

City of Wolverhampton Council – Decisions taken by the Cabinet (Resources) Panel on Wednesday, 15 November 2023

Item 4	
Title	Procurement - Award of Contracts for Works, Goods and Services
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That authority be delegated to the Cabinet Member for Governance and Equalities, in consultation with the Deputy Director of Assets, to approve the award of a contract for the Demolition of Lawnswood Campus when the evaluation process is complete. 2. That authority be delegated to the Cabinet Member for Governance and Equalities, in consultation with the Deputy Director of Assets, to approve the award of a contract for removal, storage and furniture supply when the evaluation process is complete. 3. That authority be delegated to the Cabinet Member for Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for the Supply of Seven Crew Cab Tippers when the evaluation process is complete. 4. That authority be delegated to the Deputy Leader: City Housing, in consultation with the Director of Resident Services, to approve the award of a contract for Single Homeless Persons Accommodation when the evaluation process is complete. 5. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Adult Social Care to approve the award of the contract(s) for advocacy services when the evaluation process is complete. 6. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Public Health, to approve the award of a contract for Lifestyle Service Delivery when the evaluation process is complete. 7. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Public Health, to approve the award of a contract for the supply of Nicotine Replacement Therapy when the evaluation process is complete.

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	<p>8. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Public Health, to approve the award of a contract for the Lifestyle Service Tier 2 weight management app when the evaluation process is complete.</p> <p>9. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Public Health, to approve the award of two contracts for the Tier 2 weight management group support to two providers when the evaluation process is complete.</p> <p>10. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Service Director for Adult Social Care, to approve the award of the contract for Telecare Mobile Response Service for three years, with an option to extend up to two years once the evaluation process is complete.</p>
Options Considered	The options are detailed within the evaluation of alternative options section of the individual contract reports.
Reasons for Decision	The reasons for the decisions are detailed within the relevant section of the individual contract reports.
Record of Conflicts of Interest	None
Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 5	
Title	Wolverhampton Energy from Waste Contract Amendment
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the TUPE (Transfer of Undertakings Protection of Employment) transfer of all council staff at the Energy from Waste Plant to North Midlands Operations Limited (NMOL) be approved. 2. That authority be delegated to the Cabinet Member for Environment and Climate Change in consultation with the Director of Resident Services to agree the final variation terms to incorporate the TUPE transfer, and other minor contract variations as set out in the report.
Options Considered	<ol style="list-style-type: none"> 1. Alternatives to undertaking the TUPE transfer of the staff would see the staff remain as council employees which would necessitate a review of the terms and conditions of service for all employees. 2. This would not be beneficial to the Council, NMOL or the staff particularly due to a lack of transparency and duplication of day to day management, and does not reflect best value to the Council.
Reasons for Decision	<ol style="list-style-type: none"> 1. In order to operate the EFW plant in the most efficient and economically advantageous manner possible for the Council, it is recommended that the TUPE of the staff to NMOL be undertaken. 2. The contract arrangement and TUPE proposals with NMOL provides the Council with the best value for discharging its statutory obligations for waste disposal.
Record of Conflicts of Interest	None

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Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 6	
Title	Well Connected Communities - A454 City East Gateway Phase 1 & 2 Property Acquisitions
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the Director of Resident Services be authorised to enter into negotiations for property acquisitions, operating within the financial parameters set out in the report. 2. That authority be delegated to the Cabinet Member for Environment and Climate Change in consultation with the Director of Resident Services to negotiate final terms for the acquisition of the properties identified in Appendix 2 (of the exempt report) within the financial parameters proposed and once budgetary approval has been secured. 3. That the Chief Operating Officer be authorised to: <ol style="list-style-type: none"> a. Engage in the Compulsory Purchase Order (CPO) process if acquisitions by negotiation are unsuccessful. b. Approve the appropriation of Council assets required to deliver the scheme to the transportation portfolio subject to securing funding and budgetary approval for the scheme. 4. That it be noted that a report from 2 April 2019 approved on-going discussions with interested parties and potentially affected landowners. 5. That it be noted that in making the property acquisition offers, these would operate within the financial parameters guided by the property valuation exercise. If the financial parameters are exceeded, the matter would be brought to the Cabinet (Resources) Panel for final approval. 6. That it be noted that approval to enter into and the commencement of negotiations places liability on the Council for legal costs incurred by impacted property owners. Such costs would be covered by the major scheme funding from the Department for Transport (DfT). However, if needed, development funding for the City Region Sustainable Transport Settlement

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	<p>(CRSTS) could be used.</p> <p>7. That it be noted that the intention is to acquire by CPO under Section 226 of the Town and Country Planning Act 1990 / Section 239 of the Highways Act 1980 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, if negotiations to acquire are unsuccessful. If the pursuit of CPO powers is followed, a further report would be brought to the Cabinet (Resources) Panel.</p>
Options Considered	The preferred option for this project was presented and endorsed by the Cabinet (Resources) Panel on 2 April 2019 (City East Gateway A454 Phase 1 and 2 Consultation Feedback and Preferred Option). This is Option D: Multi-Modal Corridor Enhancements.
Reasons for Decision	<p>The project requires land acquisition, the majority of which is within the highway boundary, so this report seeks the necessary approvals to acquire the land either by negotiating Heads of Terms or by use of Compulsory Purchase Order powers to acquire the land in the event that negotiations do not succeed.</p> <p>If the approvals are not granted, there is a risk that the Council is not able to utilise the Department for Transport funding to deliver capital assets that contribute to the Council's objectives.</p>
Record of Conflicts of Interest	Councillor Louise Miles declared a non-pecuniary interest insofar as she is a Councillor for East Park Ward.
Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 6a	
Title	5-11 Gough Avenue, Wednesfield - Property Condition and Future Options
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the rehousing of the tenant at 7 Gough Avenue and award priority status Band One to assist with rehousing timescales be approved. 2. That statutory Home Loss compensation and Disturbance payments be awarded to the tenants of 7 and 9 Gough Avenue in line with Land Compensation Act 1973 and agree to pay 25% in advance, once alternative suitable accommodation is offered and accepted, if required. 3. That negotiations be entered into to acquire the privately owned property at 5 Gough Avenue. 4. That authority be delegated to the Deputy Leader: City Housing in consultation with the Director of Resident Services to agree the expenditure on the purchase of 5 Gough Avenue. 5. That the council owned properties at 7, 9 and 11 Gough Avenue be declared surplus to requirements. 6. That the demolition of 5, 7, 9 and 11 Gough Avenue when 5 Gough Avenue is within council ownership be approved. 7. That the findings on the structural condition and ground investigation report for 9 and 11 Gough Avenue, Wednesfield be noted.
Options Considered	<p>Option One – Do nothing.</p> <ol style="list-style-type: none"> 1. The void properties, 9 and 11 Gough Avenue, will remain empty properties and be managed by Wolverhampton Homes to ensure they remain secure and garden areas clean and tidy. There will need to be regular monitoring of 7 Gough Avenue to ensure the property condition remains the same and there are no signs of any structural defects.

2. This option would leave two void properties in council stock that will require management in terms of security and grounds maintenance. There will be ongoing rental loss and ground maintenance liabilities.

Option Two – Retain and repair 9 and 11 Gough Avenue.

1. The cost of a full remedial works as outlined in paragraphs 3.5 and 3.6 is not value for money as it is unlikely this will provide a long-term solution beyond 10 years.

Option 3 – Disposal of council owned assets at auction

1. This option would bring forward a capital receipt for the Council, it is likely the properties would have a low market value due to the current condition and being designated defective dwelling status. The properties could be purchased by an investment buyer who may or may not carry out required repairs to ensure the property is in a good condition to let on the private rental market.
2. This option could potentially transfer two structurally defective properties into the private rental market with no guarantee the properties will be repaired due to the cost and could lead to private tenants living in poor quality structurally defective homes.

Option 4 - Partial demolition of terraced block

1. This option considers the demolition of just two of the properties - 9 & 11 Gough Avenue, however, the construction of the properties is such that the first-floor party wall between 7 and 9 sits midway above the ground floor passageway in the middle of the block. The demolition of these properties would have an impact on the adjoining property (7 Gough Avenue) and if that property was included in the demolition programme, it would then impact in the same way to end terrace property (5 Gough Avenue).
2. In addition, due to the properties being a Smith non-traditional construction (pre-cast reinforced concrete (PRC) frame/concrete panel construction) they do not allow any possibility of partial demolition.

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	3. This property construction type and method does not allow for the demolition of half of the terraced block.
Reasons for Decision	<ol style="list-style-type: none"> 1. The recommended option as outlined in paragraph 4.0 will alleviate the issue of two void structurally defective properties remaining empty as they are not financially viable to repair or able to be demolished due to type and method of constructed/links to adjoining terraced property. 2. The demolition of the four properties will bring forward a potential development site for the delivery of new, more modern homes, following ground remediation works. 3. A further report will be presented on the development potential of this site.
Record of Conflicts of Interest	None
Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 7	
Title	Exclusion of press and public
Status	Recommendation Approved
Record of Decision	That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business as they involve the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).
Options Considered	Not applicable.
Reasons for Decision	Not applicable.
Record of Conflicts of Interest	Not applicable.
Dispensation Granted	Not applicable.
Decision available for implementation (subject to call-in)	Not applicable.

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Item 8	
Title	Procurement - Award of Contracts for Works, Goods and Services
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the contract for Lawnswood Campus - Remedial Works be awarded to William Gough Ltd of Tudor House, Moseley Road, Bilston, West Midlands, WV14 6JD for a duration of four months from 20 November 2023 to 19 March 2024 for a total contract value of £394,000. 2. That the contract for Emotional Mental Health and Wellbeing Service with Base 25 of 29 - 31 Temple Street, Wolverhampton, WV2 4AN be varied for the period 1 April 2024 to 31 March 2026 with a variation value of £200,000. 3. That the contract for the Supply of 10 Electric Vehicles to Wolverhampton Homes be awarded to Ford Motor Company of Arterial Road, Laindon, Essex, England, SS15 6EE for a total contract value of £550,000. 4. That the contract for Lifestyle Service Delivery be awarded to Royal Wolverhampton NHS Trust of Wolverhampton Road, Wolverhampton West Midlands WV10 0QP for a duration of three years from 1 April 2024 to 31 March 2027 for a total contract value of up to £300,000. 5. That the exemptions to the Contract Procedure Rules approved by the Head of Procurement and Director of Finance from 1 September to 30 September 2023 be noted.
Options Considered	As detailed in the exempt report.
Reasons for Decision	As detailed in the exempt report.
Record of Conflicts of Interest	None

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Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 9	
Title	Wolverhampton Energy from Waste Contract Amendment
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the TUPE (Transfer of Undertakings Protection of Employment) transfer of all council staff at the Energy from Waste Plant to North Midlands Operations Limited (NMOL) be approved. 2. That authority be delegated to the Cabinet Member for Environment and Climate Change in consultation with the Director of Resident Services to agree the final variation terms to incorporate the TUPE transfer, and other minor contract variations as set out in the report.
Options Considered	As detailed within the exempt report.
Reasons for Decision	As detailed within the exempt report.
Record of Conflicts of Interest	None
Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023

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Item 10	
Title	Well Connected Communities - A454 City East Gateway Phase 1 & 2 Property Acquisitions Report
Status	Recommendations Approved
Record of Decision	<ol style="list-style-type: none"> 1. That the Director of Resident Services be authorised to enter into negotiations for property acquisitions, operating within the financial parameters set out in this report. 2. That authority be delegated to the Cabinet Member for Environment and Climate Change in consultation with the Director of Resident Services to negotiate final terms for the acquisition of the properties identified in Appendix 2 to the report within the financial parameters proposed and once budgetary approval has been secured. 3. That the Chief Operating Officer be authorised to: <ol style="list-style-type: none"> a. Engage in the Compulsory Purchase Order (CPO) process if acquisitions by negotiation are unsuccessful. b. Approve the appropriation of Council assets required to deliver the scheme to the transportation portfolio subject to securing funding and budgetary approval for the scheme. 4. That it be noted that a report from 2 April 2019 approved on-going discussions with interested parties and potentially affected landowners. 5. That it be noted that in making the property acquisition offers, these would operate within the financial parameters guided by the property valuation exercise. If the financial parameters are exceeded, the matter will be brought to the Cabinet (Resources) Panel for final approval.

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	<p>6. That it be noted that approval to enter into and the commencement of negotiations places liability on the Council for legal costs incurred by impacted property owners. Such costs would be covered by the major scheme funding from the Department for Transport (DfT). However, if needed, development funding for the City Region Sustainable Transport Settlement (CRSTS) could be used.</p> <p>7. That it be noted that the intention is to acquire by CPO under Section 226 of the Town and Country Planning Act 1990 / Section 239 of the Highways Act 1980 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, if negotiations to acquire are unsuccessful. If the pursuit of CPO powers is followed, a further report would be brought to the Cabinet (Resources) Panel.</p>
Options Considered	As detailed within the exempt report.
Reasons for Decision	As detailed within the exempt report.
Record of Conflicts of Interest	Councillor Louise Miles declared a non-pecuniary interest insofar as she is a Councillor for East Park Ward.
Dispensation Granted	Not applicable
Decision available for implementation (subject to call-in)	20 November 2023