

Attendance

Members of the Cabinet

Cllr Ian Brookfield (Chair)
Cllr Stephen Simkins (Vice-Chair)
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Steve Evans
Cllr Bhupinder Gakhal
Cllr Linda Leach
Cllr Beverley Momenabadi

Employees

Tim Johnson	Chief Executive
Emma Bennett	Executive Director of Families
John Denley	Director of Public Health
Charlotte Johns	Director of Strategy
Claire Nye	Director of Finance
David Pattison	Chief Operating Officer
John Roseblade	Director of Resident Services
Jaswinder Kaur	Democratic Services and Systems Manager
Dereck Francis	Democratic Services Officer

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|---|
| 1 | Apologies for absence
Apologies for absence were submitted on behalf of Councillors Obaida Ahmed and Jasbir Jaspal. |
| 2 | Declaration of interests
No declarations of interests were made. |
| 3 | Minutes of the previous meeting
Resolved:
That the minutes of the previous meeting held on 18 January 2023 be approved as a correct record and signed by the Chair. |
| 4 | Our City: Our Plan Refresh 2023/2024
Councillor Ian Brookfield presented the report on the annual refresh of the Council Plan, Our City: Our Plan 2023/2024 for recommendation to Full Council for approval. The Plan was the Council's attempt to inform and lead the debate on what it needs, |

and what it wants to achieve for the city and its residents. The Plan was centred around six overarching priorities: having strong families where children grow up well and achieve their potential, fulfilled lives; quality care; healthy, inclusive communities; good homes in well-connected neighbourhoods; more local jobs for local people; and a thriving economy. The refreshed Plan also reflected the Council's commitment and plans on how it was helping local people through the cost of living crisis. The report also provided an update on the Council performance framework and how the Council would continue to monitor progress towards delivering the priorities within the Plan.

Resolved:

That Council be recommended to:

1. Approve the Our City: Our Plan refresh, the City of Wolverhampton Council Plan.
2. Seek cross party engagement to deliver the priorities set out in Our City: Our Plan the strategic framework to level up our city.

That Cabinet notes:

1. That the priorities of Our City: Our Plan have been developed through a continuous conversation with our communities and partners.
2. That a presentation and draft Our City: Our Plan was received by Scrutiny Board on the 7 February 2023

5 **Capital Programme 2022-2023 to 2026-2027 Quarter Three Review and 2023-2024 to 2027-2028 Budget Strategy**

Councillor Ian Brookfield proposed that the recommendations contained in the reports at agenda items 5, 6 and 7 be referred to Council for approval.

Together with Cabinet colleagues, Councillor Ian Brookfield highlight some of the proposals and points within the Budget Report that would be discussed in more detail at Full Council on 1 March when the Council's Budget for 2023-2024 would be debated. The priorities in the Our City: Our Plan, referred to at item 4 above, had helped to shape the Budget and how it was proposed the Council's finances would be spent in the future.

Resolved:

That Council be recommended to approve:

1. The updated City of Wolverhampton Capital Strategy.
2. The revised, medium term General Revenue Account capital programme of £351.5 million, an increase of £11.1 million from the previously approved programme, and the change in associated resources.

That Cabinet approves:

1. The virements for the General Fund capital programme detailed at Appendix 5 to the report for:
 - i. existing projects totalling £10.7 million.
 - ii. new projects totalling £1.8 million.

2. Entry into all necessary legal agreements with the West Midlands Combined Authority (WMCA) for the City Regional Sustainable Transport Settlement (CRSTS) allocation towards the Regional Transport Coordination Centre (RTCC) Signal Upgrades scheme detailed in Appendix 4 to the report.
3. Entry into all necessary legal agreements with the Black County Transport (BCT) Walk/Cycle and Bus Priority Improvement Measures (A4123) schemes detailed in Appendix 4 to the report.
4. Continuation of both delegations to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance, to approve the allocation of:
 - i. The Corporate Provision for Future Programmes budget to individual projects in order that corporate priorities may be addressed in an agile and timely manner.
 - ii. The Transformation Development Efficiency Strategy to individual transformation projects in order to benefit from the capital receipts flexibility announced in the Autumn Statement 2015 and in line with the Medium Term Financial Strategy.

6 **Treasury Management Strategy 2023-2024**

Resolved:

That Council be recommended to approve:

1. The authorised borrowing limit for 2023-2024 to support the capital strategy as required under Section 3(1) of the Local Government Act 2003 to be set at £1,213.0 million (PI3, Appendix 3 to this report). The authorised borrowing limit includes a forecast provision for potential business cases that may be brought forward during the year, additional borrowing will only be authorised if the business case proves to be affordable over the medium term. The forecast borrowing is below the authorised borrowing limit.
2. The Treasury Management Strategy Statement 2023-2024 as set out in Appendix 1 to the report.
3. The Annual Investment Strategy 2023-2024 as set out in Appendix 2 to the report.
4. The Prudential and Treasury Management Indicators as set out in Appendix 3 to the report.
5. The Annual Minimum Revenue Provision (MRP) Statement setting out the method used to calculate MRP for 2023-2024 as set out in Appendix 4 to the report.
6. The Treasury Management Policy Statement and Treasury Management Practices as set out in Appendix 6 to the report.
7. That authority continues to be delegated to the Director of Finance to amend the Treasury Management Policy and Practices and any corresponding changes required to the Treasury Management Strategy, the Prudential and Treasury Management Indicators, the Investment Strategy and the Annual MRP Statement to ensure they remain aligned. Any amendments will be

reported to the Cabinet Member for Resources and Digital City and Cabinet (Resources) Panel as appropriate.

8. That authority continues to be delegated to the Director of Finance to lower the minimum sovereign rating in the Annual Investment Strategy, in the event of the UK's credit rating being downgraded by the third credit rating agency, due to the current economic climate.
9. That authority is delegated to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance, to amend the MRP statement should this be required following the outcome of the consultation.

That Cabinet approves:

1. That authority is delegated to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance to progress feasibility and investment propositions in a timely manner. Updates on any propositions would be provided to Cabinet or Cabinet (Resources) Panel in future reports.

That Council be recommended to note:

1. That the MRP charge for the financial year 2023-2024 would be £20.6 million; it is forecast to increase to £22.4 million in 2024-2025 (paragraph 2.13 of the report).
2. That Cabinet or Cabinet (Resources) Panel and Council would receive regular Treasury Management reports during 2023-2024 on performance against the key targets and Prudential and Treasury Management Indicators in the Treasury Management Strategy and Investment Strategy, as set out in the paragraph 2.11 and Appendices 2 and 3 to the report.

7 **2023-2024 Budget and Medium Term Financial Strategy 2023-2024 - 2025-2026**

Resolved:

That Council be recommended to approve:

1. The net budget requirements for 2023-2024 of £306.4 million for General Fund services.
2. The Medium Term Financial Strategy (MTFS) 2023-2024 to 2025-2026 as detailed in Table 6 and the key assumptions underpinning the MTFS as detailed in Appendices 1 and 2 to the report.
3. A Council Tax for Council services in 2023-2024 of £1,909.01 for a Band D property, being an increase of 4.99% on 2022-2023 levels, which incorporates the 2% in relation to Adult Social Care.
4. The Reserves Strategy as detailed in Appendix 8 to the report.

That Cabinet approves:

1. The updated assumptions used in the Budget 2023-2024 and the MTFS 2023-2024 to 2025-2026 as detailed in the report.
2. That £1.7 million is transferred from the Budget Strategy Reserve to the General Fund Reserve in order that it can be maintained at approximately 5% of the 2023-2024 net budget, which is in line with recommended good practice.

3. That authority continues to be delegated to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance, to approve the calculation and allocation of growth in the central share of business rates for 2023-2024 and future years to be passported to the West Midlands Combined Authority (WMCA).
4. That authority is delegated to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance to approve changes to the Council Tax Discretionary Discount Scheme including the establishment of further supplementary budgets if required.
5. That authority continues to be delegated to the Cabinet Member for Resources and Digital City in consultation with the Director of Finance to consider further opportunities to accelerate pension contribution payments to secure additional budget reductions.
6. That authority be delegated to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance to allocate budgets from the Corporate Contingency for Budget Growth once business cases have been completed.
7. That authority be delegate to the Cabinet Member for Resources and Digital City, in consultation with the Director of Finance to allocate the efficiency target held corporately across the services.
8. That authority be delegated to the Leader of the Council and Cabinet Member for Resources and Digital City, in consultation with the Executive Director for Families and the Director of Finance to agree the basis on which £500,000 set aside to support residents struggling with Council Tax payments will be applied. This would be aligned to the Financial Wellbeing Strategy.
9. That the Council enter into the Better Care Fund Section 75 Agreement along with the necessary ancillary agreements from the main agreement for 2023-2024 with the Black Country Integrated Care Board, and delegate authority to the Cabinet Member for Resources and Digital City, Cabinet Member for Adult Services and the Cabinet Member for Public Health and Wellbeing, in consultation with the Director of Adults and the Director of Finance to approve the final terms of the agreement.

That Cabinet notes:

1. That the budget for 2023-2024 is in balance without the use of general reserves.
2. That, in the opinion of the Director of Finance (Section 151 Officer), the proposed levels of reserves are adequate in respect of the forthcoming financial year.
3. That it is estimated that a further £16.4 million needs to be identified for 2023-2024, rising to £23.1 million over the medium term to 2025-2026 in order to address the projected budget deficit.

4. That, due to external factors, in particular the impact of the increasing cost of living and rising inflation, budget assumptions remain subject to significant change, which could therefore result in alterations to the financial position facing the Council.
5. That, there continues to be considerable amount of uncertainty with regards to future funding streams for local authorities over the medium term. At the point that further information is known it will be incorporated into future reports to Councillors. Any reduction in the Government's allocation of funding to the Council would have a significant detrimental impact and further increase the budget deficit forecast over the medium term.
6. That, the overall level of risk associated with the Medium Term Financial Strategy to 2025-2026 is assessed as Red.
7. That Councillors must have due regard to the public sector equality duty (Section 149 of the Equality Act 2010) when making budget reduction decisions.
8. That the Council continues to engage with residents, businesses and other key stakeholders throughout the year which focuses on understanding people's priorities for Wolverhampton.
9. The impact of related parties on the Medium Term Financial Strategy.

8 **Wolverhampton Investment Prospectus**

Councillor Stephen Simkins presented for approval the Wolverhampton Investment Prospectus. The Prospectus set out the Council's vision for investment in the city over the medium to long term. It reflected the commercial and physical progress made in the city, recent ownership changes of key city centre buildings and assets, development agreements and investment that had arisen from successful funding awards. The Prospectus had been developed in the context of the Department for Levelling Up, Housing and Communities (DLUHC) locating within the city and associated links to sustainable and brownfield construction. It would underpin the city's Levelling Up ambitions and proposals alongside Our City: Our Plan (item 4 above refers). Its delivery would also contribute to all of Our City outcomes and principles, providing inspiration and improving the quality of life for residents.

Resolved:

1. That the Wolverhampton Investment Prospectus to outline the Council's vision for investment, development and regeneration in the city and provide a commercially informed business case that will be utilised to secure public and private sector funding and investment be approved.
2. That authority be delegated to the Deputy Leader: Inclusive City Economy, in consultation with the Director of Regeneration, to approve amendments and updates to the Prospectus in order that it is kept up to date, live and reflective of future changes in project development and delivery, the economy and the needs of businesses and residents. This authority would be for amendments and updates to projects already included in the Prospectus with new projects requiring Cabinet approval for inclusion. The Prospectus would be updated as and when required and would otherwise be reviewed on a six-monthly basis.

3. That it be noted that the full prospectus includes more detailed information on specific investment opportunities and schemes not included in the Executive Summary and as a result requires approval by the Cabinet. A link to download the Prospectus is available at Appendix 1 to the report.

9 **City Centre Public Realm Improvement Programme - phase 2 - (Lichfield Street/Queen Square) outcome of stakeholder and public engagement**

Councillor Steve Evans presented the salient points from the comprehensive report on the outcome of the public and stakeholder engagement on the concept design of the next phase of the City Centre Public Realm improvement programme for Lichfield Street and Queen Square, which took place between 8 November and 9 December 2022. The report also set out the next steps for the design and delivery of the project for approval.

Resolved:

1. That the next steps for the development and delivery of the City Centre Public Realm improvements programme – phase 2 (Lichfield Street / Queen Square) project be approved.
2. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of the main works contracts for the City Centre Public Realm phase 2 Lichfield Street and Queen Square project as a 2 stage award, stage 1 being Early Contractor Involvement, and stage 2 would be the main works construction at a total estimated contract value within the available project funding limits.
3. That the outcome of the public and stakeholder engagement and responses provided to address any issues raised be noted.

10 **Consultation on Reforms to National Planning Policy - Wolverhampton Response**

Councillor Stephen Simkins presented the report which summarised government proposals to reform National Planning Policy (published on 22 December 2022) and the potential implications for the Wolverhampton Local Plan (WLP). The key area of significance to the WLP was that local authorities preparing Local Plans would not be required to review and alter green belt boundaries even if this were the only way of meeting housing needs for their Plan. In light of this, the WLP had been revised to incorporate the protection of Wolverhampton's green belt. This would be subject to ratification by the government of its revised National Planning Policy Framework. Cabinet was requested to approve a Council response to the government consultation and the South Warwickshire Local Plan Issues and Options consultation, and approve a new Wolverhampton Local Development Scheme.

Resolved:

1. That the response to the Consultation on Reforms to National Planning Policy attached as Appendix 1 to the report be approved.
2. That the revised Wolverhampton Local Development Scheme attached as Appendix 2 to the report be approved.

3. That a further report on the Wolverhampton Local Plan, following publication of the revised National Planning Policy Framework be submitted to Cabinet.
4. That the response to the South Warwickshire Local Plan Issues and Options consultation set out in paragraph 5.1 of the report be approved.

11 **Determined Admissions Arrangements for Community and Voluntary Controlled Schools 2024-2025**

Councillor Christopher Burden presented the report on proposed schemes for co-ordinated school admission arrangements for secondary and primary schools and the admission arrangements for community and voluntary controlled schools for 2024-2025. Following consultations on the admission arrangements, a small change to the oversubscription criteria was proposed. Children of staff for community and voluntary controlled schools for 2024-2025 would be added as a new criterion 6 (i.e. above distance). The change could assist with staff recruitment for vacant posts for which there was a demonstrable skill shortage and aid retention of staff.

Resolved:

1. That the Co-ordinated Admission Schemes for secondary and primary school admissions at the normal year of entry for 2024-2025 be approved and that the Secretary of State be notified by 28 February 2023.
2. That the proposed admission arrangements including the oversubscription criterion relating to children of staff for community and voluntary controlled schools for 2024-2025 be approved.
3. That the outcome of the external consultation in relation to the Determined Admission Arrangements for Community and Voluntary Controlled Schools 2024-2025 included in section 4 of the report be noted.
4. That it be noted that a copy of the complete consultation results are included at Appendix 2 to the report.

12 **Financial Wellbeing Strategy Progress Review**

Councillor Ian Brookfield presented the report on progress made against the Financial Wellbeing Strategy approved in March 2022. The Strategy set out the city's long term vision to improve the lives of residents living in Wolverhampton and focussed on tackling poverty and improving the financial wellbeing of the city's residents. The Council had made a commitment of £1.1 million in financial support, enabled delivery of support and services to be accelerated with additional funding received from the Department of Work and Pensions. From the many areas of progress highlighted in the report Councillor Ian Brookfield picked out the development of community shops that were available to all Wolverhampton residents. On average members of the five community shops in the city were saving up to £30 per week on groceries and based on current projections, the project had the potential to save households in the city, in the region of £7 million a year. He also highlighted work to ensure that the city's residents maximise the income they are entitled to through highlighting awareness of eligibility and supporting claims; the distribution of beds and bedding items across the city to support residents, including children experiencing bed poverty; and the setting up of 38 warm spaces across the city that offered the opportunity for any resident experiencing difficulties, to keep warm, have a hot drink and connect to digital services.

Cabinet members also highlighted other services to support residents with the cost of living crisis that were not mentioned in the report. The programme of half-term and summer holiday activities for children in the city and the recently launched Better Health Rewards pilot were two examples.

Resolved:

1. That the progress that has been made in delivering the principles and priorities of the Financial Wellbeing Strategy be recognised.
2. That the direction of travel for 2023/2024 and associated priorities be supported.

13

Adult Social Care Annual Report: The Local Account 2021-2022

Councillor Linda Leach presented the report on the Adult Social Care Annual Report: The Local Account 2021-2022. The purpose of the Local Account was to inform the public about, the types of service that are available to help people to be as safe and independent as possible, and to inform the public about progress made against Adult Social Care priorities for the year.

Feedback from previous Local Account reports and residents had led to the current document being much shorter and included more personal stories. The Local Account had also been co-produced using a Think Local Act Personal approach, working with a young person with learning difficulties and a care support group. The 2021-2022 Local Account report was open and transparent, highlighting areas of good practise and where the service could improve. It provided a good foundation to continue to build on in Adult Services.

Resolved:

1. That how Adult Social Care performed as detailed within The Local Account 2021-2022 attached as Appendix 1 to the report be noted.
2. That the different approach taken to produce the Local Account 2021-2022 be noted.

14

Energy from Waste - Future Operation

Councillor Steve Evans presented the report on the future operation of the Energy from Waste (EfW) Plant. The 25 year contract with Wolverhampton Waste Services (WWS) to operate and maintain the EfW plant expired on 10 February 2023. Detailed and lengthy negotiations with the operator to secure an extension of the contract were unsuccessful. Urgent approvals were sought and granted to a number of steps to ensure the EfW plant remained in operation following the expiry of the contract with WWS on 10 February 2023. This included the negotiation of a short term contract with NMOL until 24 June 2023. Approval was now requested to steps to ensure the longer-term operations and the proposed route to market for a further procurement of the EfW plant, beyond the current temporary arrangements. Delegated authority was also requested to agree and finalise outstanding financial issues from the close down of the WWS contract in terms of a full and final global settlement.

Councillor Evans placed on record his thanks to Councillors and officers who acted swiftly to approve and put in place the contingency plan to secure the continued

operation of the EfW plant following the end of the contract with WWS on 10 February 2023.

Resolved:

1. That an exemption be approved from the Council's Contracts Procedure Rules for all specialist advisors listed in Appendix 1 to the report who are required to continue to provide the specialist advice for the Energy from Waste Programme until completion of all workstreams to provide continuity and continuation to the EFW Programme.
2. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services to approve the award of a contract for a short-term operator of the Energy from Waste plant to commence in June 2023 and a maximum period of up to five years.
3. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services to approve the award of a contract for conducting dilapidation repairs for the Energy from Waste plant.
4. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services to approve the award of a contract for upgrading and compliance works necessary for the continued operation of the Energy from Waste plant.
5. That exemption be approved from the Council's Contracts Procedure Rules for all additional suppliers listed in Appendix 2 to the report necessary for the continued operation of the Energy from Waste plant for a period of the contract referenced in recommendation 2 above but ensuring compliance with Public Contract Regulations 2015 (PCR).
6. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with Chief Operating Officer, Director of Resident Services and Director of Finance to agree settlement of all contractual termination obligations including dilapidations and financial settlement to Wolverhampton Waste Services.
7. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with Chief Operating Officer, Director of Resident Services and Director of Finance to create supplementary capital budgets for any works to be undertaken which are funded through the settlement with Wolverhampton Waste Services.
8. That authority be delegated to the Chief Operating Officer and Director of Resident Services to exercise the rights within the Wolverhampton Waste Services contract to directly acquire essential plant, spares and consumables.
9. That the decisions made on 9 February 2023 under the urgent decision provisions of article 12.9 in Part 2 of the Council's Constitution by the Leader in consultation with the Chair of Scrutiny Board, Vice Chair of Scrutiny Board and Chief Executive who authorised the following, be noted:

- a. Approve the Transfer of Undertakings (Protection of Employment) regulations (TUPE) transfer of the identified EfW staff into the council from the 11 February 2023.
 - b. Delegate authority to the Chief Operating Officer to agree the contractual terms and authorise the completion of an agreement with North Midlands Operations Limited (NMOL) substantially in accordance with the draft heads of terms at appendix 1.
 - c. Authorise the adoption of non-standard procurement procedures, in relation to the supplies, goods and services listed at appendix 2, to enable the council to procure specialist supplies, goods and services for the continued operation of the EfW plant through its management agent NMOL.
 - d. Following on from recommendation 3 approve an exemption from the Council's Contracts Procedure Rules for all suppliers listed in Appendix 2 necessary for the continued operation of the EfW plant for a period of the NMOL contract but ensuring compliance with Public Contract Regulations 2015 (PCR).
 - e. Approve an exemption from the Contracts Procedure Rules but within the Public Procurement Regulations 2015 and specifically subject to further legal advice potential use of the exemptions contained therein under PCR 32(2)(b) to award a contract for specialist insurance policies to cover the EfW plant, to be placed by the council's insurance brokers.
 - f. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services and Director of Finance for the procurement of a contract to allow the sale of electricity generated from the EfW and to enter into a Power Purchase Agreement.
 - g. Delegate authority to the Director of Resident Services and the Head of Environmental Services to order and procure any parts, consumables or services as necessary for the operation of the EfW plant, this will include the delegation of authority for procurement outside of the normal contract procedure rules but ensuring compliance with Public Contract Regulations 2015.
 - h. Delegate authority to the Chief Operating Officer, Director of Resident Services and Director of Finance to exercise the rights within the WWS contract at contract end to directly acquire those items of plant, spares and consumables that are essential to the operation of the plant and cannot wait until such time as further Cabinet approval can be obtained.
10. That the need to undertake further work to determine the future strategic direction in terms of the Energy from Waste Plant be noted.
 11. That the need to provide dedicated ongoing Programme Management, Legal and Procurement resources to support the delivery of the EfW Programme be noted.

[NOT PROTECTIVELY MARKED]

12. That it be noted that any amendments to the procurement procedure approved by this report would be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.