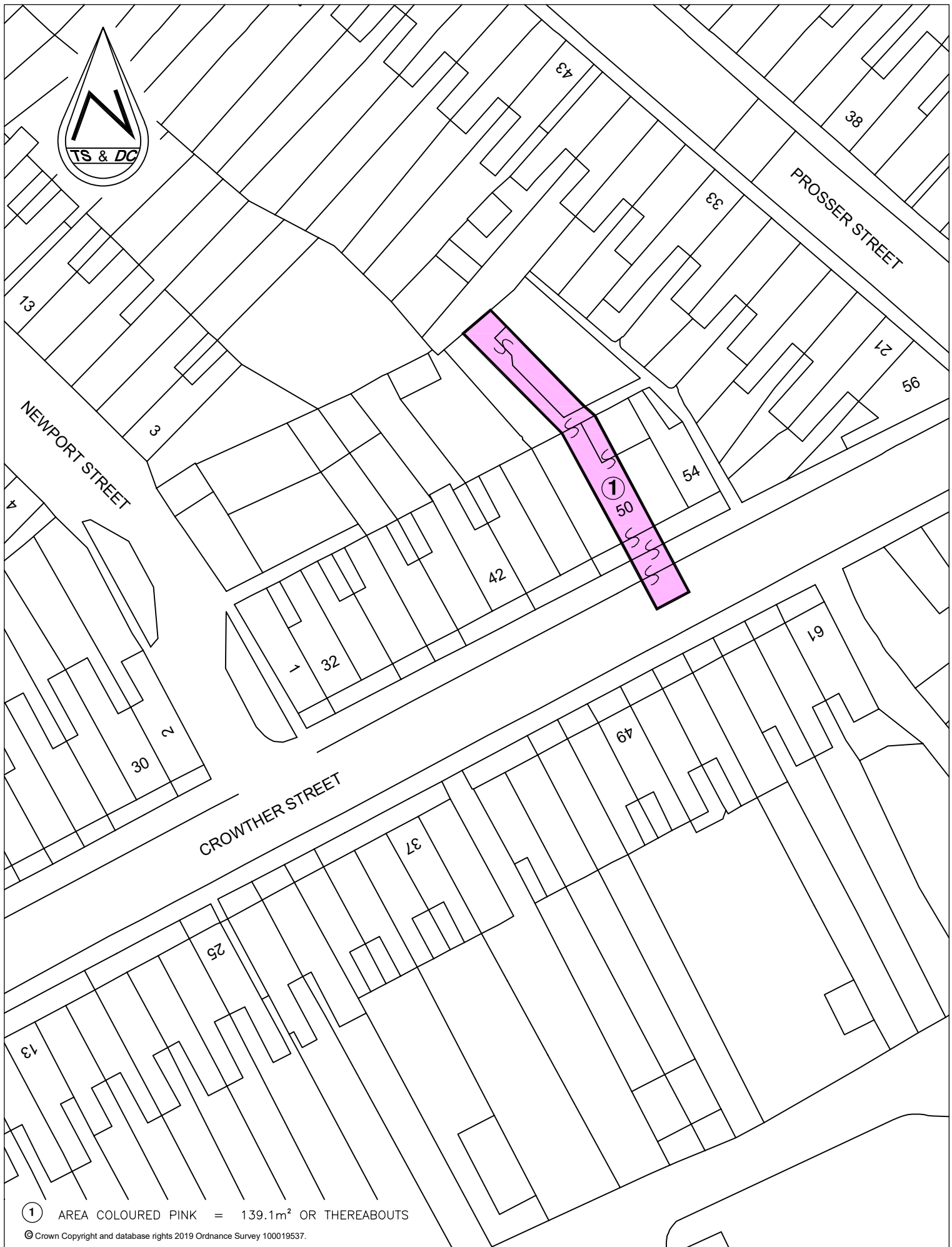
14.0 Appendices

- 14.1 Appendix 1 – Photographs
- 14.2 Appendix 2 - Site plan

50 CROWTHER STREET, PARK VILLAGE, WOLVERHAMPTON. WV10 9AG







date April 2019

scales 1:500

drawn by AJP

dwg. no.

...ICPO's Crowther Street 50.dwg

THE MAP REFERRED TO IN
THE WOLVERHAMPTON CITY COUNCIL
(50 Crowther Street)
Page 39
COMPULSORY PURCHASE ORDER 2019

City of Wolverhampton Council

Strategic Director – Place
Civic Centre, St. Peter's Square, Wolverhampton

Tel. (01902) 556556

This page is intentionally left blank

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 21 May 2019
--	--

Report title	Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 17 Haggar Street, Wolverhampton WV2 3ET	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets and Housing	
Key decision	No	
In forward plan	Yes	
Wards affected	Blakenhall Ward	
Accountable Director	Kate Martin (Director of City Housing)	
Originating service	Housing	
Accountable employee	Richard Long Tel Email	Housing Improvement Officer 01902 555705 Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	Housing Leadership Team	1 May 2019

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Director of City Housing to negotiate terms for the acquisition of the property 17 Haggar Street, Wolverhampton WV2 3ET, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. In the event that the property is improved and re-occupied to the satisfaction of the Director of City Housing, authorise withdrawal of the property from the CPO.

4. Following any acquisition, authorise the Director of City Housing to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. Authorise the Head of Legal Services to:
 - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b) Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c) Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d) Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

1.0 Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the acquisition of 17 Haggard Street, Wolverhampton WV2 3ET. by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of the Council's Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property, highlighted on the attached plan, is a mid-terraced property that has been empty since 1 April 2016.
- 2.2 As previous correspondence had not been responded to, a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the owner to remedy the detrimental effect of the property was served. The owner has not contacted the Council or made any appeal and the Notice has not been complied with.
- 2.3 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired, marketed for sale and brought back into residential occupation. The arrangements proposed for the property identified are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the Council, the Council would seek to dispose of the property by tender, auction, or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit.

3.0 Evaluation of alternative options

- 3.1 There are three options that the Council could consider:
 - a) Do nothing – the property is likely to remain empty, continue to be a wasted housing resource, continue to have a detrimental effect on the amenity of the area and continue to be a drain on the public purse.
 - b) Empty Dwelling Management Order (EDMO) – An EDMO is considered to be a less draconian option than a compulsory purchase. However, the cost of refurbishment could place a strain on the Council's finances. It may not be possible to recover the cost of initial refurbishment and subsequent management/ maintenance through the rental income generated over the seven years that a Final EDMO could be in place.

- c) Compulsory Purchase Order (CPO) – The prospect of a CPO often prompts the owner to act leading to the property being refurbished and re-occupied. However, if it is necessary to acquire the property, the proposals for the onward disposal and refurbishment ensure that the property is brought back into use at a minimum cost to the Public Purse.

3.2 Based on the above it is recommended that the option of a Compulsory Purchase Order is progressed.

4.0 Reasons for decision(s)

4.1 The reasons for the decision are:

- a) To ensure that the property provides much needed housing by prompting the owner either act voluntarily or via enforcement through a CPO.
- b) To ensure that the property does not continue to be a drain on public resources.
- c) To ensure that the detrimental effect that the property is having on the area is removed.
- d) To ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding.
- e) The proposal to pursue a CPO is the most cost effective in terms of financial and physical resources for the Council.

5.0 Proposals

5.1 Where it is necessary to make a Compulsory Purchase Order and this is subsequently confirmed in favour of the Council, the Council would usually seek to dispose of the property by tender, auction, or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit. This will also apply to any negotiated acquisitions.

6.0 Financial implications

- 6.1 In the event of an acquisition, the costs can be met from the approved capital budget for of £626,000 for the Empty Property Strategy. The subsequent sale of the property would result in a capital receipt ring-fenced to finance future purchases through the Empty Property Strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.
- 6.2 As the Notice under Section 215 of the Town and Country Planning act 1990 has not been complied with, the additional statutory 7.5% compensation payment will not be applicable in this case.
- 6.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and will result in additional council tax revenue.
[JM/18042019/L]

7.0 Legal implications

- 7.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land houses or other properties for the provision of housing accommodation. However, the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 7.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.
[TS/17042019/Q]

8.0 Equalities implications

- 8.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

9.0 Environmental implications

- 9.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Bringing the property back into residential use will improve the appearance of the neighbourhood, enhance property conditions and contribute to the regeneration of the City, meeting the Council's strategic objectives.

10.0 Human Resources implications

- 10.1 There are no human resources implications arising from this report.

11.0 Corporate landlord implications

- 11.1 Where applicable, Corporate Landlord Estates Team will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.

12.0 Health and Wellbeing implications

- 12.1 Bringing an empty property back into use will improve the health and wellbeing of the new occupants by providing safe and secure housing.

- 12.2 Enabling occupation and removing the detrimental effect of the property will reduce the anxiety associated with crime and the fear of crime that living adjacent to an empty property can cause.

13.0 Schedule of background papers

- 13.1 An Action Plan to Deliver the Empty Property Strategy 11 January 2006;
- 13.2 Private Sector Empty Property Strategy 2010-2015;
- 13.3 The Council's Annual Housing Supply Statement, 31 March 2018.

