

Attendance

Members of the Cabinet

Cllr Roger Lawrence (Chair)
Cllr Peter Bilson (Vice-Chair)
Cllr Steve Evans
Cllr Val Gibson
Cllr Louise Miles
Cllr Hazel Malcolm
Cllr Lynne Moran
Cllr Paul Sweet

Employees

Tim Johnson	Managing Director
Ged Lucas	Strategic Director of Place
Claire Nye	Director of Finance
Emma Bennett	Director of Children's Services
Meredith Teasdale	Director of Education
Richard Lawrence	Director of Regeneration
Ross Cook	Service Director of City Environment
Tracey Christie	Head of Legal Services
John Roseblade	Head of City Transport
Jaswinder Kaur	Democratic Services Manager
Philippa Salmon	Democratic Services Officer

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence
Apologies for absence were received from Councillors John Reynolds and Sandra Samuels OBE. |
| 2 | Declaration of interests
Councillor Val Gibson declared a non-pecuniary interest in Item 14 - Secondary School Expansion Programme 2019-2020 and Primary School Provision as a Governor of Ormiston NEW Academy. |
| 3 | Minutes of the previous meeting
That the minutes of the previous meeting held on 17 October 2018 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 **Treasury Management Activity Monitoring -Mid Year Review 2018-2019**

Councillor Louise Miles presented the Treasury Management Activity Monitoring - Mid Year Review 2018-2019 for recommendation to Council. The report provided a monitoring and progress report on treasury management activity for the second quarter of 2018-2019 as part of the mid-year review, in line with the Prudential Indicators approved by Council in March 2018.

Resolved:

That Cabinet recommends that Council notes:

1. That a mid-year review of the Treasury Management Strategy Statement has been undertaken and the Council has operated within the limits and requirements approved in March 2018.
2. That a revenue net overspend of £2.2 million for the General Fund and an underspend of £12,000 for the Housing Revenue Account (HRA) are forecast from treasury management activities in 2018-2019.
3. That the detailed guidance notes for the Code of Practice on Treasury Management and the Prudential Code have recently been published by CIPFA and are under review by the Director of Finance. Therefore, the Treasury Management Statements for 2018-2019 are still based on the Council's interpretation of these Codes.
4. The updated position on the revised guidance on Local Government Investments and Minimum Revenue Provision as detailed in paragraphs 2.6 and 2.7 of the report.
5. The position regarding the Money Market Fund reform which is effective from 21 January 2019 and will require an update to the Annual Investment Strategy for 2018-2019 as detailed in paragraph 5.11 of the report.

6 **Capital programme 2018-2019 to 2022-2023 quarter two review**

Councillor Louise Miles presented the Capital programme 2018-2019 to 2022-2023 quarter two review for approval and recommendation to Council. The report provided an update on the 2018-2019 financial performance of the General Fund and Housing Revenue Account capital programmes and the revised forecast for 2018-2019 to 2022-2023 as at quarter two of 2018-2019. The report also recommended revisions to the current approved General Fund capital programmes covering the period 2018-2019 to 2022-2023.

Resolved:

The Cabinet recommends that Council:

1. Approves the revised medium term General Fund capital programme of £338.9 million, an increase of £17.9 million from the previously approved programme.
 2. Approves the net additional General Fund resources of £17.9 million identified for;
 - i. New projects totalling £20.1 million (section 4 of the report);
 - ii. Existing projects net reduction totalling £2.2 million (section 3 of the report).
1. That the General Fund virements detailed at Appendix 4 to the report be approved for;

- i. Existing projects totalling £11.0 million;
 - ii. New projects totalling £767,000.
2. That the HRA virements totalling £4.5 million detailed at Appendix 4 to the report be approved for;
 - i. New project totalling £4.5 million.
 3. That it be noted that there are two projects requiring additional internal and external resources included in this report, but which are subject to a separate detailed project report also on this agenda. The inclusion of these projects is for budget approval purpose and is on the assumption that the approval to progress with the projects is given. As the progression is dependent on that decision, if the projects are not approved, the capital programme will be reduced accordingly. The names of the projects are:
 - Average Speed Enforcement - Wolverhampton
 - Average Speed Enforcement - Walsall, Sandwell and Dudley.

7 **Revenue Budget Monitoring 2018-2019**

Councillor Louise Miles presented the Revenue Budget Monitoring 2018 -2019 for approval. The report provided a projection of the likely revenue outturn position for the General Fund and Housing Revenue Accounts, compared with the Council's approved revenue budgets for 2018-2019. The report was the second report of the financial year detailing the likely outturn projection for 2018-2019.

Resolved:

1. That the use of £410,000 from the Highway Management Reserve to fund various works and schemes be approved as detailed at paragraph 7.5 of this report.
2. That the use of £75,000 from the Transformation Reserve to fund a Project Manager post for 16 months over 2018-2019 to 2019-2020 be approved as detailed at paragraph 7.6 of this report.
3. That the use of £140,000 from the Future Works Reserve to support Agresso System upgrade be approved as detailed at paragraph 7.7 of this report.
4. That the use of £1.3 million from the Adult Social Care Reserve to support cost pressures across the service be approved as detailed at paragraph 7.8 of this report.
5. That the use of an additional £50,000 from the Budget Contingency Reserve to fund the academy conversion deficit be approved as detailed at paragraph 9.8 of this report.
6. That 12 virements totalling £1.6 million, for transfers within directorates, be approved as detailed in Appendix 7 to this report.
7. That the write off of three Non-Domestic Rates (NDR) debts totalling £27,606.41 be approved as detailed in Appendix 8 to this report.
8. That the write off of 5 sundry debts totalling £164,051.54 be approved as detailed in Appendix 9 to this report.
9. That it be noted that the overall projected outturn for the General Fund for 2018-2019 is forecast to be an overspend in the region of £1.7 million.
10. That it be noted that at this stage in the financial year it is difficult to forecast redundancy costs. However, based on recent years it is anticipated that the cost of redundancies can be met from reserves.
11. That it be noted that 693 council tax accounts totalling £307,511.55, as detailed in paragraph 10.5 of this report, have been approved by for write off by the Director of Finance in accordance with the Council's Financial Procedure Rules.

12. That it be noted that 119 Non-Domestic Rates (NDR) debts totalling £680,774.76, as detailed in paragraph 10.6 of this report, have been approved by for write off by the Director of Finance in accordance with the Council's Financial Procedure Rules.
13. That it be noted that 94 sundry debt accounts totalling £74,497.79, as detailed in paragraph 10.3 of this report, have been approved by for write off by the Director of Finance in accordance with the Council's Financial Procedure Rules.
14. That it be noted that 39 housing benefit overpayments totalling £7,778.36, as detailed in paragraph 10.10 of this report, have been approved for write off by the Director of Finance in accordance with the Council's Financial Procedure Rules.
15. That it be noted that five debts relating to Business Improvement District (BID) totalling £513.70, as detailed in paragraph 10.7 of this report, have been approved for write off by the Director of Finance in accordance with the Council's Financial Procedure Rules.
16. That it be noted that a £15.5 million surplus on the Housing Revenue Account (HRA) is projected compared with a budgeted surplus of £15.2 million as shown at Table 9 and in detail at Appendix 6 to this report. The projected increased surplus of £261,000 will be used to redeem debt in line with the HRA Business Plan.

8 **Average Speed Enforcement Across the Black Country**

Councillor Steve Evans presented the Average Speed Enforcement across the Black Country report for approval. The approved proposal detailed the development and introduction of an Average Speed Enforcement system in partnership with Dudley MBC, Sandwell MBC, Walsall MBC, West Midlands Combined Authority, West Midlands Police and Police and Crime Commissioner, for the financial year 2018-2019 and future years.

Resolved:

1. That authority be delegated to the Cabinet Member for City Environment, in consultation with the Service Director of City Environment, to approve the implementation of the Average Speed Enforcement system and phased roll out across Wolverhampton.
2. That authority be delegated to the Head of City Transportation to lead the development and implementation of the Average Speed Enforcement system on behalf of the Black Country authorities Dudley MBC, Sandwell MBC and Walsall MBC including the design, procurement, advertising and any consultation required to introduce the system.
3. That authority be delegated to the Head of City Transportation to lead the negotiations with West Midlands Police to develop and implement a collaboration agreement covering the management and operation of the Average Speed Enforcement system on behalf of the Black Country authorities.
4. That authority be delegated to the Director of Governance to enter into collaboration agreements with the other Black Country authorities, West Midlands Combined Authority, West Midlands Police and the Police and Crime Commissioner to implement, manage and operate the Average Speed Enforcement System.
5. That it be noted that the capital costs included in this report have been incorporated into the 'Capital programme 2018-2019 to 2022-2023 quarter two review' report which is also on this agenda and will subsequently be reported to

Full Council for approval on the 5 December 2018, assuming that Cabinet approval to progress with the project is given. As the progression is dependent on that decision, if the project is not approved, the capital programme will be reduced accordingly.

9 **Roadworks Permitting**

Councillor Steve Evans presented the Roadworks Permitting report for approval. The introduction of permit schemes across the West Midlands Combined Authority area would ensure better co-ordination of all works, and closer monitoring of those who were responsible for installing and maintaining highways' and utilities' infrastructure, and their contractors. The system was designed to be self-financing and the costs and benefits of the scheme and level of fees would be reviewed on a regular basis.

Resolved:

1. That authority be delegated to the Head of City Transportation to lead the development and implementation of the Highway Permit Scheme including any consultation required.
2. That, subject to there being no significant objections or substantial changes, authority be delegated to the Cabinet Member for City Environment, in consultation with the Service Director for City Environment, to:
 - a. Approve the detailed plans and undertake Statutory Consultation on the proposed permit scheme
 - b. Consider objections, determine the final scheme and notify any objectors of the decision.
 - c. Approve and publish the final permit scheme.
 - d. Sign off the implementation of the final scheme and complete any statutory processes.
3. That authority be delegated to the Cabinet Member for City Environment, in consultation with the Service Director for City Environment, to approve the introduction of a Highway Permit Scheme for Wolverhampton.
4. That authority be delegated to the Cabinet Member for City Environment and the Cabinet Member for Resources, in consultation with the Strategic Director for Place and Director of Finance, to approve any budgets to deliver this scheme and set and implement charges for a finalised permitting scheme.
5. That it be noted that associated with the permitting scheme is a fundamental in-house review of the National Street Gazetteer. It is proposed to consult on any significant changes simultaneously so that the new permitting scheme can be implemented using the most accurate street data available.

10 **Establishing the Regional Adoption Agency (Adoption@Heart) as a hosted model in the City of Wolverhampton Council**

Councillor Paul Sweet presented the Establishing the Regional Adoption Agency (Adoption@Heart) as a hosted model in the City of Wolverhampton Council report for approval. The new Regional Adoption Agency would combine the adoption services for the local authority areas of Dudley Metropolitan Borough Council (MBC), Sandwell MBC, Walsall MBC and City of Wolverhampton Council. All local authorities were expected to deliver their adoption services through a Regional Adoption Agency by 2020. Funding had been secured from the Department for Education to cover the costs of setting up the new agency.

Resolved:

1. That the establishment of the Regional Adoption Agency be approved.
2. That City of Wolverhampton Council's acceptance that the approval of adopters is a function that will be delegated to the Regional Adoption Agency be approved.
3. That the revised service design, structure and governance of the Regional Adoption Agency as a 'hosted' model be approved.
4. That City of Wolverhampton Council be approved as the host authority for the Regional Adoption Agency and that the TUPE transfer of employees into City of Wolverhampton Council to work within the Regional Adoption Agency be approved.
5. That the revised proposed financial model and funding contributions from the four Councils be approved.
6. That the establishment of a Lead Members Regional Adoption Agency Board to enable Lead Members from the four Councils to collectively execute their responsibilities in respect of monitoring outcomes for children in care be approved.
7. That authority be delegated to the Cabinet Member for Resources and the Cabinet Member for Children and Young People, in consultation with the Director of Finance and the Director for Children's Services, to approve the funding agreement.

11

Prescribed Alterations to Specialist Educational Provision

Councillor Lynne Moran presented the Prescribed Alterations to Specialist Educational Provision report for approval. The report detailed the outcomes of pre-publication consultation and representation on the proposed prescribed alterations to specialist educational provision at Penn Hall School, Tettenhall Wood School and Warstones Primary School, and sought approval to permanently implement the proposed prescribed alterations.

Resolved:

1. That, in accordance with statutory guidance, the outcomes of Prepublication Consultation and Representation in relation to the proposed prescribed alterations to Penn Hall School, Tettenhall Wood School and Warstones Primary School be formally considered.
2. That the proposed prescribed alterations to Penn Hall School be approved.
3. That the proposed prescribed alterations to Tettenhall Wood School be approved.
4. That the proposed prescribed alteration to Warstones Primary School be approved.
5. That it be noted that the two prescribed alterations to Penn Hall School are classified as related proposals which are interdependent and cannot be considered in isolation of one another.
6. That it be noted that the two prescribed alterations to Tettenhall Wood School are classified as related proposals which are interdependent and cannot be considered in isolation of one another.
7. That it be noted that the capital costs included in this report have been incorporated into the 'Capital programme 2018-2019 to 2022-2023 quarter two review' report which is also on this agenda and will subsequently be reported to Full Council for approval on 5 December 2018, assuming that Cabinet approval to

progress with the project is given. As the progression is dependent on that decision, if the project is not approved, the capital programme will be reduced accordingly.

12 **Exclusion of press and public**

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 relating to the financial or business affairs of any particular person (including the authority holding that information).

13 **Appropriation of Land at Railway Street for Planning Purposes**

In the absence of Councillor John Reynolds, Councillor Peter Bilson presented the Appropriation of Land at Railway Street for Planning Purposes report, that was exempt as it contained information relating to the financial or business affairs of any particular person (including the authority holding that information). The report was agreed subject to an amendment to the first recommendation.

Resolved:

1. That it be resolved with immediate effect to appropriate land known as Railway Street car park shown edged red on the Plan at Appendix 1 to this report which is held by City of Wolverhampton Council as highway land having a temporary use as a public car park to Planning Purposes (for an office led commercial and office mixed use development with scope for ancillary retail, residential and leisure uses falling within Classes A2, A3, A4, A5 B1a, C3 and D2 of Town & Country Planning (Use Classes Order) 1987 (as amended) under Section 122 of the Local Government Act 1972 in connection with the proposed development, redevelopment or improvement of the City of Wolverhampton which is likely to contribute to the economic, social or environmental well-being of the City Council's area.
2. That it be noted that the appropriation of the car park is necessary and in the public interest to secure the benefits of redevelopment of the site.
3. That it be noted that appropriation of the site will enable the development to proceed without the risk of an injunction from adjoining landowners.
4. That it be noted that appropriation will limit the level of compensation payments to the value of the diminution in value of affected properties.
5. That it be noted that at its meeting on 20 February 2018, Cabinet declared the Council's land holding at Railway Street car park surplus to requirement.
6. That it be noted that the parcel of land in question is one of numerous development sites outlined in the Interchange Master Development Agreement (2006) and subsequent amendments. The MDA places obligations on Neptune Developments Limited (now ION) to develop these sites.
7. That it be noted that the parcel of land in question has been identified as a development site in the City Centre Area Action Plan, adopted September 2016.
8. That it be noted that Appropriation of the land for planning purposes under s.122 of the Local Government Act 1972 is one of the criteria required to be satisfied in order to engage s.203 of the Housing and Planning Act 2016.
9. That it be noted that when s203 of the 2016 Act is engaged s204 provides that compensation will be paid on a diminution in value basis. If the interests to be

overridden relate to private Rights to Light, damages may also be payable in lieu of an injunction.

14 **Secondary School Expansion Programme 2019-2020 and Primary School Provision**

Councillor Lynne Moran presented the Secondary School Expansion Programme 2019-2020 and Primary School Provision report for approval, that was exempt as it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

Resolved:

1. That the formal proposal for schools to be included within the Secondary School Expansion Programme 2019-2020 be approved.
2. That permission be granted to enter into formal negotiations with Academy Trusts.
3. That it be agreed to receive further reports detailing the proposed works and the arrangements with various schools and academies and detailed cost plans before capital budgets are agreed.
4. That it be noted that, in addition to the proposed Secondary School Expansion Programme 2019-2020, projected levels of secondary demand suggest that further significant investment in additional school places may be required in the future to ensure that supply can meet demand. This may be over and above the approved capital programme.
5. That it be noted that the Secondary School Expansion Programme 2019-2020 involves both temporary and permanent solutions to meet short and medium-term demand. This approach has been taken to ensure that an oversupply of school places is not created. Future demand may be influenced as a consequence of the United Kingdom leaving the European Union, and through the establishment of free schools within the City.
6. That it be noted that the funding strategies to support the Secondary School Expansion Programme 2019-2020 will be subject to approval through the appropriate governance mechanisms.
7. That it be noted that pupil forecasts for future primary cohorts show that further uplifts may be required in certain planning areas from 2020. The Local Authority is not proposing any primary expansion programmes at present; however, Cabinet are asked to note the proposal from the Education and Skills Funding Agency (ESFA) to open a primary free school in the City. The Secretary of State is the decision maker in relation to any applications to establish a Free School.
8. That it be noted that the Council is not in full control of all the factors relating to the effective and timely supply of school places. The Regional Schools Commissioner is responsible for determining if academies can expand.