

Cabinet (Resources) Panel

27 February 2018

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive

Venue Training Room - Ground Floor - Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)
Vice-chair Cllr Roger Lawrence (Lab)

Labour

Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr Milkinderpal Jaspal
Cllr John Reynolds
Cllr Sandra Samuels OBE
Cllr Paul Sweet

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
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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 interest**
- 3 **Minutes of the previous meeting - 16 January 2018** (Pages 5 - 20)
[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)

- 5 **Business Rates - Discretionary Relief** (Pages 21 - 34)
[To approve an extension to the Council's local scheme for business rate discretionary relief with effect from 1 April 2018]
- 6 **Special Provision Capital Fund** (Pages 35 - 40)
[To delegate authority to approve decisions relating to the future investment of the Special Provision Capital Fund]
- 7 **Schedule of Individual Executive Decision Notices** (Pages 41 - 48)
[To note the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees]
- 8 **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

- 9 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 49 - 72)
[To award contracts 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)

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| 10 | <p>Transfer of Extra Care Service Contracts to Midland Heart (Pages 73 - 78)
[To approve the transfer of the extra care service contracts]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |
| 11 | <p>Extension of the Extra Care Service Contract held with Methodist Homes Association (Pages 79 - 86)
[To approve an extension to the contract]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |
| 12 | <p>Waste and Recycling Services
[To endorse the update on Waste and Recycling services] [Report to follow]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 16 January 2018
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr Milkinderpal Jaspal
Cllr John Reynolds
Cllr Sandra Samuels OBE
Cllr Paul Sweet

Employees

Dereck Francis	Democratic Services Officer
Keith Ireland	Managing Director
Tim Johnson	Deputy Managing Director/Strategic Director - Place
Claire Nye	Director of Finance

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 Roger Lawrence.
- 2 **Declarations of interests**
There were no declarations of interests.
- 3 **Minutes of the previous meeting - 14 November 2017**
Resolved:
That the minutes of the previous meeting held on 14 November 2017 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 **Housing Revenue Account Business Plan (including 2018-2019 budget rents and service charges)**
Councillor Peter Bilson presented the report on an updated Housing Revenue Account (HRA) business plan for recommendation to Council. The report also

provided, as an integral part of that business plan, a proposed HRA budget for 2018-2019, including proposed rents and service charges to take effect from 2 April 2018, and a proposed HRA capital programme for the period 2018-2019 to 2022-2023 for recommendation to Council.

Resolved:

1. That Council be recommended to:
 - a. Implement the 1% reduction in social housing rents in accordance with the Welfare Reform and Work Act and to give 28 days' notice to all secure and introductory tenants of the rent reduction from 2 April 2018.
 - b. Adopt the business plan set out at Appendix A to the report as the approved Housing Revenue Account (HRA) business plan including:
 - i The revenue budget for 2018-2019 at Appendix A3 to the report.
 - ii The capital programme for 2018-2019 to 2022-2023 at Appendix A4 to the report including provision for retrofitting of sprinklers in high-rise blocks and building of new council housing.
 - iii The increase in the management allowance for Wolverhampton Homes for the transfer of Homelessness and Housing Options services.
 - c. Agree the rates for garage rents and service charges set out in appendices B1-B3 to the report and formally notify tenants.
 - d. Agree to position itself to take advantage of any flexibility in HRA borrowing by gearing up to develop more council housing on suitable sites.
2. That the consultation responses as outlined at Appendix C to the report be noted
3. That the potential impact of the further implementation of the Housing and Planning Act 2016 on the HRA business Plan be noted.
4. That the introduction of a 52 week rent year following consultation with tenants, to better align the payment of rents with the payment of Universal Credit be noted.
5. That it be noted that service charges to council tenants have been recalculated over 52 weeks but generally tenants would pay the same over 12 months, with the exception of the central heating charge for gas, which is due to increase by £0.50 per week as approved in the business plan for 2016-2017 until full recovery of costs are achieved.

6 **2018-2019 Budget and Medium Term Financial Strategy 2018-2019 - 2019-2020 - Provisional Local Government Finance Settlement Update**

Councillor Andrew Johnson presented the key points from the report on an overview of the 2018-2019 provisional local government finance settlement, which the Government announced on 19 December 2017. The provisional settlement proposed to continue with capital receipt flexibilities for a further three years. Approval was

requested to extend the use of capital receipts flexibilities to fund transformation work to 2019-2020. This would enable the Council to capitalise revenue transformational costs up to the value of capital receipts available in 2019-2020.

In order that the Council takes opportunities to influence the shaping of local government funding where possible, delegated authority to the Cabinet Member for Resources was proposed to respond to the Government consultation on the Fair Funding Review.

Resolved:

1. That the extension of use of the capital receipts flexibilities to fund transformation work to 2019-2020 be approved.
2. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director for Finance to respond to the consultation on the Fair Funding Review.
3. That the outcome of the 2018-2019 provisional local government finance settlement be noted.
4. That it be noted that the final budget report to Cabinet 21 February 2018 would reflect the outcome of the settlement, budget consultation, scrutiny work and detailed budget work for 2018-2019, including a review of all savings and the risks associated with their delivery.

7 **Scrutiny Board Comments - Draft Budget and Medium Term Financial Strategy 2018-2019 to 2019-2020**

Councillor Andrew Johnson presented the report on the Scrutiny Board's feedback on the Draft Budget and Medium Term Financial Strategy 2018-2019 to 2019-2020 following its meeting on 5 December 2017. The comments would inform Cabinet decisions on the final budget 2018-2019 to be presented to Cabinet on 21 February 2018.

Resolved:

That the comments from the Scrutiny Board in relation to the Draft Budget and Medium Term Financial Strategy 2018-2019 to 2019-2020 be taken into account for the 2018-2019 Final Budget to be presented to Cabinet on 21 February 2018.

8 **Budget 2018-2019 - Outcome of Consultation**

Councillor Andrew Johnson presented the key messages from the report on responses to the consultation process undertaken to support the 2018-2019 budget setting process. The completed set of responses to the consultation would be considered in the final budget that Cabinet recommends to Full Council on 7 March 2018.

Resolved:

That the responses to the 2018-2019 Budget Consultation be taken into account for the 2018-2019 Final Budget to be presented to Cabinet on 21 February 2018.

9 **Collection Fund Estimated Outturn 2017-2018**

Councillor Andrew Johnson presented the report on the estimated outturn for Council Tax and Business Rates, also referred to as Non-Domestic Rates (NDR), transactions on the Collection Fund in 2017-2018. Approval was requested to payments to/from central government and the precepting bodies based on the estimated outturn of the Collection Fund for 2017-2018. This would inform the budget setting process for 2018-2019, for the Council and precepting bodies.

Approval was also sought to delegate authority to confirm any final changes to the forecast outturn reflecting any further information received ahead of the statutory deadline of 31 January 2018 to ensure that the most up to date information is used to inform 2018-2019 budgets.

Resolved:

1. That the payments to the precepting authorities of their share of the Council Tax surplus in equal instalments be approved.

The estimated outturn in 2017-2018 is a cumulative surplus of £882,000. Based on their proportion of the 2017-2018 council tax bill, as approved by Council in March 2017 the amounts are as follows:

- City of Wolverhampton Council £790,000
- West Midlands Police £62,000
- West Midlands Fire Service £30,000

2. That the payments to central government and the precepting authority of their share of the Business Rates, also referred to as Non-Domestic Rates (NDR), deficit in equal instalments be approved.

The estimated outturn in 2017-2018 is a cumulative deficit of £1.7 million; this is as a result of a cumulative deficit totalling £5.3 million brought forward from 2016-2017 and an estimated surplus in 2017-2018 totalling £3.6 million. As prescribed by legislation the amounts are as follows:

- City of Wolverhampton Council £936,000 surplus
- Central Government £2.7 million deficit
- West Midlands Fire Service £17,000 deficit

3. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to confirm any final changes to the forecast outturn reflecting any further information received ahead of the statutory deadline of 31 January 2018.

10 **Council Tax Base and Business Rates (NDR) Net Rate Yield 2018-2019**

Councillor Andrew Johnson presented the report on a proposal to set the estimates for the Wolverhampton Collection Fund for 2018-2019, which the Council managed on behalf of local precepting bodies and central government. The decision would

inform the budget setting process for 2018-2019, for the Council and precepting bodies.

Resolved:

1. That the Collection Fund Council Tax Base for 2018-2019 be set at 62,816.47 Band D equivalents.
2. That the Collection Fund Business Rates, also referred to as Non-Domestic (NDR), Net Rate Yield for 2017-2018 be set at £74.2 million.
3. That the Council's contribution of £228,000 in 2017-2018 to the West Midlands Combined Authority; which represents the real terms growth in the central share of business rates owed to the West Midlands Combined Authority be approved.
4. That authority be delegated to the Cabinet Member for Resources in consultation with the Director of Finance to approve amendments to:
 - a. The final Business Rates net rate yield as required as a result of changes to the NNDR1 form (National Non-Domestic Rates return) by the Department for Communities and Local Government (DCLG) or data revisions and changes in projections;
 - b. The Council Tax Base as a result of any data revisions and changes in projections.

11

West Midlands Combined Authority (WMCA) Borrowing Powers and Amendments to Key Route Network

Councillor Peter Bilson presented the report on proposals to ensure that the West Midlands Combined Authority (WMCA) is able to enter into the necessary agreements with Government to amend existing statute, enabling WMCA to borrow for all of the functions attributable to it and also endorse the proposed changes to the Key Route Network. The proposal would also ensure that the City Council retained oversight of the final amended orders produced from the Government.

Resolved:

That authority be delegated to the Leader of the Council in consultation with the Managing Director to implement the following recommendations at an appropriate time by way of written notification to the WMCA:

1. Delegate authority to the WMCA to approve the amendment to statutory regulations which amend the WMCA borrowing powers as set out in the report, subject to:
 - i The additional borrowing powers sought being fully aligned to the WMCA's statutory functions as detailed within the West Midlands Combined Authority (Functions and Amendment) Order 2017.
 - ii Equivalent authority / approval allowing the WMCA to enter into the delegation, being received by the other Constituent Local Authorities.

2. That the WMCA borrowing cap suggested by HM Treasury as outlined within this report be approved.
3. That authority be delegated to the Leader of the Council, in consultation with the Managing Director to approve the amendment to the Key Route Network as detailed within the report.

12 **Review of Contributions to Non-residential Adult Social Care - Outcome of Consultation and Final Proposals**

Councillor Sandra Samuels OBE presented the report on revised proposals for contributions to non-residential adult social care, following the public consultation. The amended scheme would be based on individual financial assessment and replace the current banded contributions scheme for those in receipt of non-residential council support under the provisions of the Care Act 2014.

Resolved:

1. That the final proposals, following consultation, be approved for a new approach to non-residential contributions scheme based on individual financial assessments that are fair and equitable and Care Act compliant and:
 - Allow for a £12.00 disregard on disability benefits for disability-related expenditure;
 - Allow for an additional 30% of the enhanced disability premium (currently £4.77) for working-age customers to help mitigate against the lower Minimum Income Guarantee set by Government for working-age people than for pensioners;
 - Cap any non-residential weekly contribution at no more than the weekly personal budget rate for a residential care home, currently £394.94;
 - Maintain a £150 charge for the administration costs for self-funders who request that the Council arrange for their care and support and add £75 per year thereafter to cover on-going costs;
 - Maintain exemptions from contributions for terminally ill customers and carers;
2. That transitional protection for current service users by limiting any significant increases be approved.
3. That the implementation of the new contributions scheme from April 2018 be approved.
4. That the report on the outcome of the public consultation on the review of contributions to non-residential adult social care be noted.

13 **Acquisition of Privately Owned Empty Properties by agreement or Compulsory Purchase: 55 Rooker Avenue, Ettingshall**

Councillor Peter Bilson presented the first of three similar reports seeking approval to authorise the acquisition of properties by negotiation or by the making of a Compulsory Purchase Order. The decisions were all consistent with the Council's Empty Property Strategy which aimed to bring long term empty properties back into use.

The property 55 Rooker Avenue, Ettingshall had been empty since February 2014. Attempts to resolve the situation informally with the parties known to have an interest in the property had not resolved the situation or brought about a voluntary solution. It was now considered necessary to continue with formal action under the Empty Property Strategy.

Resolved:

1. That the Strategic Director for City Housing be authorised to negotiate terms for the acquisition of the property 55 Rooker Avenue, Ettingshall, Wolverhampton 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 be approved, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Strategic Director for City Housing, the property be withdrawn from the CPO.
4. That following any acquisition, the Strategic Director for 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.

14

Acquisition of Privately Owned Land by Agreement or Compulsory Purchase: Site of former Public House at Willis Pearson Avenue/ Rowley View, Bilston
Councillor Peter Bilson presented the report on proposals to authorise the acquisition of the derelict site of the former Public House at Willis Pearson Avenue/Rowley View Bilston by either negotiation or via compulsory purchase and to retain the site for the development of new council housing.

The site had been the subject of persistent anti-social behaviour and fly tipping following the closure and subsequent demolition of the "Patchbox" public house.

Discussions with the site owners over a number of years had not established meaningful proposals for the site or a timescale for implementation. It was now considered appropriate to progress the acquisition of the site in order to ensure that development occurs and a long-term solution to the ongoing blight caused by the site was implemented.

Councillor Val Gibson reported that the site of the former Patchbox public house had been used to fly tip for years and had been a blight on the area. The CPO was long awaited and welcomed.

Resolved:

1. That the Strategic Director for City Housing or the Strategic Director for Place be authorised to negotiate terms for the acquisition of the site of former public house Willis Pearson Avenue/ Rowley View, Bilston. WV14 8DA, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Section 17 of Part 2 of the Housing Act 1985 and/ or Section 226 Part 9 of the Town and Country Planning Act 1990.
2. That expenditure for the potential acquisition of the site, and its subsequent development for Council housing, from within the existing Housing Revenue Account Capital Programme be approved.
3. That the land be withdrawn from the CPO if development of the site is progressed by the current owner to the satisfaction of the Strategic Director for City Housing.
4. That the Director of Governance be authorised to take the following action should it not be possible to agree terms for the acquisition of the site by negotiation:
 - 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 land 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 land is brought into Council ownership via this process).
5. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Strategic Director for City Housing or the Strategic Director for Place, following any acquisition, to approve detailed proposals for development of the site by the City of Wolverhampton Council for council housing.

15

Acquisition of Privately Owned Empty Properties by agreement or Compulsory Purchase: 10 Lloyd Street, Wolverhampton

Councillor Peter Bilson presented the report on a proposal to authorise the acquisition of 10 Lloyd Street, Wolverhampton. WV6 0RL by negotiation or by the making of a compulsory purchase order (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, the property would be withdrawn from the CPO.

The property had been empty since approximately 2011. The previous occupant of the property moved out and it was believed had not visited the property since 2014. All attempts to contact the owner had failed. As attempts to resolve the situation informally with the parties known to have an interest in the property had not resolved the situation or brought about a voluntary solution, it is now considered necessary to continue with formal action under the Empty Property Strategy.

Resolved:

1. That the Strategic Director for City Housing be authorised to negotiate terms for the acquisition of the property 10 Lloyd Street, Wolverhampton, 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 Strategic Director for City Housing, the property be withdrawn from the CPO.
4. That following any acquisition, the Strategic Director for 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.

16 **Achieving Our Broadband Vision**

Councillor John Reynolds presented the report on a proposal to submit a bid to the Local Full Fibre Network fund to improve broadband connectivity in the City of Wolverhampton. There were strong economic benefits to improving the connectivity of the city centre including improved productivity and making the city a more attractive place to invest in.

Resolved:

1. That the submission of a bid to the Local Full Fibre Network to improve connectivity in the city centre be approved subject to the final signoff by the Cabinet Member for City Economy and Section 151 Officer.
2. That the Council act as a grant recipient for the Local Full Fibre Network bid, if successful.
3. That authority be delegated to Cabinet Members for City Economy and Resources, in consultation with the Strategic Director, Place and the Director of Finance to enter into a funding agreement and to approve the procurement exercise if the bid is successful.
4. That engagement with UK Government's Barrier Removal Taskforce in relation to adopting a local approach to highways, planning, wayleaves that optimises the local environment to improve digital infrastructure be approved.
5. That employees be authorised to explore the use of a concession agreement to enable public WiFi.

17 **Arts Council of England Funding Agreement**

Councillor John Reynolds reported that the Council had been successful in securing £671,020 for the period 2018-2022 to support a programme of contemporary visual arts and crafts. This included a funding uplift on the previous funding period 2015-2018 of £160,000 for audience development with the Libraries Service. The final business plan had to be agreed and the funding agreement signed on behalf of the Council by the 27 February 2018.

Resolved:

1. That authority be delegated to the Cabinet Member for City Economy and the Cabinet Member for Resources, in consultation with the Strategic Director for Place and Director of Finance to approve the final business plan for the contemporary visual arts and craft programme for submission to the Arts Council and to sign the funding agreement with Arts Council of England National Portfolio 2018-2022.
2. That supplementary revenue budgets be approved to reflect the grants once approved.

18 **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.

19 **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 public and press

20 **Civic Halls Improvement and Full Restoration**

Councillor John Reynolds presented the update report on the Civic Halls Improvement Project, as approved by the Panel in July 2016. It advised on the significant emerging building fabric, structural and building management issues that have been identified following detailed technical surveys and reviews undertaken in 2017 quarter three. The report set out the case for a full building restoration scheme and sought approval for the revised proposals and the revised capital funding strategy.

Resolved:

1. That Council be recommended to:
 - a. Approve the scope of construction and associated works for the comprehensive restoration of both Wulfrun and Civic Halls
 - b. Approve the additional capital resources of £23.7 million required to deliver the Civic Halls project
 - c. Approve the development of a ticket levy to support the proposed scheme.
 - d. Delegate authority to the Cabinet Member for City Economy, in consultation with Strategic Director for Place, to agree the contract variation with Shaylor Group when the negotiation process is complete.
2. That the revised business case for the Civic Halls be noted.
3. That the approach to seeking additional grant funding from external sources, to reduce the cost to the Council be noted.

21 **Improving the City Housing Offer: Small Sites Newbuild Council Housing Phase 4**

Councillor Peter Bilson presented an update report on the delivery of the small sites council housing new build programme to construct new council housing using the SCP contractors, Wates and United Living. Given the success of the first two phases of small site new build, the appointment of new contractors for a third phase of sites, and in light of the need to increase housing delivery in the City, approval was now requested for a fourth phase, providing an additional 33 properties across eight sites to support the continued delivery of the programme. Approval was also requested to

the use of the Housing Revenue Account capital budget to deliver the phase four programme.

Resolved:

1. That the use of the £4.0 million Housing Revenue Account (HRA) capital budget for the delivery of phase four of the small site council housing newbuild programme providing an additional 33 homes across eight sites in the City be approved.
2. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Strategic Director for City Housing to approve any variation from the identified sites for phase four of the small sites new build programme.
3. That the success to date of the small site newbuild Council housing programme, currently delivering 21 new homes across the city through the Council's Strategic Construction Partner (SCP) contractors Wates and United Living be noted.
4. That the progress of phase three of the small sites programme, which had procured and appointed contractors to deliver new homes across six sites, with work already underway be noted.

22

Application of Right to Buy Receipts for Additional Social Housing

Councillor Peter Bilson presented the report on a proposal to establish a capital scheme for the acquisition of additional social housing units, augmenting the Council's newbuild programme, and taking the opportunity to commit available Right-to-Buy (RTB) receipts. The report also set out proposals for spend which would support wider housing outcomes in the city.

Resolved:

1. That the utilisation of £2.5 million of the HRA capital programme for new build for the acquisition additional social housing using Right to Buy 'one-for-one' receipts be approved.
2. That authority be delegated to the Cabinet Member for City Assets and Housing in consultation with the Strategic Director for Place to agree the expenditure on individual properties and purchases.
3. That the following proposed priorities for the capital budget be approved:
 - a. Buying back of former Right to Buy properties on the Heath Town estate, where leaseholders prefer to dispose of their properties rather than pay for the investment works required.
 - b. Purchase of properties on the open market to be added to the Housing Revenue Account.
 - c. Purchase of properties on the open market for decanting of Council tenants from larger properties in poor repair, where they are under-occupying and the Council has assessed their existing properties as being uneconomic to repair.
 - d. Purchase of land on the open market for development of new Council homes for affordable rent.

- e. Investment in Registered Provider developments in the city, where this will provide for a lower rent for the tenants, supporting affordability outcomes.
4. That first lettings of the void properties purchased under recommendation 3c above be ring-fenced for the decanting of high cost street properties.
5. That an annual review of Right to Buy receipt expenditure, and the development of a bank of projects to ensure maximum use of one-for-one receipts, enabling the Council to respond quickly to opportunities to increase social housing in the city be approved.

23

Procurement - Award of Contracts for Works, Goods and Services

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

The Panel agreed to defer making a decision on the award of the contracts for City Learning Quarter Concept Design (RIBA Stage 2) and for Extra Care Service at Bridge Court pending further clarification on the proposals.

Resolved:

1. That the contract for the Survey of Non-Traditional Housing Stock be awarded to Michael Dyson Associates Limited of West House, Meltham Road, Honley, West Yorkshire, HD9 6LB for a duration of three years from 26 January 2018 to 25 January 2021 for a total contract value of £214,898.
2. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Strategic Director for Place, to approve the award of contracts for the Construction of 33 Houses Across Eight Sites when the evaluation process is complete.
3. That authority be delegated to the Cabinet Member for Education, in consultation with the Director of Education, to approve the award of a contract for the Construction of a New Primary School at Loxdale when the evaluation process is complete.
4. That authority be delegated to the Cabinet Member for Education, in consultation with the Director for Education, to approve the award of a contract for the Extension of Stowlawn Primary School when the negotiation process is complete.
5. That authority be delegated to the Cabinet Member for Education, in consultation with the Director for Education, to approve the award of a contract for the Extension of Springvale Primary School when the negotiation process is complete.
6. That authority be delegated to the Cabinet Member for Education, in consultation with the Director for Education, to approve the award of a contract for Construction Professional Services for Loxdale Primary School and Aldersley High School Projects when the evaluation process is complete.

- 7 That the contract for the Highways Asset Management System be awarded to Pitney Bowes of Building 5 Trident Place, Hatfield Business Park, Mosquito Way, Hatfield, Hertfordshire, AL10 9UJ for a duration of two years with a further two optional annual extensions from 1 April 2018 for a total contract value of £381,888.
- 8 That contracts for Medical Referees for the Bereavement Services be awarded to:
 - Dr A Sharma of Bilston Health Centre, Prouds Lane, Bilston WV14 6PW
 - Dr D Bush of 2A Coalway Road, Wolverhampton, WV3 7LR
 - Dr M Manley of 119 Coalway Road, Wolverhampton, WV3 7NAfor a duration of four years from 1 February 2018 to 31 January 2022 for an estimated total contract value of £200,000.
- 9 That authority be delegated to the Cabinet Member for City Environment, in consultation with the Strategic Director for Governance, to approve the award of a contract for Supply of Taxi Licensing Plates when the evaluation process is complete.
- 10 That authority be delegated to the Cabinet Member for Resources, in consultation with the Strategic Director for People, to approve the award of a contract for a Qlikview Development Partner when the evaluation process is complete.
- 11 That the award of the contract for City Learning Quarter Concept Design (RIBA Stage 2) be deferred pending further clarification on the proposal.
- 12 That the award of the contract for Extra Care Service at Bridge Court be deferred pending for further clarification on the proposal.
- 13 That the contract for Construction of Changing Rooms at Barnhurst Lane be awarded to Kiers Construction Limited of Tempsford Hall, Sandy, Bedfordshire, SG19 2BD the contract for a duration of six months from 1 March 2018 for a total contract value of £880,000.
- 14 That the Director of Governance be authorised to execute contracts in respect of the above as required.
- 15 That the changes in the contract value thresholds for compliance with the relevant requirements of the Public Contracts Regulations and for advertising in OJEU from 1 January 2018 to 31 December 2020 as follows be noted:
 - Supplies and Services contracts £181,302
 - Works contracts (construction) £ £4,551,413
- 16 That it be noted that in accordance with the Council's Contract Procedure Rules contracts with values above £181,302 would be included in future Procurement reports to Cabinet (Resources) Panel.

24 **Council's Residential Children's Home - Future Service Delivery Model**

Councillor Val Gibson presented the report on two viable options for the delivery of residential care services for looked after children in Merridale Street West Children's Home. The current contract with an external service provider to deliver residential care services was due to expire on 31 March 2018.

Resolved:

That option two for the future of Merridale Street West Children's Home – the delivery of a four-bed assessment home for looked after children through in-house provision be approved.

25 **East Park Gateway Regeneration Programme**

Councillor John Reynolds presented for endorsement an East Park Gateway (EPG) Regeneration Programme for the phased delivery of new industrial development, housing and environmental improvements and the coordination of the significant Council investment proposals which would impact in this area. Approval of the outline business case for the building of new offices for Wolverhampton Homes as the first phase of the regeneration programme was also sought.

Resolved:

1. That the setting up of an East Park Gateway Regeneration Programme and its proposed governance be endorsed.
2. That the outline business case for the building of new offices for Wolverhampton Homes on Council owned land at Qualcast Road as the first phase of the Regeneration Programme be approved.
3. That authority be delegated to the Cabinet Members for City Economy and Resources in consultation with the Service Director, City Economy and the Director of Finance to approve the purchase of strategic interests in land in support of the regeneration programme, subject to identified budget and business case.
4. That the principle of the use of compulsory purchase powers to assemble marketable sites for remediation, servicing and development in the programme area be approved.
5. That employees be authorised to investigate the redevelopment of the Wholesale Market subject to any appropriate safeguards for current tenant traders and to report back with proposals.
6. That employees be authorised to work up and submit applications to the Local Enterprise Partnership for external funding in support of the programme objectives
7. That the interrelationship between the East Park Gateway Regeneration Programme and other Council investment proposals including the rationalisation of waste and depot facilities, replacement offices and facilities for Wolverhampton Homes and the improvement of Willenhall Road be noted.

8. That it be noted that reports on detailed proposals for Council intervention to achieve the aims and objectives of the East Park Gateway Regeneration programme would be submitted to future meetings of the Panel.

26

Waste and Recycling Services

Keith Ireland, Managing Director gave a brief verbal update and informed the meeting that a report would be submitted to a future meeting of the Cabinet or Cabinet (Resources) Panel.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 27 February 2018
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Report title	Business Rates - Discretionary Relief	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Andrew Johnson Cabinet Member for Resources	
Corporate Plan priority	Confident Capable Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	(All Wards)	
Accountable Director	Mark Taylor, Strategic Director People	
Originating service	Revenues and Benefits	
Accountable employee	Sue Martin	Head of Revenue and Benefits
	Tel	Tel: 01902 554772
	Email	sue.martin@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve an extension to the local business rates discretionary relief policy:
 - i. in respect of revaluation support for 2018-2019
 - ii. in respect of charitable and voluntary organisations for 2018-2019.

1. Approve a corresponding increase in awards under the revaluation support scheme should the Government change its position and allow any underspend in 2017-2018 to be carried forward into 2018-2019.

Recommendation for noting:

The Cabinet (Resources) Panel is asked to note:

1. That the revaluation support scheme will need to be reviewed and revised each year in line with the funding available.

1.0 Purpose

- 1.1 To seek approval to extend the Council's local scheme for business rate discretionary relief with effect from 1 April 2018.

2.0 Background

- 2.1 Discretionary rate relief is granted under Section 47 of the Local Government Finance Act 1988.

- 2.2 The local scheme consists of different categories of relief based on government guidance.

3.0 Discretionary Relief – Revaluation Support

- 3.1 In the March 2017 budget, the Government announced measures to provide additional support to businesses facing increases in business rates because of the national revaluation.
- 3.2 A four-year fund was allocated to local authorities to enable reductions in rates for those businesses most affected.
- 3.3 The amount allocated to Wolverhampton is shown in the following table:

2017-2018 £000	2018-2019 £000	2019-2020 £000	2020-2021 £000
392	190	78	11

- 3.4 A scheme of relief was agreed for 2017-2018 whilst accepting that due to the significant difference in funding between years it would be necessary to review the scheme annually. Awards are granted for one year at a time.
- 3.5 Relief for 2018-2019 is recommended in accordance with appendix 1.

4.0 Discretionary Relief – Charitable and Voluntary Organisations

- 4.1 The existing scheme relating to charitable and voluntary organisations is set out in appendix 2. The scheme was approved on 7 February 2017 and expires 31 March 2018.
- 4.2 This category of relief provides either up to 20% of liability for registered charities (to top up mandatory relief) or up to 100% of liability in the case of organisations that are not established or conducted for profit.
- 4.3 Relief for existing recipients is reviewed annually and each organisation is required to certify that they continue to fulfil the conditions for the relief being granted.

- 4.4 The policy is based on government guidance and sets out clear eligibility criteria against which applications are assessed. Authority to approve awards is delegated to the Cabinet Member for Resources in consultation with the Head of Revenues and Benefits.
- 4.5 This report does not contain any proposal to revise eligibility under the scheme. It is recommended that approval be given to continue the scheme for 2018-2019.
- 4.6 All organisations receiving an award will be given notice that the relief will end on 31 March 2019 and they will be notified of any new scheme developed to take effect from 1 April 2019.

5.0 Evaluation of alternative options

- 5.1 Alternative options were considered as part of the original scheme.

6.0 Consultation

- 6.1 In line with government requirements, the outline proposal for revaluation support has been shared with the Police and Crime Commissioner, the Fire and Rescue Authority and the West Midlands Combined Authority.

7.0 Reasons for decisions

- 7.1 The extension of the scheme for revaluation support is in line with the Government's aim of assisting businesses hardest hit by the revaluation and is aligned with the principles of other schemes across the region.
- 7.2 The extension of the scheme for charitable and voluntary organisations continues to support a range of organisations providing support to vulnerable groups allowing the Council to foster good relations and enhance equal opportunities.

8.0 Financial implications

- 8.1 The City of Wolverhampton Council, as one of the constituent members of the West Midlands Combined Authority, is participating in a business rates retention pilot from April 2017, on a no financial detriment basis. The continuation of the existing 100% business rate retention pilots until 2019-2020 was confirmed as part of the final Local Government Settlement issued on 6 February 2018. As a result of entering into this pilot, the Council will retain 99% of business rates, no longer receive revenue support grant and receive a top up grant adjustment to account for the net effect of the changes.
- 8.2 Under the 99% business rates retention scheme, the cost to the Council of awarding discretionary (charitable and voluntary organisations) relief in 2018-2019 will be in the region of £590,000.
- 8.3 There are no direct financial costs for awards under the revaluation support relief as the Council will be compensated by way of Section 31 grant up to the limit of £190,000 for 2018-2019. Rewards will not exceed this limit.

[MH/09022018/K]

9.0 Legal implications

9.1 Section 47 of the Local Government Finance Act 1988 gives discretionary power to billing authorities to grant partial or full relief to certain categories of non-domestic ratepayer. The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow for this relief to be restricted to a fixed period.

9.2 It will be for the Council to ensure that any relief granted does not transgress state aid rules. Any aid granted pursuant to the application of section 47 must therefore be determined as compatible with the internal market or some applicable regulation, such as the de minimis provisions (i.e. less than €200,000 over three consecutive fiscal years, to a single undertaking) or the general block exemption. Otherwise the aid could be regarded as unlawful.

[RB/24012018/X]

10.0 Equalities implications

10.1 A full equality analysis was completed last year which indicates that the Council's approach allows it to foster good relations and advance equal opportunities.

11.0 Environmental implications

11.1 None.

12.0 Human resources implications

12.1 None.

13.0 Corporate Landlord implications

13.1 None.

14.0 Schedule of background papers

14.1 Cabinet report – 13 September 2017 – Agenda item 6 - [Business Rates Discretionary Relief](#).

15.0 Appendices

15.1 Appendix 1: Business Rates Discretionary Relief (Revaluation Support) Policy

15.2 Appendix 2: Business Rates Discretionary Relief (Charitable and Voluntary Organisations) Policy.

City of Wolverhampton Council

Business Rates Discretionary Relief (Revaluation Support) Policy

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1. Introduction

- 1.1. This policy sets out circumstances in which relief can be awarded to ratepayers facing an increase in their rates bill because of the national business rates revaluation which took effect from 1 April 2017.
- 1.2. In the Spring Budget 2017 the Chancellor announced £300 million of additional funding to provide financial support to businesses whose rates bill had increased. City of Wolverhampton Council will receive £670,000 of this funding, spread over the four years from 2017/18 to 2020/21.
- 1.3. The Government advised councils to use discretionary powers under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) to develop a scheme for relief that will distribute the additional funding.
- 1.4. The amount of relief given to a business will be proportionate to the amount by which its rates bill has increased.
- 1.5. Relief will focus on small and medium sized businesses, over national and multi-national businesses, on the basis that the latter are more likely to be able to pay an increased bill and because they are likely to have a mixture of increases and decreases in rates bills across their estate nationally.

2. Purpose and principles of the policy

- 1.6. The purpose of this policy is to:
 - Ensure that all considerations for awards are dealt with in a fair, consistent and equal manner
 - Set a framework for how the council will make the award
 - Make clear the limited criteria under which relief will be awarded.
- 1.7. The council will identify those ratepayers who are eligible for revaluation relief under this policy framework.
- 1.8. This policy has been written in line with government guidance and awards will only be considered where the conditions to receive full reimbursement from Government are met. Any amendments to government guidance that further restrict the scope of awards qualifying for full reimbursement will take precedence over this policy.

3. Requirements for applications

- 1.9. Applications will not be required as eligibility can be determined from data held by the Council.
- 1.10. The Council will request any supporting evidence it considers necessary to properly assess the award.

- 1.11. Ratepayers must continue to pay any amount of rates that falls due whilst an award is under consideration.

4. Eligibility for the scheme and decision making

- 1.12. Relief will be available to businesses occupying properties which have a rateable value of less than £200,000 at 31 March 2017. Where a business has more than one property within the City with a combined rateable value of £200,000 or more then the business will not be eligible for relief under this scheme.
- 1.13. Relief for 2017-2018 will be awarded to eligible properties where the increase in rates payable after other reliefs is £25 per year or more. This will be calculated as the increase in the businesses annualised liability, against the same property, occupied by the same ratepayer from 2016-2017 to 2017-2018.
- 1.14. For the 2017-2018 financial year, relief will be awarded to cover the full amount of the increase, so that the ratepayer will see no increase in their 2017-2018 bill in comparison to their 2016-2017 bill because of revaluation.
- 1.15. For the 2018-2019 financial year, relief will be awarded to cover 70% of the increase so that the ratepayer will see no more than 30% increase in their 2018-2019 bill in comparison to their 2017-2018 bill because of revaluation.
- 1.16. If there is a change in the Government's position and transfers of any underspend in a financial year can be carried forward into the next year, the percentage amount of award will be increased accordingly.
- 1.17. There is no limit to the number of properties against which a single business may receive relief under this scheme, subject to state aid rules and exclusions in section 5.

5. Exclusions

- 1.18. Relief will not be paid to ratepayers / properties in the following circumstances
- Properties occupied by charitable or not for profit organisations or Community Amateur Sports Clubs that are eligible for mandatory or discretionary charitable relief
 - Properties that are unoccupied
 - Land and car parks
 - Properties occupied by City of Wolverhampton Council or any other precepting authority
 - Properties occupied by public sector organisations, including surgeries, health centres and hospitals
 - Ratepayers occupying properties on or after 1 April 2017
 - Properties that were not in the rating list on 1 April 2017 (relief will not apply where properties are entered into the rating list retrospectively)

- Properties that are occupied by national and multi-national companies¹ with multiple hereditaments.

6. Recalculation of reliefs

- 1.19. The amount of relief awarded under the revaluation support relief scheme will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value, or the business moves out.
- 1.20. A recalculation could happen in any year of the scheme provided the qualifying conditions are met.

7. Other reliefs

- 1.21. Revaluation support relief will be calculated after the application of all other reliefs with the exception of relief for pubs.

8. Duration of awards

- 1.22. Relief will be applied from 1 April 2017 for the 2017-2018 and 2018-2019 financial years only. The scheme will be reviewed and revised in order to distribute the reduced amount of government funding available in the following two years.
- 1.23. A revised bill will be issued reflecting any relief granted.
- 1.24. If a business moves out of a property, the relief will be apportioned to the date of leaving.
- 1.25. Ratepayers are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

9. State aid

- 1.26. The State Aid rules regulate public sector intervention, with the aim of ensuring fair competition and the proper functioning of the single market.
- 1.27. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the De Minimis level. For most organisations, this is currently equivalent to €200,000 within a three-year period.
- 1.28. As awards, will be made without the need for an application, each ratepayer will be required to declare if receipt of relief under this scheme would result in them receiving state aid in excess of the De Minimis level.

¹ A group of outlets owned by one company and with a presence in at least three UK regions (England - North East; North West; Yorkshire and The Humber; East Midlands; West Midlands; East of England; London; South East; South West, Wales and Scotland) or worldwide, with similar appearance and providing similar services or goods across the outlets.

10. Review process

- 1.29. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 1.30. The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 1.31. A request for review must be made within one calendar month of the date of the decision letter.
- 1.32. Reviews will be considered by an officer independent of the original decision maker.
- 1.33. The applicant will be notified of the outcome of the review in writing.
- 1.34. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of a Judicial Review.

11. Background papers

<https://www.gov.uk/government/publications/42017-spring-budget-update>.

City of Wolverhampton Council

Business Rates Discretionary Relief (Charitable and Voluntary Organisations) Policy

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1. Introduction

- 1.1. This policy sets out circumstances in which reductions in rate liability will be granted to charitable and voluntary, not for profit organisations.

2. Purpose and principles of the policy

- 1.2. The purpose of this policy is to:
- a) Ensure that all considerations for awards are dealt with in a fair, consistent and equal manner
 - b) Set a framework for how the council will make the award
 - c) Make clear the limited criteria under which relief will be awarded.

3. Requirements for applications

- 1.3. Applications will only be considered where a written application is received from a person properly authorised to make an application on behalf of the organisation.
- 1.4. The Council will request any supporting evidence it considers necessary to properly assess the merits of the application.
- 1.5. The ratepayer must allow a Council Officer access to the property by appointment during normal working hours within two weeks of the Council receiving the application if it is necessary to verify the use of the property.

4. Eligibility for the scheme and decision making

- 1.6. The following criteria are considered when deciding applications for discretionary rate relief and each application will be treated on its merits. The criteria set out below are consistent with recommendations of the Department for Communities and Local Government and local authority associations.
- a) The organisation should ensure that membership is open to all sections of the community and membership rates/subscriptions should not be set at such a high level as to exclude the general community. The club should, if required, be able to demonstrate the criteria by which applications for membership are consistent with the principle of 'open membership' and in accordance with equal opportunities policies.
 - b) Sympathetic consideration will be given to applications from groups who actively encourage membership from particularly disadvantaged groups in the community, e.g. young people or the disabled, elderly people and ethnic minorities.
 - c) Sympathetic consideration will be given to organisations who make their facilities available to people other than members e.g. schools.
 - d) Whether the organisation provide training for its members particularly the young.
 - e) Have the facilities available been provided by self-help or grants from other bodies? Self-help organisations may be considered more sympathetically for discretionary relief.

- f) Does the organisation provide facilities which indirectly relieve the Authority of the need to do so or do the facilities complement those provided by the Authority?

5. Local criteria

- 1.1. The following local criteria have been adopted by the Authority.
- a) Generally, no discretionary relief should be allowed to national charitable organisations - unless there are exceptional circumstances, *e.g. charitable animal welfare organisations providing local facilities*.
 - b) Relief should not be given to sports or social clubs of industrial firms or other business organisations (assistance should be provided by the firm or organisation).
 - c) Organisations who receive direct grant aid from the Council will receive maximum discretionary relief with a corresponding reduction in their grant, providing that this does not apply to schemes funded by the Government. However, in cases where the Government funding regime assumes that local relief is being granted, this will be given providing that all other criteria is met. Relief will not be granted where government funding is available to meet the liability.
 - d) Generally, the facility should be provided for the benefit of people living in the City.
 - e) The Authority has generally agreed not to allow any relief where in its opinion the body can support itself financially without the need for assistance from the Council in the form of discretionary rate relief.

6. Sports clubs

- 1.2. The following additional criteria apply specifically for sports clubs:
- a) More than 50% of the members should be active playing members.
 - b) Generally, no relief should be allowed where a public admission fee is charged unless there are exceptional circumstances.
 - c) Sympathetic consideration to be given to minority sports and where facilities are not provided by the Council.
 - d) For those sports clubs that operate a bar, relief should not generally exceed 50% unless there are exceptional circumstances.
 - e) Sympathetic consideration to be given to those organisations that are affiliated to local or national organisations with a view to developing their own interests and promoting Wolverhampton as a national or international venue.

7. Recalculation of reliefs

- 1.3. The amount of discretionary charitable relief will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value, or the organisation moves out.

8. Other reliefs

- 1.4. Discretionary charitable relief will be calculated after the application of all other reliefs.

9. Duration of awards

- 1.5. Relief will be applied from 1 April 2018 for the 2018-2019 financial year only.
- 1.6. A revised bill will be issued reflecting any relief granted.
- 1.7. If an organisation moves out of a property, the relief will be apportioned to the date of leaving.
- 1.8. Organisations are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

10. State aid

- 1.9. The State Aid rules regulate public sector intervention, with the aim of ensuring fair competition and the proper functioning of the single market.
- 1.10. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the De Minimis level. For most organisations, this is currently equivalent to €200,000 within a three-year period.

11. Review process

- 1.11. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 1.12. The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 1.13. A request for review must be made within one calendar month of the date of the decision letter.
- 1.14. Reviews will be considered by an officer independent of the original decision maker.
- 1.15. The applicant will be notified of the outcome of the review in writing.
- 1.16. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of a Judicial Review.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 27 February 2018
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Report title	Special Provision Capital Fund	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Claire Darke Education	
Corporate Plan priority	People - Stronger Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	(All Wards);	
Accountable Director	Meredith Teasdale, Director of Education	
Originating service	Education	
Accountable employee	Adrian Leach	Head of SEND
	Tel	01902 553927
	Email	adrian.leach@wolverhampton.gov.uk
Report to be/has been considered by	Education Leadership Team	5 February 2018

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Endorse the acceptance of a grant of £1,158,571 over three years from the Department of Education in relation to the Special Provision Capital Fund.
2. Endorse the development of the planned investment of the Special Provision Capital Fund, in line with the guiding principles set out in the report.
3. Delegate authority to the Cabinet Member for Education, in consultation with the Director of Education, for decisions relating to the future investment of the Special Provision Capital Fund.

1.0 Purpose

- 1.1 This paper introduces the Special Provision Capital Fund and identifies the principles intended to guide the future investment of the capital resource.
- 1.2 The paper seeks approval to delegate authority to the Cabinet Member for Education, in consultation with the Director of Education, for decisions relating to the future investment of the Special Provision Capital Fund.

2.0 Background

- 2.1 Local authorities must ensure that there are sufficient good school places for all pupils, including those with Special Educational Needs and Disabilities (SEND).
- 2.2 The Children and Families Act 2014 requires local authorities to keep provision for children and young people with SEND under review (including its sufficiency).
- 2.3 In January 2017, there were 1,175 students with a statement or education, health and care plan attending schools in Wolverhampton, or 2.6% of the number of students on roll (Department for Education, 2017).
- 2.4 In recent years the proportion of students attending schools in Wolverhampton with a statement or education, health and care plan has decreased from 3.4% in January 2014 to 2.6% in January 2017 (Department for Education, 2017).
- 2.5 Data provided by schools suggests that in January 2017, the most prevalent recorded primary needs of students with a statement or education, health and care plan in schools in Wolverhampton were Moderate Learning Difficulties (21.9%), Severe Learning Difficulties (18.6%) and Autism Spectrum Disorder (13.7%) (School Census, 2017).
- 2.6 The 2016 Joint Strategic Needs Assessment (JSNA)'s Topic Specific Report into Children and Young People with Special Educational Needs and Disability (SEND) in Wolverhampton predicted an increase in the 0 - 24 year old population, particularly those in the age group 10 - 24 year olds, an increase in: specific learning difficulty, visual impairment, and language and communication needs in secondary schools, an increased rate of autism and increasing complexity of need, including mental health (CWC JSNA, 2016)
- 2.7 To inform the development of the special school estate in Wolverhampton the Council commissioned an external partner (1st Planner) to undertake a sufficiency assessment of the school estate in June 2016. This review has been completed and the findings will support decisions regarding future investment and development of the estate.

3.0 Special Provision Capital Fund

- 3.1 Central Government has committed £215 million of capital funding to help local authorities create new school places and improve existing facilities for children and young people with SEND.

- 3.2 Wolverhampton has been allocated £386,190 a year for the next three years (2018-2019, 2019-2020, 2020-2021); a total of £1,158,571. Individual authorities' allocations are informed by projected population growth and weighted by location factors.
- 3.3 The Department for Education's (DfE) guidance explains that the fund is to, "...invest in provision for Children and young people with SEN and disabilities aged 0-25 to improve the quality and range of provision available to the local authority. It is intended for the children and young people with education, health and care plans for whom the local authority is responsible." (DfE 2017)
- 3.4 The funding can be invested in either creating new places at good or outstanding provision, improving facilities or developing new facilities. It can be invested in a wide range of provision types including; mainstream schools and colleges, special units or resourced provision, special schools, Pupil Referral Units, nursery or early years providers.
- 3.5 There are restrictions on the use of the funding cited in the aforementioned DfE guidance. The funding is not intended for; higher education, provision for those aged 25 and over, the expansion of provision for pupils who do not have education, health and care plans, reasonable adjustments that schools are required to fund as part of the accessibility requirements, revenue expenditure (e.g. furniture), individual mobility equipment nor maintenance work.
- 3.6 Prior to receiving the funding (first tranche anticipated in summer 2018), the City of Wolverhampton Council needs to; publish plans on the Local Offer, consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities and work with education providers to agree how the capital can best be targeted.

4.0 Guiding Principles

- 4.1 Aligned to the aims identified within Wolverhampton's Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020 which was approved by Cabinet in February 2016, the identification and development of proposed schemes would be guided by the following principles.
- 4.2 Planned investment must:
- A. Be informed by robust evidence.
 - B. Be subject to broad and genuine consultation with children, families and providers.
 - C. Support the development of a strong graduated response.
 - D. Develop local provision.
- 4.3 Given the need to advance the identification of proposed investment priorities and undertake appropriate consultation to secure funding allocated through the Special Provision Capital Fund, it is recommended that Cabinet Resources Panel delegate authority to the Cabinet Member for Education, in consultation with the Director of

Education, for decisions relating to the future investment of the Special Provision Capital Fund.

4.4 To support the development of appropriate and robust priorities for investment, the following activities will be undertaken:

- Identification of priorities informed by a Needs Analysis, Provision GAP Analysis and the Special School Estate Sufficiency Assessment.
- Publication of proposed investment(s) on Wolverhampton's Local Offer website.
- Consultation with key stakeholders including children and young people, parents and carers, partner organisations, Ward Councillors and providers.

5.0 Evaluation of alternative options

5.1 The funding available through the Special Provision Capital Fund offers the opportunity to improve provision and support for children and young with SEND.

5.2 The proposed delegation of authority enables required activities to be undertaken in a timely fashion to secure funding allocated through the Special Provision Capital Fund. Whilst alternative decision-making functions could be employed, they may impair the Council's ability to fulfil the necessary requirements regarding publication and consultation.

5.3 The Council must fulfil the necessary requirements to secure the allocated funding.

6.0 Reasons for decision

6.1 The approval of this report's recommendations would maximise the opportunity for investment in provision for children and young people with SEND and support the realisation of the aims identified within Wolverhampton's Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020.

7.0 Financial implications

7.1 The Special Provision is a capital grant, that will be monitored through the Council's Capital Programme which is reported to cabinet members on a quarterly basis.

7.2 In order to secure the grant, the Department for Education (DfE) require that Local Authorities publish a short plan of how they intend to invest their allocation on their local offer web page, which is visible to parents, carers and other local groups. This will be monitored on an annual basis by the DfE, and updates are required to ensure continued grant allocations for the full three years.

Individual schemes are to be identified and the budget apportioned appropriately, with delegated approval, for inclusion in the Council's Capital Programme to enable robust financial monitoring – ensuring that the grant is being used for its intended purpose, and to ensure accurate reporting to cabinet members. [DB/12022018/Z]

8.0 Legal implications

- 8.1 Local authorities have a statutory duty to ensure that there is a school place available for every child. The Children and Families Act 2014 requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency), working with parents, young people, and providers. It is within this context that Cabinet (Resources) Panel must consider how best to use the capital allocation for Wolverhampton to support plans to meet local need.
[RB/08022018/D]

9.0 Equalities implications

- 9.1 The Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020 has previously been subject to equality analysis.
- 9.2 Individual investment proposals would be subject to appropriate equality impact assessments informed by consultation with parents, young people and providers.

10.0 Environmental implications

- 10.1 There are no environmental implications associated with this report.

11.0 Human resources implications

- 11.1 There are no human resource implications associated with this report.

12.0 Corporate Landlord implications

- 12.1 Corporate Landlord will work with the Director for Education where individual investment proposals impact on the buildings and environments, to support delivery and achievement of the SEND programme. This will include investigating options for investment and prioritisation of those investments.

13.0 Schedule of background papers

- DfE (August 2017) Special Provision Capital Fund Guidance
- JSNA (2016) Children and Young People with Special Educational Needs and Disability (SEND) in Wolverhampton
- Cabinet Resources Panel (7 June 2016) Procurement - award of contracts for works, goods and services
- Cabinet (24 February 2016) Joint Special Educational Needs and Disabilities Strategy

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 27 February 2018
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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	Kevin O'Keefe, Governance	
Originating service	Democratic Support	
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 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

Nil

2. People

Nil

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Strategic Director for City Housing	18 January 2018	Jenny Lewington 01902 554845
Title and summary of decision			
Wolverhampton Tenant Management Organisations Updated Modular Management Agreements			
Approved Wolverhampton Tenant Management Organisations updated modular management agreements, their schedules and instructed the Council's Authorised Officer to seal the documents on behalf of the Council.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director City Environment	26 January 2018	Nick Broomhall 01902 555723
Title and summary of decision			
Princess Street Bus Gate and Queen Street 7.5 Tonnes Weight Limit			
<ol style="list-style-type: none"> 1. Approved the proposed 24-hour bus gate Traffic Order Regulation (TRO) at Princess Street, with an exemption for cyclists, hackney carriages, private hire vehicles, buses, heavy goods vehicles 7.5 tonnes and above, loading/unloading on Princess Street, access to King Street for loading/unloading/off street premises, doctors, the national blood service and emergency service vehicles as shown on the plan. 2. Approved the proposed revocation of the existing "pedestrian zone" TRO relating to Princess Street. 3. Approved the proposed 7.5 tonnes weight limit to Queen Street as shown on the plan. 4. Authorised the Director of Governance to advertise the above TRO's under the Road Traffic Regulation Act 1984 and subject to there being no unresolved objections, to subsequently implement the orders. 			

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director City Environment	1 December 2017	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 to implement waiting restrictions to parts of Riches Street, Newbridge Street and Sweetman Street as shown on plan T4/3716 appended to the report. 2. Approved the recommended action to implement waiting and loading restrictions to parts of Berry Street, Garrick Street, Market Street, Queen Street, Princess Street as shown on plan T3/905A appended to the report. 3. Approved the recommended action to implement waiting and loading restrictions to parts of Wulfruna Street as shown on plan T4/3712D appended to the report. 4. Approved the recommended action to implement waiting and loading restrictions to parts of Eastfield Road, Eastfield Grove, Colliery Road, Willenhall Road, Lower Horseley Fields, Griffen Street as shown on plan T3/858C appended to the report. 5. Approved the recommended action to implement waiting and loading restrictions to parts of Regis Road, Fieldhead Place, Hinckes Road, Woodhouse Road North as shown on plan T3/920B appended to the report. 6. Approved the recommended action to implement waiting and loading restrictions to parts of St Albans Close, Ecclestone Road as shown on plan T4/3830A appended to the report. 7. Approved the recommended action to implement waiting and loading restrictions to parts of Ryan Avenue and Whiston Avenue as shown on plan T4/3717A appended to this report. 8. Approved the recommended action to implement waiting and loading restrictions to parts of Upper Villiers Street, Goldthorn Hill and Elizabeth Avenue as shown on plan T4/3824B appended to this report. 9. Approved the recommended action to implement waiting and loading restrictions to parts of Mill Street, Wolverhampton Street, Jenkins Close and Shale Street as shown on plan T3/956 appended to the report. 10. Approved the recommended action to implement waiting restrictions to parts of Barnard Road and Griffith Drive as shown on plan T4/3831A appended to the report. 11. Approved the recommended action to implement waiting restrictions to parts of Ashley Street, James Street and Mount Pleasant as shown on plan T4/3852 appended to the report. 12. Approved the recommended action to implement waiting restrictions to parts of Dudley Street and Himley Close as shown on plan T4/3804A appended to the report. 			

13. Approved the recommended action to implement 7.5 tonnes weight restriction to parts of Lichfield Road, Taylor Street, Duke Street, Pinfold Gardens, Halecroft Avenue, High Street, Neachells Lane, Portchester Drive and Pickering Road as shown on plan T3/946 appended to the report.
14. Approved the proposed revocation (in part) of existing TROs (Traffic Regulation Orders) in Riches Street, Berry Street, Garrick Street, Market Street, Queen Street, Princess Street, Wulfruna Street, Mill Street, Wolverhampton Street, Shale Street, Regis Road, Fieldhead Place, Hinckes Road, Upper Villiers Street, Goldthorn Hill and Ryan Avenue where necessary to allow the implementation of the new TROs.

Part 2 – Exempt Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Milkinder Jaspal	Director of Governance	30 November 2017	Joanne Mason 01902 552967
Title and summary of decision			
<p>Car Cruising Injunction Renewal Authorisation to Issue Proceedings Authorised the commencement of legal proceedings in the High Court of Justice namely an application to the High Court inviting the Court to vary (extend) the Black Country Car Cruising Injunction – Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, and Walsall Metropolitan Borough Council v Persons Unknown (Claim no: A90BM228) (granted 01 December 2014, effective from 02 February 2015 and expires 01 February 2018) for a further three years until 23:59 hours on 31 January 2021.</p>			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Andrew Johnson	Director of Finance	14 February 2018	Jayne Goddard-Mills 01902 554567
Title and summary of decision			
<p>Leasehold Property Insurance Awarded the contract for Leasehold Property Insurance for a duration of five years from 3 April 2018 to 31 March 2023 to Protector Insurance of Manchester at a total contract value of £1,090,006.</p>			

2. People

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Sandra Samuels OBE	Director of Adults	31 January 2018	Sarah Smith 01902 555318
Title and summary of decision			
Award PP17153 – Dementia Community Support Service Awarded the contract for Dementia Community Support Service to the Alzheimer's Society of Tipton for a duration of three years from 1 April 2018 to 31 March 2021 for a total contract value of £218,685.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Val Gibson	Strategic Director for People	21 November 2017	Kevin Pace 01902 556817
Title and summary of decision			
HeadStart – Place to Go/ Work with Parents/ News Hounds Awarded the contracts for:			
<ol style="list-style-type: none"> HeadStart (Lots 1 and 5) to Bushbury Hill Estate Management Board of 14 Kempthorne avenue, Wolverhampton, WV10 9JG for a duration of 13 months from 1 December 2017 to 4 January 2019 for a total contract value of £367,955. HeadStart (Lots 3, 7 and 9) to Gazebo Theatre in Education Company Ltd of Bilston Town Hall, Church Street, Bilston, WV14 0AP for a duration of 13 months from 1 December 2017 to 4 January 2019 for a total contract value of £ 376,710. HeadStart (Lots 2, 4, 6, and 8) to YMCA Black Country Group of 38 Carters Green, West Bromwich, B70 9LG for a duration of 13 months from 1 December 2017 to 4 January 2019 for a total contract value of £671,320. 			

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Head of Corporate Landlord	16 and 30 January and 15 February 2018	Julia Nock 01902 550316
Title and summary of decision			
Land and Property Transactions Approved the completion of the following land and property transactions and their terms:			
Leases, Easements, Notices, Surrenders and other Deeds:			
<ol style="list-style-type: none"> New lease of Units 4-6 Racecourse Industrial Estate Wayleave agreement Barnhurst Lane, Wolverhampton 			

Disposals:

- a. Land and electricity sub-station exchange, Hampton Road, Oxley
- b. Land at Shaw Road, Springvale
- c. The Croft Resource Centre, Bilston
- d. Garage site at Hurst Road, Springvale
- e. Garage site at Hall Green Street, Bradley
- f. Land adjoining 103 Sweetman Street, Whitmore Reans
- g. Garage site and land at Wrekin Drive, Merridale

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Head of Corporate Landlord	16 January 2018	Julia Nock 01902 550316

Title and summary of decision

Corporate Asset Management Fund - Approval of Schemes 2017/2018

Approved the updated programme of works to assets within the Council's diverse property and land portfolio listed in Table 1 to the report including 19 new projects to be funded from the Corporate Asset Management Fund.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Director of Finance	16 January 2018	Karen James 01902 551414

Title and summary of decision

Former site of Ettingshall Primary – Lease to NHS

1. Agreed to accept the surrender of the lease previously granted to the NHS for land known as the former site of Ettingshall Primary School at Park Hall Street and Herbert Street, Ettingshall.
2. Agreed to the Heads of Terms for the lease of the land at Herbert Street only to the NHS for the continuing provision of a medical centre.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson and Councillor Andrew Johnson	Managing Director and Director of Finance	18 January 2018	Michelle Howell 01902 553197

Title and summary of decision

Loan to WV Living

1. Approved the terms of loans to WV Living, including a return on investment chargeable quarterly.
2. Approved the first loan to WV Living, to be issued in January 2016.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson and Councillor Andrew Johnson	Strategic Director for Housing	12 December 2017	Ruth Fletcher 01902 5500179
Title and summary of decision			
The City of Wolverhampton Housing Company Limited (trademark: WV Living) Changes to the Board Membership			
<ol style="list-style-type: none"> 1. Approved the removal of Lesley Roberts, Strategic Director for Housing, from the City of Wolverhampton Housing Company Limited's board of directors. 2. Approved the appointment of Kate Martin, Service Director of Housing, to the City of Wolverhampton Housing Company Limited's board of directors. 3. Approved the appointment of Kate Martin, Service Director of Housing as Company Secretary. 			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor John Reynolds	Strategy Director for Place, Director of Finance and Director of Governance	3 January 2018	Anita Pearce 01902 551262
Title and summary of decision			
City Learning Quarter – Acquisition of Properties			
Approved the purchase of 3-5 St George's Parade and 7 St George's Parade as part of the ongoing land assembly required to enable the City Learning Quarter.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor John Reynolds	Strategic Director Place	30 October 2017	Isobel Woods 01902 551848
Title and summary of decision			
Service Level Agreement between City of Wolverhampton Council and West Midlands Growth Company Limited			
Approved the Service Level Agreement between City of Wolverhampton Council and the West Midlands Growth Company with a proposed budget allocation of £270,000 in year one, and £300,000 in years two and three with an annual performance review, to the West Midlands Growth Company.			

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