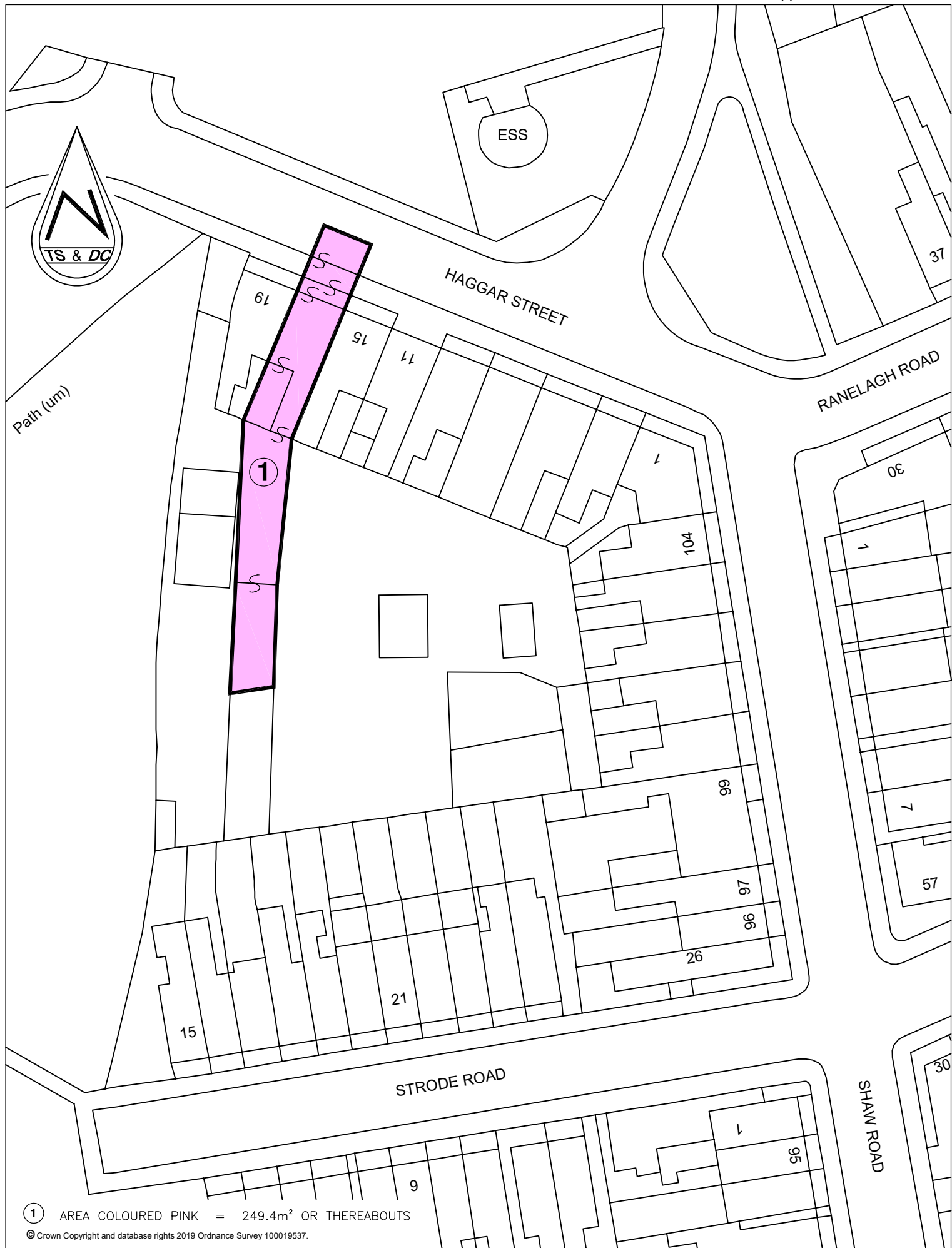
14.0 Appendices

- 14.1 Appendix 1 – Photographs
- 14.2 Appendix 2 – Site Plan

17 HAGGAR STREET, BLAKENHALL, WOLVERHAMPTON. WV2 3ET







date	April 2019
scales	1:500
drawn by	AJP
dwg. no.	...\\CPO's\\Haggar Street 17.dwg

THE MAP REFERRED TO IN
THE WOLVERHAMPTON CITY COUNCIL
(17 Haggar Street)
Page 49
COMPULSORY PURCHASE ORDER 2019

City of Wolverhampton Council

Strategic Director – Place
Civic Centre, St. Peter's Square, Wolverhampton
Tel. (01902) 556556

This page is intentionally left blank

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 21 May 2019
--	--

Report title	Schedule of Individual Executive Decision Notices	
Decision designation	AMBER	
Cabinet member with lead responsibility	All	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Mark Taylor, Deputy Managing Director	
Originating service	Democratic Services	
Accountable employee(s)	Dereck Francis Tel Email	Democratic Services Officer 01902 555835 dereck.francis@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for noting:

The Cabinet (Resources) Panel is asked to:

1. Note the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees.

Schedule of Individual Executive Decision Notices

Part 1 – Open Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Lynne Moran	Director of Education	24 April 2019	Tom Knott 01902 551469
Title and summary of decision			
Green Park School - Significant Change Proposal Having considered the outcomes of Pre-publication Consultation regarding the proposed permanent expansion of Green Park School, approved progression to a period of Representation regarding the proposed permanent expansion of Green Park School.			

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	12 April 2019	Nick Broomhall 01902 555723
Title and summary of decision			
Transportation Network Miscellaneous Traffic Regulation Orders <ol style="list-style-type: none">1. Approved the recommended action, taking account of representations and an objection received, to implement waiting and loading restrictions to parts of Colman Avenue, Haden Crescent, Lawrence Avenue, Perry Hall Road, Whittingham Grove as shown on plan T3/973A appended to the report.2. Approved the recommended action to implement waiting and loading restrictions to parts of Old Fallings Lane, Sandy Lane, Leacroft Avenue as shown on plan T3/985D appended to the report.3. Approved the recommended action, taking account of representations and an objection received, to implement waiting and loading restrictions to parts of Alamein Road, Arnhem Road, Hill Road, Vaughan Road as shown on plan T4/3902C appended to this report.4. Approved the recommended action to implement waiting restrictions to parts of Brewery Road as shown on plan T4/3928 appended to the report.5. Approved the recommended action to implement waiting and loading restrictions to parts of Richmond Road, Finchfield Road as shown on plan T4/3948 appended to the report.			

6. Approved the recommended action to implement waiting restrictions to parts of Beccles Drive, Dilloways Lane, Hawkswell Drive, Rockland Gardens, Rollesby Drive as shown on plan T4/3975 appended to the report.
7. Approved the recommended action to implement waiting and loading restrictions to parts of Tonadine Close, Bargery Road as shown on plan T4/3977 appended to the report.
8. Approved the recommended action, taking account of representations and an objection received, to implement waiting and loading restrictions to parts of Stafford Road, Newbury Road, Marsh Lane and Three Tuns Lane as shown on plan T4/3979 appended to the report.
9. Approved the recommended action to overrule an objection received and implement waiting restrictions to parts of Gough Street, Little Park Street as shown on plan T4/4011 appended to the report.
10. Approved the recommended action, taking account of representations received, to implement waiting restrictions to parts of Ormes Lane, Church Road, The Holloway, Wood Road as shown on plan T4/4031 appended to the report.
11. Approved the recommended action to implement waiting restrictions to parts of St James Street as shown on plan T4/4040 appended to the report.
12. Approved the recommended action to implement waiting restrictions to parts of Springhill Lane as shown on plan T4/4041 appended to the report.
13. Approved the proposed revocation (in part) of existing TROs (Traffic Regulation Orders) in Colman Avenue, Brewery Road, Gough Street, and St James Street where necessary to allow the implementation of the new TROs.
14. Authorised the Director of Governance to implement the relevant traffic regulation orders.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Director for City Environment	2 April 2019	John Charles 01902 555752

Title and summary of decision

Roadworks Permitting Scheme

1. Approved the City of Wolverhampton Permit Scheme attached at appendix 2 to the report, its publication and completion of associated statutory processes.
2. Approved the proposed changes to the National Street Gazetteer data.
3. Noted responses to both consultation exercises.
4. Agreed that any objectors be informed of the decision.
5. The Cabinet Member for City Environment and the Cabinet Member for Resources, in consultation with the Deputy Managing Director and Director of Finance also approved any budgets to deliver the scheme and to set and implement charges for a finalised permitting scheme as outlined in paragraph 5.4 of the report.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	22 March 2019	Nick Broomhall 01902 555723
Title and summary of decision			
Transportation Network – Off Street Parking Places – Science Park / Showell Road			
<ol style="list-style-type: none"> 1. Approved the recommended action to overrule objections and implement a scale of charges at the off-street car park situated at Showell Road / Science Park in Bushbury South & Low Hill, as shown on Plan T4/4123-16. 2. Approved the fees and charges as detailed in the IEDN report. 3. Authorised the Director of Governance to implement the relevant traffic regulation orders. 			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	8 March 2019	Nick Broomhall 01902 555723
Title and summary of decision			
Amendments to Authorised School Crossing Patrol Sites			
<ol style="list-style-type: none"> 1. Approved the recommended action to authorise the operation of a new school crossing patrol site at Great Brickkiln Street near Zoar Street. 2. Approved the recommended action to deauthorise the school crossing patrol site at Hill Road outside Stowheath Primary School. 			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson and Councillor Louise Miles	Managing Director and Director of Finance	3 May 2019	Jane Trethewey 01902 555583
Title and summary of decision			
The City of Wolverhampton Housing Company Limited (trademark: WV Living) - Changes to Board Membership			
<ol style="list-style-type: none"> 1. Approved the removal of Ged Lucas, former Strategic Director, Place, from The City of Wolverhampton Housing Company Limited's board of directors. 2. Approved the appointment of Alison Shannon, Chief Accountant, Ross Cook, Director of City Environment and Darren Baggs Wolverhampton Homes Assistant Director onto The City of Wolverhampton Housing Company Limited's board of directors. 			

Part 2 – Exempt Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Louise Miles and Councillor Lynne Moran	Director of Finance and Deputy Managing Director	17 April 2019	Jane Dixon 01902 555674
Title and summary of decision			
<p>Sale of Shareholding - Update In accordance with the decision of Cabinet (Resources) Panel on 5 March 2019:</p> <ol style="list-style-type: none"> 1. Approved the sale of the Council's 10% shareholding in inspiredspaces Wolverhampton (Holdings1) Limited and of its 10% shareholding in inspiredspaces Wolverhampton (Holdings2) Limited to Building Schools for the Future Investments (BSFI) for a receipt as detailed in the report. 2. Approved the Council entering into share sale agreements, deeds of termination in respect of the current shareholders' agreements, stock transfer forms and ancillary documents necessary for the sale of shares to take effect and the terms of the repayment of any sub debt which the Council has in the companies referred to in the report. 3. Approved the future role of the Council's Directors of the companies. 			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Louise Miles and Councillor Lynne Moran	Director of Finance	17 April 2019	Jane Dixon 01902 555674
Title and summary of decision			
<p>Review of Change in Law Provision for Building Schools for the Future Phase 3c Private Finance Initiative</p> <ol style="list-style-type: none"> 1. Approved the release of the change in law provision for the Private Finance Initiative (PFI) Project Agreement for St Matthias School and Heath Park School (PFI) in return for a receipt as detailed in the report. 2. Approved the Council entering into a Deed of Variation to the PFI Project Agreement for St Matthias School and Heath Park School (PFI) to take back the change in law risk for the Council. 3. Approved the Council entering into the ancillary documents necessary for the Deed of Variation to take effect. 			

2. People

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Paul Sweet	Deputy Managing Director	3 April 2019	David Jones 01902 553035
Title and summary of decision			
Looked After Children Housing Adaptations Agreement			
<ol style="list-style-type: none"> 1. Authorised the Director for Children's Service and the Head of Legal Services on behalf of the Council to enter into an Agreement with Mr and Mrs G in relation to the housing adaptations. 2. Authorised the Head of Project and Works on behalf of the Council to enter into a Professional Services Agreement with Mr and Mrs G, to deliver the building extension. 			

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Strategic Director for Place	22 March 2019	Simon Pons 01902 551488
Title and summary of decision			
Contract Award: Procurement of Resurfacing Trysull Road			
Awarded the contract for Resurfacing Trysull Road to Associated Aggregates of Bardon Hall, Copt Oak Road, Markfield, Leicestershire, LE67 9PJ for a duration of three months from 15 March to 15 June 2019 for a total contract value of £245,000.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	8 March 2019	Colin Parr 01902 550105
Title and summary of decision			
Electric Vehicle Infrastructure Scheme			
Approved the payment from the approved capital budget of £478,000 funded by the grant from the Office of Low Emission Vehicles for the Ultra-Low Emission Vehicle Taxi Scheme grant to BP Chargemaster PLC for installation of Electric Vehicle charging points across the city.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Service Director of City Housing	19 April 2019	Mark Sennett 01902 554584
Title and summary of decision			
PP18206 – Procurement of Modular Construction site at Former Patchbox Public House site, Bradley			
Awarded the contract for Modular Housing at Former Patchbox Public House site in Bilston, Wolverhampton to Extra Space Solutions (UK) Limited of Unit 217, The Light Bulb, 1 Filament Walk, Wandsworth, London, SW18 4GQ for a duration of eight months from 26 April 2019 for a Maximum Indicative Design and Build total contract value of £665,683.92.			

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Deputy Managing Director	30 April 2019	Luke Dove 01902 557121
Title and summary of decision			
Corporate Asset Management Fund – Approval of Schemes 2019/2020 Approved the updated programme of works including eleven existing projects that were held during 2018-2019 and 18 new projects to be funded from the 2019-2020 Corporate Asset Management Fund.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Deputy Managing Director	30 April 2019	Julia Nock 01902 550316
Title and summary of decision			
Land and Property Transactions (IEDN 024) Approved the completion of the transactions listed below: <ol style="list-style-type: none"> Surrender and re-grant of lease at Ormiston New Academy. Grant of s104 agreement and associated deed of easement at Compton Park. Grant of lease to Wolverhampton Homes at Tarmac Road. Grant of lease to Wolverhampton Homes at Low Hill Offices. Grant of lease to Wolverhampton Homes at Bilston Town Hall. Release of restrictive covenant at 34a Foley Drive. Grant of lease to Blakenhall Action Community Forum at The Community Centre, The Old School, 73 Dudley Road. 			

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank