



Minutes of the **ORDINARY MEETING** of the Council of the Walsall Metropolitan Borough held on **Thursday 22 February, 2024, at 6.00 p.m.** at the Council House, Walsall.

Present

Councillor C.D.D. Towe (Mayor) in the Chair

Councillors: G. Ali

A. Andrew

B. Bains

H. Bashir

M.A. Bird

C. Bott

P. Bott

R. Burley

S. Cheema

S.J. Cooper

S.K. Ditta

S. Elson

K. Ferguson

M. Follows

N. Gandham

A. Garcha

P. Gill

N. Gultasib

A. Harris

L. Harrison

A.J. Hicken

C. Horton

I. Hussain

K. Hussain

T. Jukes

R. Larden

N. Latham

E. Lee

R. Martin

R. K Mehmi

E. Morgan

K. Murphy

J. Murray

S. Nasreen

A.A. Nawaz

A. Nazir

K. Pedley

G Perry

L.J. Rattigan

S. Samra

K. Sears

G. Singh Sohal

P. Smith

C.A. Statham

M.A. Statham

A. Underhill

M. Ward

V.J. Waters

J. Whitehouse

R.V. Worrall

80. **Clearance of the public gallery**

In accordance with Part 4, paragraph 21.2 of the Council's Procedure Rules, the Mayor called for the clearance of the public gallery due a disturbance.

81. **Adjournment of the meeting**

In accordance with Part 4, paragraph 15.10 (f) the Mayor called for an adjournment which was duly agreed.

Resolved

That the meeting be adjourned to reconvene on a future date.

Meeting reconvened at 6.00 p.m. on Wednesday 28th February, 2024

82. **Apologies**

Apologies were received on behalf of Councillors B. Allen, G. Flint, F. Hassan, A. Hussain, S.B. Hussain, P. Kaur, A. Parkes, T. Wilson

83. **Minutes**

Resolved

That the minutes of the meeting held on 8th January, 2024 a copy having been sent to each member of the Council, be approved as a correct record subject to the following amends to committee seats:-

- Economy & Environment: Councillor Hicken to replace Councillor Cooper
- Scrutiny Overview: Councillor Waters to replace Councillor Bains.

84. **Declarations of interest**

There were no declarations of interest.

85. **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

There were no items in private session.

86. Mayor's announcements

Come Dine with the Mayor

The Mayor welcomed all members to attend his 'Come Dine with the Mayor' event taking place on Sunday 3rd March 2023 at 6.30pm and asked members to inform the Mayor's office if they would like to attend.

Item 12b Portfolio holder briefing – Wellbeing, Leisure, and Public Spaces

In the absence of Councillor Flint who had tendered his apologies, the Mayor sought the leave of Council to consider item 12b, Portfolio holder briefing – Wellbeing, Leisure, and Public Spaces to the April meeting, to which the Council consented.

87. Petitions

None submitted.

88. Petition for a safer Chester Road at the Junctions with Stonnall Village.

A report was submitted.

Mr Adrian Walters of the Stonnall Campaign About Roads (SCAR) presented the petition and thanked the Council for the opportunity to speak.

Mr Walters explained that SCAR was a road safety group with over 600 members and that the single largest topic amongst members were the dangerous junctions on the Chester Road, Main Street, Downes Gate, Lazy Hill Road and the junction of Gravelly Lane opposite Birch Lane.

He emphasised the dangers that motorists experienced and stated that that traffic moving on Chester Road was too fast to be able to pull onto the Chester Road or to cross it. Members of SCAR had noted that there was confusion over priority and frustration by drivers waiting too long to cross or turn into and out onto the Chester Road and their experiences had been collated into a report with both new and historical incidents.

Members had informed SCAR of the collisions they were involved in and witnessed and the loved ones who had been killed at the junctions. Residents living on the Chester Road, near the Gravelly Lane junction also reported on the difficulty they had entering and exiting their properties onto a 50mph road.

During SCAR's period of consultation. Alan Preston of Pelsall Cycling Club was tragically killed at the Lazy Hill junction in February last year. Mr Walters added there were three other fatal collisions at the same junctions in 2002, 2006, and 2014 in a six metre by six metre area. In 2018 there was another fatal collision in 2018, just a couple of hundred metres along the Chester Road. He believed

this to be the highest number of deaths on any road in Walsall during that period.

Mr Walters highlighted that the signatories did not all live in Stonnall, but included areas such as Birmingham, Bloxwich, Walsall, Aldridge, Pelsall, Lazy Hill and Walsall Wood.

In closing, Mr Walters emphasised that SCAR would welcome a reduction in speed limit on the Chester Road and for it to be enforced by fixed or average speed cameras. SCAR would also like consideration to the design of the junctions so the priority could be made clear when crossing the Chester Road or turning right in and out of the village.

Further to debate on the matter it was:

Resolved

That the petition be noted, and the report be submitted to Cabinet in March regarding West Midlands Local Transport Plan Settlement and Transport Capital Programme 2024/25.

89. Questions

(a) From the public: None

(b) From members of the Council:

Councillor Smith

Given the increasing media coverage on the subject of Artificial Intelligence (AI), can I ask the appropriate Portfolio holder to share with this Council and the public, information on:

- a) How AI is presently used by Walsall Council?
- b) What work has been/is being done by our Council's Political leadership and Senior Management as to the possible applications (opportunities and risks) of this type of technology to local Councils' decision-making processes and service provision and delivery in the future?
- c) What consideration is being given to the possible (maybe probable) impact of AI on the careers and jobs of the workforce, assuming that Councils like Walsall are allowed to exist for much longer, given Central Government's apparent determination to continue to starve them of funds?

Councillor Ferguson gave the following response:

The Council is currently using AI functionality through Microsoft's CoPilot technology, which is embedded in Office 365 Word, Excel, PowerPoint, Outlook and Teams. The AI built into these products gives users prompts, guidance, hints and improvements to grammar, layout and report writing.

Staff have already found this additional resource helpful and saves time. The next step is to introduce greater AI functionality through the full deployment of Microsoft AI Copilot licenses for key roles and tasks.

Artificial Intelligence will not replace human intervention, Copilot is designed to work alongside staff, simplifying repetitive tasks and speeding up processes to enhance productivity, improve job satisfaction, and value-added activities.

Business cases are being developed to justify further investment and benefits to introducing this technology. Opportunities include streamlining processes such as automating transcripts from voice to documents, automatic redaction of records to aid Freedom of Information and Data Subject Access Requests. As part of Smart Places work AI is being developed to analyse building use measuring footfall through council buildings.

This new technology is bringing changes to the way we work, and the council has developed an AI Standards Guide for staff and members. It is important that we consider the ethical impact of using AI on our customers and residents and this consideration will be an integral feature in the design and development of any solution.

AI is a tool that supports and does not replace our employees. Before publishing any AI-generated document, a member of staff will review it to ensure the accuracy and quality of the message.

AI is a complementary tool to enhance productivity, this will increase employee capacity, however increased capacity may in time allow for redistribution of resources to create greater value to Walsall's residents.

Councillor Cheema

Flytipping is currently blighting many of our wards, and in many cases, it is persistent with the same areas getting targeted time after time.

Can the appropriate portfolio holder inform me:

1. How many Fixed Penalty Notices (FPN's) have been issued in the last year?
2. How many FPN's have been paid to date and how much has been collected in the last year?
3. How many people have been taken to court for non-payment of environmental crime fines?

4. What are the operating costs of flytipping removal against the income generated from fines?

Councillor Perry gave the following response:

In terms of the action that we have taken in the last financial year 22 fly tipping Fixed Penalty Notices (FPNs) have been served, that is fly tipping of a larger scale. 609 litter based Fixed Penalty Notices (FPNs) have been served.

95% of fly tipping FPNs have been paid equating to £7400. The one remaining FPN is still within the time period allowed for payment. Of the litter FPNs we have received £49,195 in payments and because of the good percentage rate in collecting those Fixed Penalty Notices. There is one issue for us and that is vehicles with false or cloned plates and registered keepers who have moved address without notifying the DVLA and misidentification of the individual.

Because of the extremely high payment rate during 2023 no prosecutions have been taken to court, because of the high success rate in collecting the fines themselves. However, prior to 2023, a number of Fixed Penalty Notices relating to fly tipping had not been paid and were then taken to court and I will just run through some of those examples:

- 22 February 2023 Mr Michael Evans was prosecuted for fly-tipping and was issued with fines and costs of £455.80 and was made subject to a conditional discharge for 6 months. On 7 June 2023 he was prosecuted again for fly-tipping and was issued with fines and costs of £1097.30.
- 9 August 2023 Saifullah Khan of West Bromwich was prosecuted for fly-tipping and was issued with fines and costs of £2821.63.
- 25 October 2023, Mohammed Khan was prosecuted for fly-tipping and was issued with fines and costs of £928.
- 14 February 2024 Robert Andruskiewicz was prosecuted for fly tipping a fridge in Darlaston and received a Community Order for 12 months, 100 hours of unpaid work, Disqualified from driving for a period of 6 months, a fine of £100, victim surcharge of £95, and costs of £899 to Walsall Council.

The case of Robert Andruskiewicz was interesting because he had a reputation for repeat offences relating to fly tipping not just in Walsall but beyond and it was unusual for the Judge to list that many sanctions, but it was down to the hard work of our Legal Team to push that case as an example.

In terms of the twelve litter prosecutions that are outstanding, seven have now successfully been concluded and five are awaiting a court hearing. The seven successful cases that were concluded resulted in fines of £6357.78 which is around £900 per offender.

Moving on to the overall costs of fly tipping removal, we are spending currently £500,000 a year on removal costs associated with fly tipping. That has come down and before 2023 it was much higher, it was pushing towards £1,000,000. That has come down significantly and reduced the number of fly tipping cases by over 323, because of the proactive approaches that are being taken by the

Enforcement Team, including the investment that we promised in the last budget.

In terms of other enforcement activity relating to waste the following activity has taken place:

- 1 car seized for fly tipping offences in Dalkeith Street and the owners fined.
- 2 commercial vehicles previously seized were not claimed and were therefore crushed as an example of zero tolerance to fly tipping.
- £500 reward offered to anyone who could locate and identify a vehicle used for large scale tipping in Willenhall.
- 73 legal notices served on property owners requiring them to remove waste from their land. The rate of compliance for that is sitting currently at around 70%.

A key element in the fight against crime for the year ahead, the government has announced that we can increase the maximum level FPNs can be charged at for littering from £150 to £500 and fly tipping from £400 to £1000, and we will be doing that at the earliest opportunity.

In response Councillor Cheema, I looked at what £500,000 could pay for and I asked officers to come back to me, particularly focussing on my areas of responsibility. The £500,000 we have spent reducing other people's litter and fly tipping could have been spent on:

- 6500 pothole repairs
- Extending the garden waste collections by three months.
- 25 regular community classes across Walsall for English as a Second Language (ESOL)
- Quadrupling befriending services, book exchanges and warm spaces for isolated persons.
- LionHeart Challenges in every secondary school across Walsall around the safety of young people and positive activities programmes.
- Funding all the teachable moments in hospitals and in our communities to intervene with those involved in knife crime incidents for six years.
- 400 bleed kits and defibrillators in secure boxes across the Borough.
- Commissioned a perpetrator programme for those who commit domestic abuse, to prevent or reduce the number of incidents over several years.
- Building a new traveller site.

Councillor Cheema asked the following supplementary question:

You mentioned the increase in the fine limits set out by the government, I believe that the Council has had the opportunity to implement them from January this year. Has there been a delay as to why we have not implemented that yet. I know you have said that we will be doing that at some point in the future.

Councillor Perry gave the following response:

That is when the government said that we could do it, but you have to take it through an internal process which means a Cabinet report and a decision made by Cabinet which is in process.

Councillor Ward

I welcome the recent announcement that this council is to ban the release of balloons and sky lanterns which can have a devastating impact on animals and wildlife.

The noise fireworks create also causes issues for animals, wildlife and many residents.

The RSPCA say “Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run or hide from the noise”

The National Autistic Society say “For some autistic people, the unexpected nature of displays can cause anxiety and stress, and for those with sensory issues, fireworks can be very distressing.

With this in mind, Can the portfolio holder confirm if this council uses quieter or silent fireworks at its public displays, if not why not?

Councillor Bird gave the following response:

For the past few years, the Healthy Spaces Team has undertaken consultation after the bonfire events and one of the questions asked is:

“Considering the negative impact fireworks can have on some people and animals, what are your thoughts on quieter firework displays with no bangs or music?”

For the last two years, just over 60% of the population think that this is a good idea, however, in 2022 only 46% said they would attend, in 2023 this number has increased slightly to 52%.

For the council to continue to provide bonfire and firework events, these events must cover their costs. For the last two years a small surplus has been made, but in 2019 there was a significant loss – with weather having the most impact on attendance.

There is a risk to changing the offer, but this is reduced, the greater the percentage of people suggesting that they like the idea and that they would attend.

Having investigated the option, low noise fireworks are not currently mass produced so, like for like size-wise, they are significantly more expensive. The display would not be as impressive as there are no 'large shells' available (up about 100ft), with them being limited to 30 – 40ft. As they are not as impressive, we would need more of them in the display which again, increases the cost.

We have also considered the use of drones, however, they cannot fly in windy weather and again, to put enough in the sky to create shapes or an image would run to £50,000 plus.

An option we are currently researching is the use of lasers. If this option is affordable, initially we would probably offer the display alongside fireworks to reduce the risk.

Councillor Smith

Could the appropriate Portfolio holder give me, this Council and the public, the Council's most recent information & figures in relation to:

- a) Outstanding Council tax owed to Walsall Council,
- b) Outstanding Business Rates owed to Walsall Council.

Councillor Bird gave the following response:

For the years 2015 to 2022 there is £27.2m still outstanding in council tax. This equates to only 2.5% of the total £1b that was billed for that period.

For the same period there is £6m outstanding for business rates. This equates to just 1.1% of the £531m billed.

The council continues to work with those with outstanding charges to find the best way forward to collect as much of the remaining balance as possible.

For further information, there is £21.4m council tax and £6.1m business rates outstanding for this financial year with the majority of the amount covered by instalments that have not yet fallen due.

Of the £27.2m outstanding in council tax, £12.7m is subject to instalments or covered by attachment of earnings or deduction from benefit proceedings. £3m has been identified for write off mainly due to either bankruptcy or other insolvency proceedings and taxpayers absconding with no forwarding address found. £1m is currently with the council's enforcement agents.

Of the £6m outstanding in business rates, £1.4m is subject to instalments, £1.3 is with the council's enforcement agents and £1.8 has been identified for write off mainly due to either insolvency proceedings, companies being dissolved or the ratepayer leaving with no forwarding address.

Councillor Smith asked the following supplementary question:

Considering that a 1 percent increase in the council tax brings in about £800,000, it puts it in to perspective just what this outstanding amount is. Given that research has shown that in England and Scotland, probably in Wales and Northern Ireland too, low income and vulnerable households fall behind on their council tax bills at much higher rates than the rest of the population. Is there evidence to suggest that this is the case in Walsall and is it a case of they can't pay, or they won't pay.

Councillor Bird gave the following response:

Whilst I am not in possession of the answer to that question totally, what I would say is that it is self-evident to me, if you are on a low income and the council tax is there to be paid then effectively it may be bottom of your list if you are looking for food, heating, and lighting. I understand that, but sadly, the law is the law, we levy the council tax, and we are duty bound to collect it. If we don't pursue all people, no matter what level their income may be, then would it not be seen to be an unfair system. As far as I am concerned, I remember the poll tax and that was a fairer system where everybody paid and although that system was vilified by some, fairness of everybody paying their fair share is perhaps something that should be revisited. As a result, I think the council tax however regressive it may be, effectively is the only way at this point in time that we can levy it.

One thing I would say and is something I am working on now; you will have seen around the Borough where small two-bedroom bungalows are being pulled down are being replaced by six and seven-bedroom houses. Unfortunately, the people who do that pay their council tax at the two-bedroom rate until the house is sold. I am now talking to HM Revenue and Customs to come down on all those people in those six and seven-bedroom properties, because they are the people we should be tackling and should be paying the higher rate of council tax and then perhaps we would not have to levy the levels we do if they paid their fair share.

Councillor Ward

In February 2021, cabinet approved the construction of a temporary transit traveller site in Pleck. Since the site has opened, could you confirm how many times bailiffs have been used for any unauthorised encampments and how much has this cost?

As the site in Pleck was envisaged as a "temporary site" can you confirm what work has been done to identify a more suitable, permanent transit site?

Councillor Perry gave the following response:

As you will be aware the transit site opened in June 2022 it has a three-year planning permission that is due to expire in June 2025. It has regularly been used since that time. The majority of the Travellers using the site have done so

responsibly and have found being on the site a positive experience. We have been commended for the work that we have done in delivering the transit site and our combined efforts to reduce the impact of unauthorised encampments (UEs) across Walsall. Again, that is credit to the legal team because the way they have pursued and operated differently outside of expectations has resulted in some of the success stories we have seen in reducing the impact of UEs, particularly Javed and his team.

Since the opening of the transit site in June 2022, bailiffs have been instructed to respond to UEs across Walsall on 52 occasions with actual court appearances to gain an eviction order only required on 21 occasions. That means that they have either taken up residency within the transit site or they have moved on outside of the Borough. Most of these evictions were during 2022 with a steep decline in 2023. We believe that is due to the work and decision that we made to engage our bailiff from the very earliest opportunity. The bailiff who works on behalf of the council and whose staff carry out such work nationwide is of the view that due to that proactive stance, we saw that decline in 2023 as the travelling community acknowledged that the local authority had a proactive and robust stance when it came to managing UEs.

As you will be aware we have to carry out the relevant welfare checks using the issue of a section 77 notice (Criminal Justice and Public Order Act 1994), court summons and beyond. Bailiff costs in that 19-month period was £54,873.20.

At the time of this response, the site has been used on 12 occasions with an average of three caravans per family group using the site. As you are aware in the last fortnight there has been an additional two uses of the transit site, one I have to say who conformed to the expectations and the others a bit more challenging. Occupants have paid a deposit of £250 per caravan along with rent of £125 per week and contract regarding code of conduct during their stay is also signed.

We have done no further work at this stage regarding an alternative provision beyond June 2025, simply because we exhausted all options in the last three years before we made the decision for the current site itself. However, the Walsall plan is designed for people to have their say on appropriate use of land, which of course one of the examples will be the use of land for a housing provision for travellers.

Councillor Ward asked the following supplementary question:

Having the transit site brings additional powers and the police can then use their powers to move unauthorised encampments on. Are the police working efficiently with us or are they not using those powers.

Councillor Perry gave the following response:

Yes, they are and I think there has probably been one occasion over the last twelve months where a transit site has not been moved on by the police, usually

because of the operation of using the bailiffs and our own officers they move on, but the police have been excellent.

90. **Recommendations of Personnel Committee**

a) Pay policy statement and living wage 2024/25

The report to Personnel Committee held on 22nd January, 2024 was submitted.

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved

That:

- 1) The Pay Policy Statement for 2024/2025 be approved; and
- 2) the continuation of the living wage as detailed in the Pay Policy (section 6.5) and section 4.2, (option a) of the report (appended) be approved.

b) Designation of Section 151 Officer

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved

That the designation of the statutory post of Section 151 Officer be changed permanently to the Director of Finance, Corporate Performance and Procurement.

91. **Corporate Budget Plan 2024/25 – 2027/28, incorporating the Capital Strategy and the Treasury Management and investment Strategy 2024/25**

The report to Cabinet held on 7th February, 2024 was submitted.

The Monitoring Officer informed Members that a recorded vote would be required on the budget recommendation and confirmed that he had granted a dispensation to all members in order that the matter could be debated and determined.

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

That the following be approved:

3.3.1 Revenue

- a) The financial envelope of resources for 2024/25 as set out in **Section B - Part 1** “The Revenue Corporate Budget Plan and Capital Programme”.
- b) A Walsall Council net council tax requirement for 2024/25 of £152.03m and a 2.99% increase in council tax, plus a further 2% increase for Adult Social Care precept (total council tax increase of 4.99%).
- c) That the recommendations of the S151 Officer in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves **be approved**, including the levels of central contingency and reserves and an opening general reserve of not less than £18.39m, as set out in the S151 Officer Section 25 statement in **Annex 11** of the Budget Plan.
- d) The final levies below for outside bodies:

LEVY	AMOUNT (£)
West Midlands Combined Authority Transport Levy	11,560,655
Environment Agency	87,443

- e) The following statutory determinations (references are to the Local Government Finance Act, 1992 as amended), and subject to any final changes arising from receipt of the final Fire and Rescue Authority precept, specific grant allocations and technical/legislative guidance:
 - I. **£777,287,884** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act.
 - II. **£625,255,460** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
 - III. **£152,032,424** being the amount, by which the aggregate at (e) (I) above exceeds the aggregate at (e) (II), calculated by the council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year.
 - IV. **£2,084.56** being the amount at (e) (III) above, divided by the council tax base of 72,932.78, calculated by the council in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (average council tax at band D).
 - V. Valuation bands

Being amounts given by multiplying the amount at (e) (IV) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Act 1992, is applicable to dwellings listed in valuation band D, calculated by the council in accordance with Section 30 and 36 of the Act as the amounts to be taken into account for the year in respect

of categories of dwelling listed in different valuation bands.

A	B	C	D
1,389.70	1,621.32	1,852.94	2,084.56
E	F	G	H
2,547.79	3,011.02	3,474.26	4,169.11

- f) The final Police and Crime Commissioner precept and draft Fire and Rescue Authority precept, issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwelling shown below. The final Fire and Rescue Authority precept will be substituted on the night of Council if the draft figures change to those shown below.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	143.70	167.65	191.60	215.55
	E	F	G	H
	263.45	311.35	359.25	431.10
Fire & Rescue	A	B	C	D
	50.13	58.49	66.84	75.20
	E	F	G	H
	91.91	108.62	125.33	150.40

- g) That having calculated the aggregate in each case of the amounts at (e) (v) and (f) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2024/25 for each of the categories of dwellings shown below. Final figures may be substituted subject to receipt of the final Fire and Rescue Authority precept.

A	B	C	D
1,583.53	1,847.46	2,111.38	2,375.31
E	F	G	H
2,903.15	3,430.99	3,958.84	4,750.61

- h) That notice **be given** of the council tax within twenty one days of it being set by publishing details of the same in the “Express and Star” newspaper circulating in the Authority’s area.
- i) That the S151 Officer **be instructed** to take all necessary action in relation to council tax, community charge and national non-domestic rates, including, where appropriate, the signing of all documents, billing, the giving of notices and the taking of necessary steps to ensure collection thereof.
- j) That the S151 Officer **be given delegated authority** to make transfers to and from reserves in order to ensure that reserves are maintained as

necessary and in particular, adjusted when reserves are no longer required, or need to be replenished.

- k) That, pursuant to Section 52ZB and 52ZC of the Local Government Finance Act 1992, the relevant basic amount of council tax for the Council is not excessive in relation to determining whether a referendum is required.

3.3.2 Capital

- a) The allocation of capital expenditure plans as set out in **Section B - Part 1** “The Revenue Corporate Budget Plan and Capital Programme” and that the capital and leasing programme as set out in **Annex 9 be approved** bearing in mind the principle that unless affordable from within current resources, specific projects funded by borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published.
- b) That the S151 Officer be **given delegated authority** to determine how each source of finance is used to fund the overall capital programme and to alter the overall mix of financing as necessary, to maximise the flexibility of capital resources used and minimise the ongoing costs of borrowing to the council.
- c) That the S151 Officer, after consultation with the Leader (Portfolio Holder for Finance - Budget), be **given delegated authority** to release capital resources held back for any contingent items that may arise (earmarked capital receipts for essential or emergency spend), and also for any match funding requirements that may be required of the council in order to secure additional external capital funding (e.g. bids for government or other funding).
- d) The Capital and Investment Strategy set out in **Annex 8** of the Budget Plan **be approved**.
- e) The Flexible Use of Capital Receipts Strategy set out in **Annex 10** of the Budget Plan **be approved**.

3.3.3 Treasury Management

- a) **Section B – Part 2A** – The Treasury Management and Investment Strategy 2024/25 onwards, including the council’s borrowing requirement, borrowing limits, and the adoption of prudential indicators, **be approved**.
- b) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, **be delegated** to the S151 Officer.
- c) That decisions to use capital receipts or borrowing within the framework of approved prudential indicators **be delegated** to the S151 Officer.
- d) **Section B – Part 2B** – Treasury Management Policies, **be approved**.

The following Amendment was moved by Councillor Nawaz, and seconded by Councillor K. Hussain:-

My proposal is to amend the income budget for EE&C Directorate and Operational Saving OP34 in relation to burial fees by a total of £124k, as follows:

- 1) Reverse the 7% increase in burial fees – at a cost of approximately £111k of lost income;
- 2) Reverse the 2024 increase in ‘out of hours’ burial fees as set out below in table 1 – at a cost of approximately £9k of lost income; and remove the new ‘same day burial administration charge of £146;
- 3) Reverse the 2024 increase in block lined and board lined fees as set out below in table 2 – at a cost of approximately £4k of lost income.

The impact of this is set out in the Chief Finance Officer’s advice overleaf and I propose that the cost of this proposal is managed by the use of general reserves for 2024/25, with any ongoing financial impact being added into the medium term financial outlook (MTFO) for 2025/26.

Table 1: Out of Hours Fee

Fee	2023 Fee £	2024 Fee £	% increase
Weekday April – September:			
• Resident	199	388	95%
• Non-Resident	394	582	48%
Weekend, Bank Holiday, Council Holiday			
• Resident	394	582	48%
• Non-Resident	786	873	11%

Table 2: Block lined and Board lined Fees

Fee	2023 Fee £	2024 Fee £	% Increase
Block Lined	466	605	30%
Board Lined	160	235	47%

Impact on the 2024/25 Budget

There is no impact on the statutory determinations as income lost through this proposal will be funded from the use of reserves as an alternative income stream in 2024/25.

All sections of the resolution recommendations in sections 3.3.1, 3.3.2, 3.3.3 remain unchanged by this amendment, including council tax.

Chief Finance Officer's Advice

This proposed alternative budget is confirmed to have been discussed with the Chief Finance Officer (CFO).

The amendment as set out does not change the statutory determinations (gross expenditure and gross income), nor does it amend the council tax requirement, the level of council tax or the council tax bands from those proposed by Cabinet to Council.

The proposal includes removal of part of operational savings proposal OP34 and an amendment to the EE&C Directorate income budget for lost income. These changes are as set out in the table below. Whilst the net effect of these changes is zero, the proposal includes the use of alternative funding from one off sources, with the use of general reserves in 2024/25 of £124,257.

As the number of burials change from year to year, the estimated financial impact on the service has been calculated using an average of two years data.

Impact on	Description	Change £	Impact of Amendment on Statutory Determinations	
			Gross Expenditure	Gross Income
Saving OP34	Fees and charges – Active Living, Cemeteries	55,084	N/A	Reduction in income of £55,084
EE&C Cash limit	Reduction in the income budget for bereavement services.	69,173	N/A	Reduction in income of £69,173
General Reserves	Use of general reserves to fund the above	(124,257)	N/A	Increase in income of £124,257
	Total Changes	0	N/A	0

In relation to the proposals in this amendment, I can therefore advise as follows:

- 1) The implications for the statutory determinations

- Gross expenditure – no impact;
 - Gross income – a reduction in gross income of £124,257 from a reduction in saving OP34 of £55,084 and a reduction in budgeted income of £69,173 for bereavement services, offset by an increase in gross income of £124,257 from the use of reserves; a net zero change in gross income;
 - A net zero change overall to the council tax requirement.
- 2) Use of reserves – increase of £124,257: The current estimated closing level of general reserves as at 31 March 2024 is £18.702m. The recommended level of opening reserves for 1 April 2024 is £18.391m, a variance of £311k above that required, and which is currently planned to be transferred to earmarked reserves to manage financial risk going forward. After reviewing the budget risks, I can confirm that the use of general reserves to fund this £124,257 reduces the authorities' flexibility in meeting unknown financial pressures (the figure represents c0.7% of the total level of general reserves available), however the opening level of reserves will be in line with those recommended by the CFO/S151 Officer for 2024/25.
- 3) Additionally, reserves should only be used on one-off items of expenditure and this amendment provides for ongoing investment. As the funding is one-off, the ongoing financial impact of £124,257 would need to be factored into the next update of the MTFO for 2025/26 onwards.
- 4) The amendment would increase the cash limit for the Economy, Environment and Communities by £124,257 and increase the use of reserves by £124,257 for 2024/25 within Section B – Part 1 “The Revenue Corporate Budget Plan and Capital Programme”.

Summary Chief Finance Officer advice

The Council is required to set the budget for the forthcoming year, which is 2024/25. The amendment as set out represents a balanced budget for 2024/25, with a small reduction in the overall reserves available to manage unforeseen pressures and an additional pressure to balance for 2025/26. However, opening levels of general reserves would be in line with the CFO/S151 Officer's recommendations and the additional pressure for 2025/26 onwards could be built into next year's budget process.

On being put to the vote **the amendment** was declared **lost** the voting being recorded as follows:

For the amendment – 9 members	Against the amendment – 36 members	Abstained – 0 members
Cllr: G. Ali “ H. Bashir “ S.K. Ditta “ N. Gultasib “ I. Hussain “ K. Hussain “ S. Nasreen “ A.A. Nawaz “ P. Smith	Cllr: A. Andrew “ C. Bott “ P. Bott “ M.A. Bird “ R. Burley “ S. Cheema “ K. Ferguson “ M. Follows “ N. Gandham “ A. Garcha “ P. Gill “ A. Harris “ L.A. Harrison “ A. Hicken “ C. Horton “ T. Jukes “ N. Latham “ E. Lee “ R. Martin “ R. K Mehmi “ E. Morgan “ K. Murphy “ J. Murray “ K. Pedley “ G. Perry “ L.J. Rattigan “ S. Samra “ K. Sears “ G. Singh Sohal “ C.A. Statham “ M.A. Statham “ C.D.D. Towe “ M. Ward “ V.J. Waters “ J. Whitehouse “ R.V. Worrall	

There being no further amendments, the Mayor put **the substantive motion** to the vote which was declared **carried**, the voting being recorded as follows:

For the motion – 27 members	Against the motion – 18 members	Abstained – 0 members
Cllr: G. Ali “ A. Andrew “ M.A. Bird “ K. Ferguson “ M. Follows “ N. Gandham “ A. Garcha “ P. Gill “ A. Harris “ L.A. Harrison “ A.J. Hicken “ I. Hussain “ E. Lee “ R. Martin “ K. Murphy “ J. Murray “ K. Pedley “ G. Perry “ L.J. Rattigan “ S. Samra “ K. Sears “ G. Singh Sohal “ C.A. Statham “ M.A. Statham “ C.D.D. Towe “ V.J. Waters “ J. Whitehouse	Cllr: H. Bashir “ C. Bott “ P. Bott “ R. Burley “ S. Cheema “ S.K. Ditta “ C. Horton “ N. Gultasib “ K. Hussain “ T. Jukes “ N. Latham “ R. K Mehmi “ E. Morgan “ S. Nasreen “ A.A. Nawaz “ P. Smith “ M. Ward “ R.V. Worrall	

Resolved

3.3.1 Revenue

- The financial envelope of resources for 2024/25 as set out in **Section B - Part 1** “The Revenue Corporate Budget Plan and Capital Programme”.
- A Walsall Council net council tax requirement for 2024/25 of £152.03m and a 2.99% increase in council tax, plus a further 2% increase for Adult Social Care precept (total council tax increase of 4.99%).
- That the recommendations of the S151 Officer in respect of the robustness of the estimates made for the purposes of the budget calculations and the adequacy of reserves **be approved**, including the levels of central contingency and reserves and an opening general reserve of not less than

£18.39m, as set out in the S151 Officer Section 25 statement in **Annex 11** of the Budget Plan.

- d) The final levies below for outside bodies:

LEVY	AMOUNT (£)
West Midlands Combined Authority Transport Levy	11,560,655
Environment Agency	87,443

- e) The following statutory determinations (references are to the Local Government Finance Act, 1992 as amended), and subject to any final changes arising from receipt of the final Fire and Rescue Authority precept, specific grant allocations and technical/legislative guidance:

VI. **£777,287,884** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act.

VII. **£625,255,460** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.

VIII. **£152,032,424** being the amount, by which the aggregate at (e) (I) above exceeds the aggregate at (e) (II), calculated by the council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year.

IX. **£2,084.56** being the amount at (e) (III) above, divided by the council tax base of 72,932.78, calculated by the council in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (average council tax at band D).

X. Valuation bands

Being amounts given by multiplying the amount at (e) (IV) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Act 1992, is applicable to dwellings listed in valuation band D, calculated by the council in accordance with Section 30 and 36 of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

A	B	C	D
1,389.70	1,621.32	1,852.94	2,084.56
E	F	G	H
2,547.79	3,011.02	3,474.26	4,169.11

- h) The final Police and Crime Commissioner precept and draft Fire and Rescue Authority precept, issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwelling shown below. The final Fire and Rescue Authority precept will be substituted on the night of Council if the draft figures change to those shown

below.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	143.70	167.65	191.60	215.55
	E	F	G	H
Fire & Rescue	263.45	311.35	359.25	431.10
	A	B	C	D
	50.13	58.49	66.84	75.20
	E	F	G	H
	91.91	108.62	125.33	150.40

- i) That having calculated the aggregate in each case of the amounts at (e) (v) and (f) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2024/25 for each of the categories of dwellings shown below. Final figures may be substituted subject to receipt of the final Fire and Rescue Authority precept.

A	B	C	D
1,583.53	1,847.46	2,111.38	2,375.31
E	F	G	H
2,903.15	3,430.99	3,958.84	4,750.61

- h) That notice **be given** of the council tax within twenty one days of it being set by publishing details of the same in the “Express and Star” newspaper circulating in the Authority’s area.
- i) That the S151 Officer **be instructed** to take all necessary action in relation to council tax, community charge and national non-domestic rates, including, where appropriate, the signing of all documents, billing, the giving of notices and the taking of necessary steps to ensure collection thereof.
- j) That the S151 Officer **be given delegated authority** to make transfers to and from reserves in order to ensure that reserves are maintained as necessary and in particular, adjusted when reserves are no longer required, or need to be replenished.
- k) That, pursuant to Section 52ZB and 52ZC of the Local Government Finance Act 1992, the relevant basic amount of council tax for the Council is not excessive in relation to determining whether a referendum is required.

3.3.2 Capital

- a) The allocation of capital expenditure plans as set out in **Section B - Part 1** “The Revenue Corporate Budget Plan and Capital Programme” and that the capital and leasing programme as set out in **Annex 9 be approved** bearing in mind the principle that unless affordable from within current

resources, specific projects funded by borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published.

- b) That the S151 Officer be **given delegated authority** to determine how each source of finance is used to fund the overall capital programme and to alter the overall mix of financing as necessary, to maximise the flexibility of capital resources used and minimise the ongoing costs of borrowing to the council.
- c) That the S151 Officer, after consultation with the Leader (Portfolio Holder for Finance - Budget), be **given delegated authority** to release capital resources held back for any contingent items that may arise (earmarked capital receipts for essential or emergency spend), and also for any match funding requirements that may be required of the council in order to secure additional external capital funding (e.g. bids for government or other funding).
- d) The Capital and Investment Strategy set out in **Annex 8** of the Budget Plan **be approved**.
- f) The Flexible Use of Capital Receipts Strategy set out in **Annex 10** of the Budget Plan **be approved**.

3.3.3 Treasury Management

- e) **Section B – Part 2A** – The Treasury Management and Investment Strategy 2024/25 onwards, including the council's borrowing requirement, borrowing limits, and the adoption of prudential indicators, **be approved**.
- f) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, **be delegated** to the S151 Officer.
- g) That decisions to use capital receipts or borrowing within the framework of approved prudential indicators **be delegated** to the S151 Officer.
- h) **Section B – Part 2B** – Treasury Management Policies, **be approved**.

92. **Portfolio Holder Briefings**

Deputy Leader and Resilient Communities – Councillor Perry

Councillor Perry gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Perry

93. **Notice of Motion – Care leavers as a Protected Characteristic**

The following notice of motion was **moved** by Councillor Harrison on behalf of Councillor Elson who had tendered her apologies and seconded by Councillor Jukes.

The Independent Review of Children's Social Care headed by Josh McCallister published in May 2022 included a recommendation that:

“Government should make care experience a protected characteristic” and
“New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”

At its meeting held on 9th January, 2024, the Councils Corporate Parenting Board received a report noting that whilst this had not been enshrined in law, over 58 councils have since introduced care experience as a protected characteristic, recognising the disadvantages faced by those with care experience when it comes to health, education, housing, employment, and criminality amongst other inequalities.

Making care experience a protected characteristic would provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced people. It will make the UK the first country in the world to recognise care experienced people in this way, which should be fully supported.

Council recognises that:-

- Every elected member and employee of this Council is a corporate parent to the children and care leavers in our care.
- We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.
- That Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.

Council notes that:-

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
- Care experienced people may encounter inconsistent support in different geographical areas;

- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an Authority;
- All Corporate Parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;
- Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society;
- The Public Sector Equality Duty requires public bodies, such as Councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

Council requests that Cabinet receive a report to determine whether Care Experience should be a protected characteristic to include the following recommendations:-

- Recognise that care experienced people are a group who are likely to face discrimination.
- Recognise that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.
- Agree that future decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
- Agree that in the delivery of the Public Sector Equality Duty the Council will include care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
- Agree that this Council will treat care experience as if it were a Protected Characteristic.
- Formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
- Commit to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.

On being put to the vote, the motion was declared **carried** – the voting at the request of several members of the Council being recorded as follows:

For the motion – 42 members	Against the motion – 0 members	Abstained – 0 members
Cllr: G. Ali “ A. Andrew “ H. Bashir “ M.A. Bird “ C. Bott “ P. Bott “ R. Burley “ S. Cheema “ S.K. Ditta “ K. Ferguson “ M. Follows “ A. Garcha “ P. Gill “ N. Gultasib “ A. Harris “ L.A. Harrison “ A.J. Hicken “ C. Horton “ I. Hussain “ K. Hussain “ T. Jukes “ N. Latham “ E. Lee “ R. Martin “ R. K Mehmi “ E. Morgan “ K. Murphy “ J. Murray “ S. Nasreen “ A.A. Nawaz “ K. Pedley “ G. Perry “ L.J. Rattigan “ K. Sears “ G. Singh Sohal “ P. Smith “ C.A. Statham “ M.A. Statham “ C.D.D. Towe “ M. Ward “ V.J. Waters “ J. Whitehouse		

Resolved:

The Independent Review of Children's Social Care headed by Josh McCallister published in May 2022 included a recommendation that:

“Government should make care experience a protected characteristic” and “New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”

At its meeting held on 9th January, 2024, the Councils Corporate Parenting Board received a report noting that whilst this had not been enshrined in law, over 58 councils have since introduced care experience as a protected characteristic, recognising the disadvantages faced by those with care experience when it comes to health, education, housing, employment, and criminality amongst other inequalities.

Making care experience a protected characteristic would provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced people. It will make the UK the first country in the world to recognise care experienced people in this way, which should be fully supported.

Council recognises that:-

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- We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.
- That Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.

Council notes that:-

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
- Care experienced people may encounter inconsistent support in different geographical areas;
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an Authority;
- All Corporate Parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;

- Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society;
- The Public Sector Equality Duty requires public bodies, such as Councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

Council requests that Cabinet receive a report to determine whether Care Experience should be a protected characteristic to include the following recommendations:-

- Recognise that care experienced people are a group who are likely to face discrimination.
- Recognise that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.
- Agree that future decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
- Agree that in the delivery of the Public Sector Equality Duty the Council will include care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
- Agree that this Council will treat care experience as if it were a Protected Characteristic.
- Formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
- Commit to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.

94. **Notice of Motion – Funding arrangements**

The following notice of motion was **moved** by Councillor Smith and seconded by Councillor K. Hussain that:-

This Council has been faced with years of reductions, mainly from 2010/11, in Central Government funds that has resulted in the loss of many millions of pounds which in turn has resulted in increases in chargeable services, cuts to service provision across a range of services and Council tax rises year on year. In a nutshell, the local residents and taxpayers of Walsall seem forever to be paying more Council tax and charges for decreasing levels of service.

This seemingly never ending cycle of Council tax rises and cuts to services have been justified by both Conservative and Labour controlled Walsall Council in past recent years on the grounds that legally the Council must vote through a “balanced budget”, and hence faced with central government reductions in support, there is little room to do anything other than cut services, increase chargeable services and raise Council tax.

Despite the financial pressures councils, like Walsall have faced since 2010/11, this Council has met its statutory responsibility to balance its books annually. But this does not mean that service provision and sustainability have not suffered: Services have changed and are not sustainable in the long run.

Council spending is increasingly concentrated in fewer services and on fewer people. There are growing concerns over the quality and scale of service provision. There are, arguably, increasingly unsustainable workforce challenges and there is reduced spend on preventative services.

If this seemingly never ending cycle continues in the future, and there is no sign from either the Government or the Labour Opposition that it will not continue, then the sustainability of Councils like Walsall will be under severe threat, possibly existential threat.

Councils like Walsall are being increasingly stricken by shrinking resources and the costs of rising demand for adult social care, child protection, homelessness and special educational needs provision.

Council tax rises, particularly the adult care precept, have never been the solution to the long term pressures faced by Councils like Walsall. This is particularly the case for social care where increases in costs and demand, do not align with the capacity to raise Council tax. Increasing Council tax raises different amounts of money in different parts of the country, unrelated to need.

Given the above,

This Council resolves to write to the appropriate department/s of Central Government to inform them of:

- * The Council's grave concerns about the present funding arrangements and the threat to future sustainability.
- * This Council's view that the present funding system is broken.
- * The Council's view that there is a need for an urgent review of what councils do and how local services are paid for, including an overhaul of outdated and regressive council tax.

Resolved

That:

This Council has been faced with years of reductions, mainly from 2010/11, in Central Government funds that has resulted in the loss of many millions of pounds which in turn has resulted in increases in chargeable services, cuts to service provision across a range of services and Council tax rises year on year. In a nutshell, the local residents and taxpayers of Walsall seem forever to be paying more Council tax and charges for decreasing levels of service.

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Despite the financial pressures councils, like Walsall have faced since 2010/11, this Council has met its statutory responsibility to balance its books annually. But this does not mean that service provision and sustainability have not suffered: Services have changed and are not sustainable in the long run.

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Council tax rises, particularly the adult care precept, have never been the solution to the long term pressures faced by Councils like Walsall. This is particularly the case for social care where increases in costs and demand, do not align with the capacity to raise Council tax. Increasing Council tax raises different amounts of money in different parts of the country, unrelated to need.

Given the above,

This Council resolves to write to the appropriate department/s of Central Government to inform them of:

- * The Council’s grave concerns about the present funding arrangements and the threat to future sustainability.
- * This Council’s view that the present funding system is broken.
- * The Council’s view that there is a need for an urgent review of what councils do and how local services are paid for, including an overhaul of outdated and regressive council tax.

The meeting terminated at 8.40 p.m.

Mayor:

Date: