



Walsall Council

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **MONDAY the 17th day of April 2023 at 6.00 p.m.** at the Council House, Walsall.

Public access via: <https://aisapps.sonicfoundry.com/AuditelScheduler/CreateSchedules/Past/41>

Dated this 5th day of April, 2023

Yours sincerely,

Interim Chief Executive.

The business to be transacted is as follows:

1. To elect a person to preside if the Mayor and Deputy Mayor are not present.
2. Apologies.
3. To approve as a correct record and sign the minutes of the meeting of the Council held on 23rd February, 2023 - Copy Enclosed (**Pages 5 – 26**)
4. Declarations of interest.
5. **Local Government (Access to Information) Act, 1985 (as amended):**
To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Mayor's announcements.

7. To receive any petitions
8. To answer any questions in accordance with Council procedure rules:
 - (a) From the public: None

Mr. Rohim Uddin

The consultation on indicative changes to the National Planning Policy Framework closed on 2 March 2023. One proposed change is described as confirmation that the standard methodology is an advisory starting point for establishing a housing requirement. A footnote prioritises brownfield/under-utilised urban sites.

What is the view of Walsall Council of the effect of the proposed changes, together with the announcement in the recent budget of Central Government making money available to the region for regeneration of brownfield sites for affordable housing, upon formulating a local plan with focus on affordable housing on brownfield sites as opposed to executive homes on greenbelt sites?

- (b) From members of the Council: None

9. Scrutiny Annual Report - Copy Enclosed **(Pages 27 – 45)**
10. Corporate Parenting Board Annual Report – Copy Enclosed **(Pages 46 – 60)**
11. Standing Advisory Council for Religious Education - Constitution – Copy Enclosed **(Pages 61 – 78)**
12. To confirm the following recommendations of **Licensing and Safety Committee**: -

Gambling Act 2005 – Policy and statement of principles (Pages 79 – 142)

1. That members receive the revised Statement of Principles for the period 2023/26 and recommend it to full Council for approval and adoption; and
2. That members agree that the Licensing Service as part of its ongoing desire to protect the health of the communities of Walsall work with partners both internal and external to raise the profile of organisations, charities and services that can assist those who may suffer harm because of gambling.

(Note: Report dated 5th April, 2023 reproduced for this meeting)

13. To confirm the following recommendations of **Audit Committee:-**

Annual Audit Report (Pages 143 – 176)

1. That Audit Committee notes the Annual Audit Report (Appendix 1).
2. That the Committee notes that the report will be forwarded to full Council for their consideration and for noting.

(**Note:** Report dated 11th April, 2023 reproduced for this meeting)

14. **Portfolio holder briefing.** To receive a 5 minute presentation from the following portfolio:

- a. Customer – Councillor G. Ali (**Pages 177 – 182**)
- b. Clean and Green – Councillor Murphy (**Pages 183 – 185**)

(Note: A member of the Council may ask the portfolio holder any question and another associated question without notice upon each report. Questioning by members is limited to 10 minutes for each report presented.)

15. To consider the following motion, notice of which has been duly given by **Councillors Perry, Bird and Andrew.**

This Council recognises the importance of having defibrillators and bleed kits accessible, especially in public spaces, sports grounds and Government funded facilities.

This Council understands the role that it has in facilitating the delivery of new defibrillators and bleed kits across our Borough in collaboration with the voluntary and community sector, businesses and partner organisations.

This Council acknowledges the benefits of the rollout of defibrillators by the Government to all state-funded schools that currently don't have one, with over 20,000 expected to be delivered by the end of the academic year to 18,000 schools.

This Council commits to working with the local community to find suitable places to place defibrillators, acknowledging that they are most effective within 3 minutes of a person collapsing.

This Council, therefore, resolves to commission a report into the accessibility of defibrillators and bleed kits in Walsall and take any steps necessary to ensure that there is a defibrillator and bleed kit within a 3-minute radius of our local centres and high-streets including a campaign of improved public awareness of where these are and how to use them as well.

At this point the Council to consider the following item as charitable trustees *When the Council is acting in this capacity, Council procedure rules do not apply. A corporate trustee is a corporation which has been appointed to act as a trustee of the charity. Trustees should bear in mind that when they are dealing with the business of the charity, their overriding duty is to act in the best interests of that charity.*

16. **Annual report of Barr Beacon Trust Management Committee.** Report reproduced in the reports booklet for this meeting. **(Pages 186 – 189)**



Walsall Council

Minutes of the **ORDINARY MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 23rd February, 2023, at 6.00 p.m.** at the Council House, Walsall.

Present

Councillor R. Martin (Mayor) in the Chair

Councillor G. Ali

“ B. Allen
“ A. Andrew
“ B. Bains
“ H. Bashir
“ M.A. Bird
“ C. Bott
“ P. Bott
“ R. Burley
“ S. Cheema
“ S.J. Cooper
“ C. Creaney
“ S.K. Ditta
“ S. Elson
“ G. Flint
“ M. Follows
“ N. Gandham
“ A. Garcha
“ N. Gultasib
“ A. Harris
“ L.A. Harrison
“ A.J. Hicken
“ C. Horton
“ A. Hussain
“ I. Hussain
“ K. Hussain
“ S. Hussain

Councillor T. Jukes

“ P. Kaur
“ R. Larden
“ E. Lee
“ F. Mazhar
“ R. K Mehmi
“ 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
“ C.D.D. Towe
“ A. Underhill
“ V.J. Waters
“ J. Whitehouse
“ T.S. Wilson
“ R.V. Worrall

56. **Apologies**

Apologies were received on behalf of Councillors James, Rasab, Ferguson and Clarke.

57. **Minutes**

Resolved

That the minutes of the meeting held on 9th January, 2023, a copy having been sent to each member of the Council, be approved as a correct record.

58. **Declarations of interest**

There were no declarations of interest.

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

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

60. **Mayor's announcements**

The Mayor referred to the death of former Councillor Douglas-Maul, a member of Walsall Metropolitan Borough Council from 1979 to 2021 and Mayor of Walsall in 2000. The Mayor and Councillors Bird, Nawaz, Smith, Samra, Underhill, Pedley and Rattigan paid tribute to former Councillor Douglas-Maul, following which it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council have heard with deep regret of the death of former Councillor Douglas Maul, a member of Walsall Metropolitan Borough Council from 1979 to 2021 and Mayor of Walsall in 2000 and places on record their appreciation of his services to the borough over a period of many years and expresses its condolences to his family at this sad time.

61. **Petitions**

No petitions were submitted.

62. **Questions**

- (a) From the public: None
- (b) From members of the Council:

Councillor Simran Cheema:

On the 16th January 2023, the Wakes Ground Car Park in Willenhall saw yet another unauthorised encampment, impacting nearby local businesses and parents on the school run. Given that the cost of the Pleck transit site was in its thousands, more than what was anticipated, and was designed to relocate any such unauthorised encampments to the Pleck site -

1. Why are unauthorised encampments still occurring in the Borough
2. How many caravans have been booked on the transit site since its opening
3. How much revenue has been made against costs
4. Have we seen a statistical reduction in the number of unauthorised encampments since its opening?

Councillor Perry replied.

Councillor Cheema asked the following supplementary question:

I have concern that this transit site is the outcome of poor decision making because only last week, at the home of the transit site in Pleck, there was an unauthorised encampment right on their doorstep where they had 30 caravans an the Pleck site only accommodates 6. In Willenhall South we had about 15 caravans but the question is

The Express and Star previously quoted the Leader dubbed the transit site as a success, to me its not because it doesn't accommodate enough. If you deem it a success, what would deem to be a failure. Also, how much is it costing the taxpayers of Walsall for the utilisation of bailiffs for the removal of unauthorised encampments.

Councillor Perry replied.

Councillor Peter Smith

Given that I asked a Question at the Council meeting of September 20th 2021 that ended in these words:

“..Will you therefore, if this drive for more and more office- based workers to work from home becomes inevitable, comment on the views that these “remote employees” could become particularly vulnerable in any future drives to save money if looking to delete posts and that the financial viability of the Civic Centre itself could become questionable, thus leading to the call to “rent out” more units of the Civic Centre and/or even to consider it being put up for sale?”.

and given that 16 months has elapsed since, could you update us on

- a) Plans for the future of the Civic Centre and indeed the Town Hall in Leicester Street both of which seem to be closed to the public and very much under-occupied and under-used? and
- b) If and when Full Council will have an opportunity to debate any such plans?

Councillor Bird replied.

Councillor Smith asked the following supplementary question:

Given that there is some concern about funding the CAB and given that there is equal concern about the CAB not having a physical presence in the Borough might it not be possible to offer the CAB some facility in civic centre.

Councillor Bird replied.

Councillor Peter Smith

Would the appropriate Portfolio holder inform me, this Council and members of the public of the most recent information available to him relating to:

- a) The outstanding arrears of Council tax owed to Walsall Council and
- b) The outstanding arrears of Business tax owed to Walsall Council.
- c) The extent of efforts to recover outstanding arrears of Council tax and business tax?

Councillor Bird replied.

Councillor Smith asked the following supplementary question:

If we didn't have arrears, what would be the extent of cuts to Council Tax or reductions to services.

Councillor Bird replied.

Councillor Peter Smith

Given that many of us are all too familiar with ill-informed statements like “*what do we get from our Council other than having our bins emptied*”, would the appropriate Portfolio holder give me, this Council and the public a brief summary of the extent of Council services provided to the public and in particular some specific examples, if possible, of **the average yearly cost to the Council to:**

- a) educate a nursery, primary and a secondary school child.
- b) empty a grey, green and brown bin.
- c) cut back/pruning/pollarding the average tree on Council owned land?

Councillor Bird replied.

Councillor Smith asked the following supplementary question:

Do you not agree with me that given the cost of schooling and costs of emptying the bins that the folk of Walsall are getting a damn good deal from the public sector, which we wouldn't get if we had the casino system of the market economy where one pound note one vote counts. Aren't they getting good value for money because these services are provided by the public sector.

Councillor Bird replied.

63. Pay Policy Statement and Living Wage

The report to Personnel Committee on 8th February, 2023 was submitted.

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

Resolved

1. That the Pay Policy Statement for 2023/24 be approved; and
2. That the continuation of the living wage as detailed in the Pay Policy (as set out in section 6.5 of appendix 1) and as set out in section 4.2, option a, of the report, be approved.

64. Recommendations of Cabinet

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.

The mayor confirmed that the final precepts and settlements had been received and there were no changes to the figures in the budget recommendation contained within the covering report to Council.

The following reports to Cabinet held on 8th February, 2023 were considered:-

a) Corporate Budget Plan 2022/23 -2025/26

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 2023/24 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 2023/24 of £144.16m and a 2.99% increase in council tax.
- 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 an opening general reserve of not less than £16.12m, as set out in the S151 Officer Section 25 statement in **Annex 11** of the Budget Plan.
- d) The (estimated) levies below for outside bodies and Cabinet **approve** that the final figures **be substituted** for these provisional ones once they are available at the Council meeting on 23 February 2023. (An estimate has been used within this report based on informal notification from the authorities).

LEVY	AMOUNT (£)
West Midlands Combined Authority Transport Levy	11,614,200
Environment Agency	85,178

- 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 final precepts and levies, receipt of final grant allocations, technical/legislative guidance and final specific grant allocations, **and Cabinet approve that these will be substituted** at the Council meeting on 23 February 2023 for the final figures once received:
 - I. **£721,685,138** 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. **£577,522,096** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.

III. **£144,163,042** 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. **£1,985.48** being the amount at (e) (III) above, divided by the council tax base of 72,608.66, 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
1,323.65	1,544.26	1,764.87	1,985.48
E	F	G	H
2,426.70	2,867.92	3,309.13	3,970.96

- f) The draft precept from the Fire and Rescue Authority and the Police and Crime Commissioner, 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 and Cabinet **approve** that the final figures **be substituted** once they are available at the Council meeting on 23 February 2023.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	135.03	157.54	180.04	202.55
	E	F	G	H
	247.56	292.57	337.58	405.10
Fire & Rescue	A	B	C	D
	48.68	56.79	64.90	73.02
	E	F	G	H
	89.24	105.47	121.69	146.03

- 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 2023/24 for each of the categories of dwellings shown below and Cabinet **approve** that the final figures **be substituted** once the final precepts are available at the Council meeting on 23 February 2023.

A	B	C	D
1,507.36	1,758.59	2,009.81	2,261.05
E	F	G	H
2,763.50	3,265.96	3,768.40	4,522.09

- 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), **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

1. **Section B – Part 2A** – The Treasury Management and Investment Strategy 2023/24 onwards, including the council's borrowing requirement, borrowing limits, and the adoption of prudential indicators, **be approved**.
2. That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, **be delegated** to the S151 Officer.
3. That decisions to use capital receipts or borrowing within the framework of approved prudential indicators **be delegated** to the S151 Officer.
4. **Section B – Part 2B** – Treasury Management Policies, **be approved**.

The following amendment was moved by Councillor Smith but was not Seconded, the amendment **failed** and was not debated.

Proposal

My proposal is to remove the following Policy savings from the budget report:

- Increase in bulky waste charges (P4 - £136,000);
- Reduce grass cutting frequencies (P5 - £40,000);
- Rewilding of all urban grassed areas(P6 - £352,348; and
- 2 Weekly garden waste collection from May to November (P10 - £100,000).

The impact of this is set out in the Chief Finance Officers advice overleaf and I propose that the cost of this proposal is funded from general reserves for 2023/24, with the ongoing financial impact being added into the medium term financial outlook (MTFO) for 2024/25.

Impact on the Budget

I so move that recommendation 3.3.1 of the report as submitted be amended as follows, replacing the statutory determinations within the Council resolution with the following figures:

Section 3.3.1 Revenue

- e) The following statutory determinations (references are to the Local Government Finance Act, 1992 as amended):

- VI. **£722,177,486** 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. **£578,014,444** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.

All other 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 changes the statutory determinations (gross expenditure and gross income), but does not 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 some of Cabinet's savings proposals. These are as set out in the table below, along with the resulting impact on the statutory determinations. Whilst the net effect of these changes is nil, the proposal includes the use of alternative funding from one off sources, with the use of general reserves in 2023/24 of £628,348.

Saving No.	Saving Description	Original Saving Value 2023/24 to be Removed £	Impact of Amendment on Statutory Determinations	
			Gross Expenditure	Gross Income
P4	Increase in bulky waste charges from £10 to £30 for up to 3 items, £50 for 4-6 items and £70 for 7-9 items.	136,000	N/A	Reduction of £136,000
P5	Reduce grass cutting frequencies.	40,000	Increase of £40,000	N/A
P6	Rewilding of all urban grassed areas.	352,348	Increase of £352,348	N/A
P10	Garden waste collection - 2 Weekly from May to November.	100,000	Increase of £100,000	N/A
	<i>Total</i>	<i>628,348</i>	<i>Increase of £492,348</i>	<i>Reduction of £136,000</i>

	<u>Funded by:</u>			
	Use of general reserves £628,348	-	N/A	Increase of £628,348

	Total changes to Statutory Determinations	-	Increase of £492,348	Increase of £492,348
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In relation to the proposals in this amendment, I can therefore advise as follows:

- 1) The implications for the statutory determinations are:
 - Gross expenditure - a reduction of £492,348 from the removal of P5, P6 and P10, resulting in revised gross expenditure of £722,177,486;
 - Gross Income - a reduction in gross income of £136,000 from the removal of P4, offset by an increase in gross income of £628,348 from the use of reserves; a net increase of £492,348, resulting in revised gross income of £578,014,444;
 - A net nil change overall to the council tax requirement of £144,163,042.
- 2) Use of Reserves - £628,348: The current estimated closing level of general reserves as at 31 March 2023 is £17.70m. The recommended level of opening reserves for 1 April 2023 is £16.12m, a variance of £1.58m above that required, which is 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 £628,348 reduces the authorities' flexibility in meeting unknown financial pressures (the figure represents c3.5% of the total level of general reserves available), however the opening level of reserves will be in line with those recommended by the S151 Officer for 2023/24.
- 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 £628,348 would need to be factored into the next update of the MTFO for 2024/25 onwards, resulting in an unbalanced budget for 2024/25 at this point (the 2024/25 budget is, however, not formally set until February 2024).
- 4) The amendment would increase the cash limit for Economy, Environment and Communities by £628,348 and increase use of reserves by £628,348 for 2023/24 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 2023/24. The amendment as set out represents a balanced budget for 2023/24, with a reduced level of overall reserves available to manage unforeseen pressures and an additional pressure to balance for 2024/25. However, opening levels of general reserves would

be in line with the S151 Officer's recommendations and the additional pressure for 2024/25 onwards could be built into next year's budget process.

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

This amendment proposes to:

- 1. Remove Policy Saving Number 2 - a saving of £88,200 in relation to a reduction in grant funding to the Citizens Advice Bureau (CAB) and continue to fund the service at the current grant level of £245,000 for three years, subject to the CAB maintaining a permanent physical presence within Walsall town centre together with physical outreach services via the Council Hubs, on a rota basis.**

Funding for this to be set aside from general reserves for the three years of the agreement.

- 2. Invest in the provision of 5 community protection enforcement officers at a cost of £199,449**

Funding for this is proposed to be through a reduction in the Communications, Marketing and Brand budget of £199,449.

Amendment

I so move that recommendation 3.3.1 of the report as submitted be amended as follows, replacing the statutory determinations within the Council resolution with the following figures:

Section 3.3.1 Revenue

- e) The following statutory determinations (references are to the Local Government Finance Act, 1992 as amended):

VIII. **£721,773,338** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act.

IX. **£577,610,296** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.

All other 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 changes the statutory determinations (gross expenditure and gross income), but does not 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 one saving and one area of additional investment.

These are as set out in the table below, along with the resulting impact on the statutory determinations. Whilst the net effect of these changes is nil, the proposal includes the use of alternative funding from one off sources, with the use of general reserves in 2023/24 of £88,200.

Saving No.	Saving Description	Original Saving Value 2023/24 to be Removed £	Impact of Amendment on Statutory Determinations	
			Gross Expenditure	Gross Income
P2	Reduction in grant funding to the Citizens Advice Bureau (CAB)	88,200	Increase of £88,200	N/A
	<u>Funded by:</u> Use of general reserves £88,200		N/A	Increase of £88,200

New Investment	Value of New Investment 2023/24 £	Impact of Amendment on Statutory Determinations	
		Gross Expenditure	Gross Income
Provision of 5 additional Community Protection Enforcement Officers	199,449	Increase of £199,449	N/A
<u>Funded by:</u> Review and reduction of Communications, Marketing and Brand budget		Reduction of £199,449	N/A

Total changes to Statutory Determinations		Increase of £88,200	Increase of £88,200
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In relation to the proposals in this amendment, I can therefore advise as follows:

- 5) The implications for the statutory determinations are:

- Gross expenditure – an increase of £88,200 from the removal of P2, increase of £199,449 for 5 community protection enforcement officers (at G7), less a reduction in the Communication, Marketing and Brand (CMB) budget of £199,449; a net increase of £88,200, resulting in revised gross expenditure of £721,773,338;
 - Gross Income - an increase in gross income of £88,200 from the use of reserves, resulting in revised gross income of £577,610,296;
 - A net nil change overall to the council tax requirement of £144,163,042.
- 6) Use of Reserves - £88,200 for 2023/24. The proposal is to fund this for three years, totalling £264,600. The current estimated closing level of general reserves as at 31 March 2023 is £17.70m. The recommended level of opening reserves for 1 April 2023 is £16.12m, a variance of £1.58m above that required, which is 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 £264,600 reduces the authorities' flexibility in meeting unknown financial pressures (the figure represents c1.5% of the total level of general reserves available), however the opening level of reserves will be in line with those recommended by the S151 Officer for 2023/24.
- 7) Reserves are recommended to be used for one-off or time limited purposes and not for use for recurring expenditure, therefore should reserves be used to fund this £264,600, then at the end of the three year grant period, a further review would be required to determine if the funding is to continue and if so, how it would be funded.
- 8) The amendment would increase the cash limit for Customer Engagement by £88,200, increase the cash limit for Economy, Environment and Communities by £199,449, reduce the cash limit for Adult Social Care – Hubs (CMB) by £199,499 and increase the use of reserves by £88,200 in 2023/24 (and by a total of £264,600 over the three years from 2023/24) within Section B - Part 1 "The Revenue Corporate Budget Plan and Capital Programme".
- 9) The additional £88,200 per annum for three years is proposed to be subject to the CAB maintaining a presence within the borough. This proposal adds an additional 56% to the proposed grant of £156,800 contained within Cabinet's proposed budget and may require review of the grant agreement, equality impact assessment, and approval of revised grant terms, as appropriate, prior to implementation.
- 10) The reduction of the CMB budget by £199,449 represents c20% of the CMB staffing budget and would require a review of the CMB structure, analysis of impact and appropriate consultation. A part year effect is therefore likely to be achieved, resulting in use of reserves (or alternative actions) to address any shortfall.
- 11) The amendment does not impact on any other sections of the recommendations in 3.3.1 or on the recommendations in 3.3.2 and 3.3.3 of the resolution.

Summary Chief Finance Officer advice

The Council is required to set the budget for the forthcoming year, which is 2023/24. The amendment, if approved, represents a balanced budget for 2023/24, with a call on the use of reserves of £88,200 in each of the three years from 2023/24 and the delivery of a saving in relation to CMB.

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

For the amendment – 19 members		Against the amendment- 35 members		Abstained – 0 members
Cllr:	H. Bashir	Cllr:	G. Ali	
“	C. Bott	“	B. Allen	
“	P. Bott	“	A. Andrew	
“	R. Burley	“	B. Bains	
“	S. Cheema	“	M.A. Bird	
“	C. Creaney	“	R. Martin	
“	S.K. Ditta	“	S.J. Cooper	
“	C. Horton	“	S. Elson	
“	N. Gultasib	“	G. Flint	
“	K. Hussain	“	M. Follows	
“	S. Hussain	“	N. Gandham	
“	T. Jukes	“	A. Garcha	
“	F. Mazhar	“	A. Harris	
“	R. K Mehmi	“	L.A. Harrison	
“	S. Nasreen	“	A.J. Hicken	
“	A.A. Nawaz	“	A. Hussain	
“	A. Nazir	“	I. Hussain	
“	Underhill	“	P. Kaur	
“	R.V. Worrall	“	R. Larden	
		“	E. Lee	
		“	K. Murphy	
		“	J. Murray	
		“	K. Pedley	
		“	G. Perry	
		“	L.J. Rattigan	
		“	S. Samra	
		“	K. Sears	
		“	G. Singh Sohal	
		“	P. Smith	
		“	C.A. Statham	
		“	M.A. Statham	
		“	C.D.D. Towe	
		“	V.J. Waters	
		“	J. Whitehouse	
		“	T.S. Wilson	

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 amendment – 34 members		Against the amendment- 20 members		Abstained – 0 members
Cllr:	G. Ali	Cllr:	H. Bashir	
“	B. Allen	“	C. Bott	
“	A. Andrew	“	P. Bott	
“	B. Bains	“	R. Burley	
“	M.A. Bird	“	S. Cheema	
“	R. Martin	“	C. Creaney	
“	S.J. Cooper	“	S.K. Ditta	
“	S. Elson	“	C. Horton	
“	G. Flint	“	N. Gultasib	
“	M. Follows	“	K. Hussain	
“	N. Gandham	“	S. Hussain	
“	A. Garcha	“	T. Jukes	
“	A. Harris	“	F. Mazhar	
“	L.A. Harrison	“	R. K Mehmi	
“	A.J. Hicken	“	S. Nasreen	
“	A. Hussain	“	A.A. Nawaz	
“	I. Hussain	“	A. Nazir	
“	P. Kaur	“	Underhill	
“	R. Larden	“	R.V. Worrall	
“	E. Lee	“	P. Smith	
“	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			
“	T.S. Wilson			

Resolved

3.3.1 Revenue

- a) The financial envelope of resources for 2023/24 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 2023/24 of £144.16m and a 2.99% increase in council tax.
- 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 an opening general reserve of not less than £16.12m, as set out in the S151 Officer Section 25 statement in **Annex 11** of the Budget Plan.
- d) The (estimated) levies below for outside bodies and Cabinet **approve** that the final figures **be substituted** for these provisional ones once they are available at the Council meeting on 23 February 2023. (An estimate has been used within this report based on informal notification from the authorities).

LEVY	AMOUNT (£)
West Midlands Combined Authority Transport Levy	11,614,200
Environment Agency	85,178

- 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 final precepts and levies, receipt of final grant allocations, technical/legislative guidance and final specific grant allocations, **and Cabinet approve that these will be substituted** at the Council meeting on 23 February 2023 for the final figures once received:
 - X. **£721,685,138** being the aggregate gross expenditure, which the council estimates for the items set out in Section 31A(2) (a) to (f) of the Act.
 - XI. **£577,522,096** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
 - XII. **£144,163,042** 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.
 - XIII. **£1,985.48** being the amount at (e) (III) above, divided by the council tax base of 72,608.66, 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).
 - XIV. 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
1,323.65	1,544.26	1,764.87	1,985.48
E	F	G	H
2,426.70	2,867.92	3,309.13	3,970.96

- h) The draft precept from the Fire and Rescue Authority and the Police and Crime Commissioner, 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 and Cabinet **approve** that the final figures **be substituted** once they are available at the Council meeting on 23 February 2023.

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	135.03	157.54	180.04	202.55
	E	F	G	H
	247.56	292.57	337.58	405.10
Fire & Rescue	A	B	C	D
	48.68	56.79	64.90	73.02
	E	F	G	H
	89.24	105.47	121.69	146.03

- 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 2023/24 for each of the categories of dwellings shown below and Cabinet **approve** that the final figures **be substituted** once the final precepts are available at the Council meeting on 23 February 2023.

A	B	C	D
1,507.36	1,758.59	2,009.81	2,261.05
E	F	G	H
2,763.50	3,265.96	3,768.40	4,522.09

- 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), 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

- 5. **Section B – Part 2A** – The Treasury Management and Investment Strategy 2023/24 onwards, including the council’s borrowing requirement, borrowing limits, and the adoption of prudential indicators, **be approved**.
- 6. That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, **be delegated** to the S151 Officer.
- 7. That decisions to use capital receipts or borrowing within the framework of approved prudential indicators **be delegated** to the S151 Officer.
- 8. **Section B – Part 2B** – Treasury Management Policies, **be approved**.

b) Council Tax Premium

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

That the following be approved:

1. That from 1 April 2024, the length of time before being able to charge council tax premium, for properties that have been empty and unfurnished for more than 1 year, be reduced to one year rather than current two;
2. That Council approves the introduction of a 100% council tax premium from 1 April 2024 for furnished properties that are no-ones sole or main residence; and
3. That Cabinet delegates to the Executive Director for Children's and Customer Services, in consultation with the relevant Portfolio Holder, authority to amend the recommendations to Council in the event of any changes to the Bill during its passage through the legislative process.

The motion, having been put to the vote was declared **carried**, the voting being recorded as follows

For the amendment – 54 members	Against the amendment- No members	Abstained – No members
Cllr: G. Ali “ B. Allen “ A. Andrew “ B. Bains “ M.A. Bird “ R. Martin “ S.J. Cooper “ S. Elson “ K. Ferguson “ G. Flint “ M. Follows “ A. Garcha “ A. Harris “ L.A. Harrison “ A.J. Hicken “ A. Hussain “ I. Hussain “ P. Kaur “ R. Larden “ E. Lee “ K. Murphy “ J. Murray “ K. Pedley “ G. Perry “ L.J. Rattigan “ S. Samra “ K. Sears “ P. Smith		

"	C.A. Statham		
"	M.A. Statham		
"	C.D.D. Towe		
"	V.J. Waters		
"	J. Whitehouse		
"	T.S. Wilson		
"	H. Bashir		
"	C. Bott		
"	P. Bott		
"	R. Burley		
"	S. Cheema		
"	C. Creaney		
"	S.K. Ditta		
"	C. Horton		
"	K. Hussain		
"	S. Hussain		
"	T. Jukes		
"	F. Mazhar		
"	R. K Mehmi		
"	S. Nasreen		
"	A.A. Nawaz		
"	A. Nazir		
"	R.V. Worrall		

Resolved (Unanimously)

4. That from 1 April 2024, the length of time before being able to charge council tax premium, for properties that have been empty and unfurnished for more than 1 year, be reduced to one year rather than current two;
5. That Council approves the introduction of a 100% council tax premium from 1 April 2024 for furnished properties that are no-ones sole or main residence; and
6. That Cabinet delegates to the Executive Director for Children's and Customer Services, in consultation with the relevant Portfolio Holder, authority to amend the recommendations to Council in the event of any changes to the Bill during its passage through the legislative process.

65. Portfolio Holder Briefings

Deputy Leader and Resilient Communities

Councillor Perry, the Deputy Leader and Resilient Communities Portfolio Holder gave a presentation.

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

Health and Wellbeing

Councillor Flint, the Portfolio Holder for Health and Wellbeing gave a presentation.

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

The meeting terminated at 9.30 p.m.

Mayor:

Date:

Council – 17 April 2023

Annual Scrutiny Report – 2021-22

Service: Legal and Democratic Services

Wards: All

1. Summary of report

This is the annual report to the Council outlining the work of the respective Overview and Scrutiny Committees during the 2021-22 municipal year.

The report provides an analysis of the work undertaken by the Committees during this period.

A copy of the annual report is attached at Appendix 1 to this report.

2. Recommendations

That, subject to any comments Members may wish to make, the annual scrutiny report for 2021-22 be noted.

3. Resource and legal considerations

Scrutiny is a key aspect of the governance framework and an integral part of how the Council makes effective decisions. Good scrutiny can help to inform policy making and help ensure that decisions taken by the Cabinet are effectively considered prior to implementation. The role of Scrutiny is defined in Article 6 of Walsall Council's Constitution.

4. Council Plan Priorities

This report reflects the Council Plan priority on *Internal Focus – Council services and customer focussed, effective, efficient and equitable* as reflection and evaluation on the previous year's scrutiny work enables lessons to be learned and taken forward.

Further to this the report is structured around the Council's five Council Plan priorities to demonstrate how scrutiny committees have contributed to the achievement of the organisations strategic plan.

5. Risk Management

The role of scrutiny is fundamental in ensuring that the most effective and informed decisions are taken whilst delivering value for money for residents.

This report provides an overview of the work undertaken by the overview and scrutiny committees, which helps to achieve these objectives.

Asking Members to recognise and review past achievements and consider the potential items to scrutinise helps to ensure that the overview and scrutiny committees focus their attention on the main issues that have strategic relevance and importance to the council as a whole. Incorporating an effective scoping process enables a risk based approach to be taken in the development of potential work programmes; focussing on the key issues that affect the performance of the Council, impact on service delivery or potentially result in service delivery that does not meet resident expectation or offer value for money. The Council's priorities and pledges are all considered when looking at potential work programmes for the following year and frequent performance monitoring reports are presented to individual overview and scrutiny committees.

6. Financial implications

Overview and scrutiny committees continually monitor the financial position of the Council and undertake an annual scrutiny process of draft budgets. There are no direct financial implications from this report.

7. Legal implications

Article 6 of the Walsall Council Constitution requires overview and scrutiny committees to report annually to the Council on their working and to make recommendations for future work programmes and amended working methods, if appropriate.

8. Property implications

There are no direct property implications from this report.

9. Health and wellbeing implications

Work and reviews undertaken by overview and scrutiny committees seeks to have a positive impact on resident's health and wellbeing through influencing the service provision of the Council and its partners. There are no direct health and wellbeing implications from this report.

10. Staffing implications

There are no direct staffing implications from this report.

11. Reducing inequality

This report details all of the work that has been done across the whole Borough. Scrutiny Members represent a number of wards across the Borough and actively work with residents to best represent their views at overview and scrutiny committees. This helps to ensure the delivery of the Council equality duties through promoting a thorough understanding of the needs of our diverse communities and supports the delivery of the Council's vision that: *Inequalities are reduced and all potential is maximised.*

12. Consultation

Individual committees have sought expert opinion and views from witnesses, where appropriate, to ensure that a balanced perspective is provided against any of the work topics under consideration. Evidence has been brought to the committees by officers, members of the public, officers from other authorities, partners and independent experts.

Author:

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5 April 2023

Scrutiny Annual Report 2021/22



Walsall Council

Page 30 of 189

PROUD OF OUR PAST OUR PRESENT AND FOR OUR FUTURE

Foreword by Councillor John Murray, Chair of the Scrutiny Overview Committee

I am pleased to introduce to you the Scrutiny Annual Report for 2021-2022.

The report highlights the important work undertaken by scrutiny members during the extended municipal year, 2021-2022. It is not a comprehensive list of all the work undertaken by our five Overview and Scrutiny Committees; rather, it focuses on the priorities in the Council's Corporate Plan to demonstrate how scrutiny is contributing to its achievement. Further to this, the case studies are cross-referenced with the Centre for Public Scrutiny's four principles of good scrutiny.

Examples of the excellent scrutiny activities undertaken by Members of the Council include:

- Child exploitation;
- Domestic abuse;
- Primary care access;
- Electric vehicle charging;
- West Midlands Local Transport Plan;
- Scrutiny survey.

Finally, I would like to thank my fellow elected Members, Council officers, partners and members of the public who have participated in, or attended, an Overview and Scrutiny meeting during the period. This has been a challenging period for everyone that saw the Covid-19 become endemic, a return to in person meetings and the introduction of hybrid meetings. It is your efforts that have enabled us to carry on with this work and to recognise the successes that have been described in this annual report.

Councillor John Murray
Chair – Scrutiny Overview Committee

Contents

1. Introduction from Simon Neilson, Statutory Scrutiny Officer
2. Overview of Corporate Plan priorities and the four principles of good scrutiny
3. Economy
4. People
5. Internal focus
6. Children
7. Communities

Introduction from Simon Neilson, Statutory Scrutiny Officer

By the time this report is published I will have left the authority but I am very pleased to introduce my final scrutiny annual report. I have been pleased to act as Statutory Scrutiny Officer since 2018. During those five years I feel that there have been many improvements to the function.

This has been borne out through the findings in the recent Corporate Peer Challenge which recognised that there was 'robust and appropriate scrutiny in place'. The peer reviewers noted the improvements in recommendation monitoring which has supported oversight and grip.

I would like to highlight that Elected Members at Walsall are very driven to seek continuous improvements in the way that scrutiny works and have never rested on their laurels. This desire to improve will drive forward the area in years to come.

Finally, I would like to thank members, Co-opted Members, Partners and Officers for the valuable contributions that they have made be it through asking questions, drafting reports or attending meetings to answer questions. It is with your valued and proactive assistance that we are able to move forward and make a valid contribution to the way in which the Council and the borough is governed.

Simon Neilson
Statutory Scrutiny Officer

Introduction

The report provides the opportunity to review activity within overview and scrutiny and to highlight some of the key developments.

This report details the work of the Overview and Scrutiny Committees during the period from May 2021 to April 2022. It is not an exhaustive account of the work that Members have undertaken but it gives an overview of the wide variety of work that has taken place, and which is centred on the priorities of the Council Plan. This demonstrates how the Council's Overview and Scrutiny Committees are contributing to the Authority's strategic direction by helping to create the golden thread from strategic plan into action. The priorities in the Council Plan are:

- **Economic** – enable greater local opportunities for all people, communities and businesses
- **People** – encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing
- **Internal focus** – Council services and customer focussed, effective, efficient and equitable
- **Children** - have the best possible start and are safe from harm, happy, healthy and learning well
- **Communities** – empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community

Following on from this the contributions of the Overview and Scrutiny Committees have been cross-referenced with the Centre for Governance and Public Scrutiny's four principles of good scrutiny. This helps to demonstrate the wider contribution that was made by Members.

The four principles of good scrutiny are:

- Provides critical friend challenge to executive policy and decision makers
- Enables the voice and concerns of the public
- Carried out by independent minded councillors who lead and own the scrutiny process
- Drives improvement in public services

There are many other issues that have also been examined by the Committees but which have not been mentioned here due to the limitations of this report. However, further details of all of the Overview and Scrutiny meetings can be found on the Council's committee website.

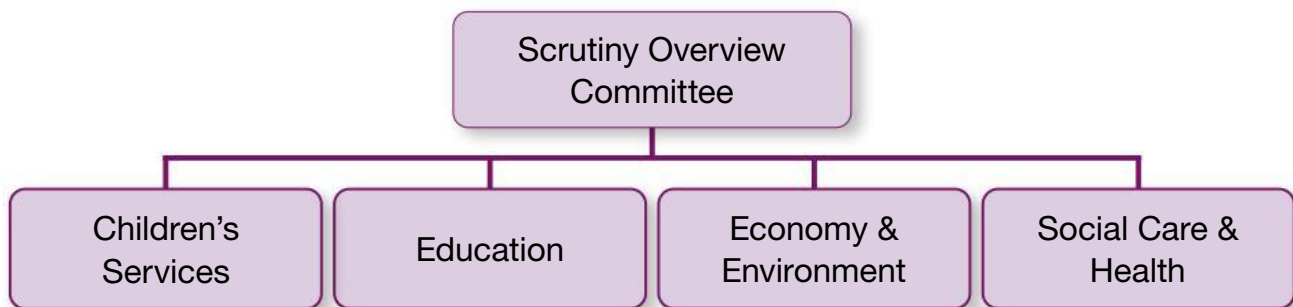
What is Overview and Scrutiny?

Overview and Scrutiny Committees are made up of non-executive Members from across all political parties and they exist to provide accountability to the Council and its partners. The Committees have four key roles:

- Holding the executive to account for their decisions;
- Scrutinising local partners (e.g. NHS Walsall);
- Reviewing and developing policies and making recommendations to Council and Cabinet on these; and
- Reviewing services to ensure they are providing value for money and meeting local needs.

Scrutiny also has a vital role in enabling the voice of local residents to be heard through community engagement. All meetings are open to the public to attend (except in exceptional circumstances where something has to be taken in private session). The public can also suggest items for the Committees to consider.

At its meeting in May 2017, the Council set the committee structure and remit for the year ahead, which included the following Committees:



More details on the role of scrutiny can be found on at www.walsall.gov.uk/scrutiny.

Economic growth, for all people, communities and businesses

1. Electric Vehicle Charging Infrastructure

In the 21/22 municipal year the Economy and Environment Overview and Scrutiny Committee discussed electric vehicle charging infrastructure at their meetings held on 21 October 2021 and 14 April 2022.

At the first of these two meetings Members of the Committee acknowledged that due to the national policy of achieving net-zero carbon emissions by 2050 and the ban on the sale of new petrol and diesel cars by 2030 it was expected that there would be an increase in the use of electric vehicles and therefore it was important that the borough was prepared for this. They also noted that the West Midlands region had set a more ambitious goal of achieving net-zero carbon emissions by 2041 and yet at present only 0.19% of vehicles registered in Walsall were electric. It was suggested that the installation of more on-street electric vehicle charging points may encourage those who do not have access to an off-street parking facility to switch to an electric vehicle and the Committee was informed that the council submitted a bid for funding from the On-Street Residential Chargepoint Scheme. At that stage Councillors asked questions about the proposed locations of the charging points, the use of Traffic Regulation Orders and the compatibility of the charging points with all electric vehicles and requested that a progress report return to the Committee six months later.

This progress report was received at the meeting on 14 April 2022. Councillors were informed that the council had been successfully awarded funding of £254,040 from the ORCS fund in October 2021 and the 35 proposed chargepoint sites had been consulted on with ward councillors and residents in the vicinity of each site. Members raised concerns about the lack of Traffic Regulation Orders and the chargepoints not being equally distributed across the borough. They also highlighted that it was of paramount importance that the charging points were universally compatible.

How did this item drive improvement?

Members commented on proposals and added their suggestions as to appropriate locations for charging points and best methods of engagement with local residents. They also provided input in the consultation process and made suggestions as to criteria to be considered in the procurement process, all of which will lead to a more successful implementation of charging points across the borough.

2. West Midlands Local Transport Plan

The West Midlands Local Transport Plan featured on the agenda of the Economy and Environment Overview and Scrutiny Committee at two meetings held on 16 September 2021 and 3 March 2022. Members considered the Green Paper written by Transport for West Midlands and provided comments and views on the proposed vision and approach for the new West Midlands Local Transport Plan and what it would mean for Walsall. A key point of focus was the five 'Motives for Change' for transport:

- Sustaining economic success: Support the building of an inclusive and green West Midlands economy, through better use of existing infrastructure, land, technology and sustainable transport options.
- Tackling the climate emergency: Changes to where people travel to / from, reducing the frequency of travel and changing the vehicles we use to travel.
- Creating a fairer society: analysing land use, the availability and affordability of transport and the experience and usability of transport.
- Supporting local places and communities: Re-imagining local neighbourhoods, reducing dominance of transport and providing quick and easy access to key local services.
- Becoming more active: Enable safe, convenient and accessible walking and cycling opportunities and increase active travel for journeys.

The item returned on 3 March 2022 and Members asked a number of questions in relation to number of responses to the public survey, engagement with car users, the high-speed broadband roll out and the servicing of new housing developments with public transport such as bus routes.

How did this item demonstrate scrutiny carried out by independent minded councillors who lead and own?

Councillors demonstrated their desire under the wider West Midlands arrangements to interrogate what these plans would mean for Walsall and its residents. They challenged Transport for West Midlands on the consultation that had been completed and their plans for future improvements, highlighting areas of particular concern to the borough.

People have increased independence, improved health and positively contribute to their communities

1. Primary Care Access

The Social Care and Health Overview and Scrutiny Committee considered the issue of Primary Care Access at several of its meetings across the municipal year. The Managing Director of Black Country and West Birmingham Clinical Commissioning Group attended to describe the challenges in primary care, which included increasing demand for services, a reducing workforce and the impact of the Covid-19 pandemic. Members were assured that the current performance of GP practices was similar to the pre-pandemic levels and alternative methods of access were now offered, however demand for appointments had significantly increased. Assurance was provided to the Committee that work was being done with GP practices to improve access.

Members referred to the frustrations experienced by residents in accessing appointments, highlighting the difficulties in not having a set time for a phone call appointment with a GP. It was questioned by a Member how public confidence would be restored in primary care services. In response to one of the Committees recommendations, Members were informed that concerns (in relation to access) raised by the Committee had been fed back to GPs, and the concerns were discussed at the local commissioning board.

In response to concerns raised, a report was received detailing how the pandemic had and would continue to change service delivery within primary care. The Committee was informed that primary care access was also a significant national issue. The Committee was informed that every effort was being made to increase the number of appointments both face to face and virtually however, demand for primary care services was higher than the capacity available and the Clinical Commissioning Group had been working with primary care to increase the range of professionals available to see patients. It was noted that all GP practices had remained open throughout the pandemic and GPs had maintained the number of total GP appointments and delivered nearly 150,000 vaccination appointments. Independent assessment from the Care Quality Commission indicated that care was delivered to a high standard with most domains rated good or outstanding with no areas of inadequate performance. GP performance in Walsall was similar to England average.

Members questioned if additional funding would be received to help restore the number of GP appointments, they were informed that the Black Country and West Birmingham CCG received a total allocation of £6.2m from the Government to meet demand over winter. The Managing Director stated that an additional 14,000 appointments would be delivered through this extra funding. In response to challenge by a Member, the Managing Director stated that investment had been made in telephone systems and consideration was being given to the creation of a centralised telephone system.

This is an example of Members *enabling the voice and concerns of the public* due to the high levels of case work and queries that had been received.

Internal focus, all Council services are efficient

Scrutiny Survey

The Scrutiny Overview Committee has been creating a culture where scrutiny is owned and led by Members, and this has been a key driver in commissioning the scrutiny survey and driving forward improvements based upon its feedback.

The majority of respondents rated the following aspects very good or good:

- Scrutiny structure.
- Work programme.
- Forward plan.
- Frequency of meetings

One comment received stated scrutiny committees were too far apart.

- Effectiveness of working groups

One comment received stated that working groups were difficult to set up.

- Number of committee members.
- Portfolio Holder involvement.
- Length of agendas.
- Scrutiny work programmes.
- Cabinet / Portfolio Holder involvement.
- Report satisfaction.

In terms of areas for improvement SOC Members recommended:

- Enhancements to the Member Development Programme to include training on financial scrutiny, scrutiny legislation, chairing meetings and asking questions;
- A review of the scrutiny of the budget setting process;
- The development of a recommendation tracker to allow systematic follow up of recommendations made at Overview and Scrutiny Committees;
- Ensuring that agendas were manageable and focussed on issues for scrutiny rather than reports for noting.

The most immediate change that was introduced was a recommendation tracker which has been rolled out over all Overview and Scrutiny Committees. This has enabled committees to track progress with their work and increased grip on issues.

Carried out by independent minded councillors who lead and own the scrutiny process

The above self-reflection and planned improvements are an example of scrutiny being carried out by independent minded members who lead and own the scrutiny process. Further to the work described above the SOC quest for improvement continues into the current municipal year where further work taking forward the outcomes of the survey has been taking place.

Children have the best possible start and are safe from harm, happy, healthy and learning well

1. Child exploitation

The Children's Services Overview and Scrutiny Committee received an overview of the issues relating to child exploitation, including Child Sexual Exploitation and criminal exploitation, modern slavery/trafficking and children involved in the supply of drugs via "county lines". Local agencies including police and health services had a duty under section 11 of the Children Act 2004 to ensure they considered the need to safeguard and promote the welfare of children and young people when carrying out their functions. A wide range of partners attended the meeting to assist the Committee to understand and scrutinise the issue, including:

- West Midlands Police.
- Chair of the Independent Safeguarding Board
- Street Teams.
- Walsall CCG.
- Violence Reduction Unit.
- Walsall Council.

The Committee heard that an all age exploitation approach had been taken alongside the development of an all age exploitation strategy. Walsall was involved with regional work and fed into the regional strategic exploitation framework. The West Midlands Violence Unit had worked jointly across the safeguarding partnerships to establish a data dashboard aimed at providing an overview of exploitation and abuse across the West Midlands.

Members were informed that in Walsall a 'hub' was operated which was a virtual multi-agency approach to identifying, screening, and sharing intelligence around those at risk of exploitation.

Provides critical friend challenge to executive policy and decision makers

The partnership was questioned on the action being taken to prevent exploitation of children, and the main challenges facing the Safeguarding Partnership in the future. The Independent Scrutineer asserted that the partnership's biggest challenge was continuing the momentum of improvement. There had been big successes in shifting understanding of the role of different partners, ensuring a move towards genuine multi-agency work.

A key challenge identified by the Chief Superintendent was the challenge of post-18 transition, as frameworks and support often reduced as a child turned 18. The Violence Reduction Unit were engaged in a Transition project for 16-25 year olds and there were efforts to ensure those affected by exploitation were not pushed into the Criminal Justice system when they were also victims.

The Committee were informed that future plans included a 12 month exploitation pilot team to focus on delivering bespoke packages of support to individual children that would be identified and selected through exploitation triage. The work of the team would be trauma informed and would focus on the use of motivational interviewing as a way of disrupting the pattern of exploitation. Caseloads within the team would remain small, and work would be undertaken in line with the family safeguarding model – with a go live date of May 2022.

The Committee resolved that they endorsed what was being done to tackle the issues surrounding children at risk of exploitation.

2. Special Educational Needs and Education, Health and Care Plans

The Education Overview and Scrutiny Committee focussed on oversight of the SEND Local Area Improvement Programme following concerns identified by Ofsted and the Care Quality Commission.

Members were informed of the Written Statement of Action that was responding to the areas of concern and the agreed action to improve the quality and timeliness of Education, Health and Care Plans (EHCPs). Members learned about the plans to transform the EHCP pathway by working with schools and parents to improve, co-produce and design a long-term proficient service centred on the best outcomes for Children.

How did the Committee drive improvement in public services?

Members were aware of the importance of securing improvements in this area and the backlog with EHCP assessments. Members sought further assurances that monitoring activities to ensure children not attending school were safe and well. By making this area a priority they were demonstrating their commitment to monitoring the implementation of the Written Statement of Action and ensuring that it was delivered expeditiously.

Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion

Domestic Abuse

The Scrutiny Overview Committee took oversight of the Council's plans to meet the requirements of the Domestic Abuse Act 2021.

Members learned that Domestic Abuse (DA) affects a significant number of people in Walsall every day. A Strategy was being developed to outline how a co-ordinated agency and community response, underpinned by national legislation, will challenge the causes and effects of domestic abuse across Walsall. The Strategy set out the collective priorities of the Domestic Abuse Strategic Group, and the key areas of action for the next three years. The strategy aligned with the wider priorities identified within the national and regional Violence Against Women and Girls (VAWG) strategies. It also recognised that there was a need to develop a broader response to domestic abuse and areas for improvement and development.

Members were supportive of the aims and objectives of the strategy and recognised how important it was to support residents of this type of abuse. Furthermore Members recognised that men could also become victims of domestic abuse and recommended that this was included as an addition to the new strategy.

As well as considering the draft strategy Members reviewed the support that was available to victims of domestic abuse in terms of temporary accommodation and advocacy. It was noted that consultation had been completed with a large amount of current service users to understand their needs, particularly focusing on those who need specific types of accommodation that are traditionally more difficult to source. Part of the feedback received has identified that some victims wanted to stay in the borough rather than flee to other areas. Members were pleased this important feedback had been sought and included as part of the new service design. In addition to this additional consideration of domestic violence and abuse was being included in the early help pathways to try and support families at earlier stages.

How did the Committee drive improvement in public services?

The Committee assisted in driving forward improvement in public services by reviewing the draft strategy and contracts to ensure that their comments could be fed into decisions before they were taken. They contributed by recommending amendments to the core strategy document and then followed through to seek reassurance that the practical support available was able to deliver the aims set out in the strategy.

Resources and Transformation

Legal and Democratic Services
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1TP

Web: www.walsall.gov.uk

Item 10

Council

17 April 2023

Corporate Parenting Board Annual Report

Ward(s) All

Portfolios: Councillor S. Elson – Children's Services

Report:

The Corporate Parenting Board produces an annual report for submission to Council each year. The draft annual report was submitted to the Corporate Parenting Board for comment and subsequently approved on 4th April 2023.


Recommendations:

That:

That the annual report is noted.

Contact Officer:

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Corporate Parenting Board Annual Report 2022 – 2023



Walsall Council



Foreword

I am pleased to introduce the 2022/2023 annual report of the Corporate Parenting Board. As corporate parents, we take our responsibilities towards children in care and care leavers seriously and are committed to providing the best possible support to meet their needs and to improve their outcomes.

The Corporate Parenting Board aims to provide a welcoming forum for children in care and care leavers, where we celebrate their achievements and listen to their concerns and challenges. We have endeavoured to ensure that the way we engage with young people is meaningful, and where feedback has suggested that this has not been the case, we have asked Officers to review this and considered how this could be made better in the future. A recent engagement session held at the TLC hub aimed to make young people more comfortable in their engagement with the Board. Moving forward we aim to review the way we engage with young people and to be more flexible in our approach to seeking input from young people.

It is my view that the Corporate Parenting Board has made great progress in listening to the views of children in care and care leavers and that it uses these views to influence services available for young people who are in the care of the local authority and leaving care.

On behalf of the Corporate Parenting Board, I would like to thank the young people, and the families that care for them, for their engagement, time and commitment to the Corporate Parenting Board throughout the year. Without the involvement of the Young People, we would not be successful in meeting its aims.

I would also like to thank council officers and External Partners for their hard work, which has helped the Board to achieve the outcomes that are set out within the report.



Councillor S. Elson
Chair of the Corporate Parenting Board

The Corporate Parenting Board

The purpose of the Corporate Parenting Board is to assist the Council fulfil its legal obligations and responsibilities towards children in care and leaving care by providing strategic direction to ensure they are effectively supported to reach their full potential. Walsall's Corporate Parenting Board provides a welcoming forum for children and care leavers to discuss and influence the full range of services available to them. The Corporate Parenting Board convenes six times a year and comprises seven councillors (as below) together with the following advisors:

- The Designated Nurse LAC (Health)
- The Head of the Virtual School (Education)
- The Director Customer Engagement (Housing).

Advisors provide crucial contribution and expertise, in relation to their specialist areas, which are important to the lives of all children in care and care leavers. Other attendees include the Executive Director (Children's Services), the Director of Children's Social Work and the Children and Young Peoples Champion, together with officers from children's services and other directorates whom attend when requested to discuss key issues. By including these advisors we are helping to ensure that Walsall Council and partner agencies have a joint commitment to corporate parenting in order to achieve continuing improvements in outcomes for our children and young people in care and care leavers.



Councillor S. Elson
Chair of the Board



Councillor T. Jukes
(Vice-Chair)



Councillor A. Hussain



Councillor A. Hicken



Councillor I. Hussain



Councillor R. Worrall



Councillor F. Mazhar

Work Programme

The Board has considered a number of matters during the 2022-2023 municipal year. All reports and associated minutes are available to view on the council's website. Items considered have included-

- Young People Engagement.
- Quarterly Performance information.
- National review of children with disabilities and complex health needs.
- Care Leaver Health History Report.
- Residential Homes.
- Supporting Unaccompanied Asylum Seekers.
- The Fostering Annual Reports.
- Therapeutic Support to Children in Care.
- Adoption@Heart Annual Report.
- CCG Assurance report.
- Support to Young People.
- Virtual school annual report.
- Participation Children in Care and Care Leavers.
- Local Authority Designated Officer (LADO) Annual report.

The Board considered it of great value for Elected Members to attend 'Total Respect' training. In order to encourage increased participation, the Board recommended that bespoke session be designed for Elected Members – with this later offered out to all Elected Members.

Hearing the Young Persons Voice

The Board is passionate about improving outcomes for children and young people and strives to improve engagement with young people. The Children and Young Persons Champion supports the Children in Care Council (CiCC) and provides a valuable link between the Corporate Parenting Board and young people. The CiCC is the forum where Walsall's looked after children, young people and care leavers are able to shape and influence the care and support that they receive. The forum enables young people to build friendships and peer networks whilst learning new skills.

At its first meeting the Board considered 'hot topics' for young people, which had been identified as issues that they wanted the Board to consider, they were added to the Corporate Parenting Boards work programme for the year:

- Mental Health and wellbeing (Therapeutic Support to Young people).
- Living alone and isolation (Support to Young People).
- Budgeting and getting by (Support to Young People).

A number of Board Members agreed to visit residential homes on a six monthly basis and be the link Member to a residential home – building a relationship with staff and young people. These visits had commenced, and positive feedback had been received.

A report on 'Young People Engagement' is taken to each Corporate Parenting Board meeting, the report highlights activity at CiCC, key updates, partnership working and it also details celebrations and achievements of young people. This report is the first item on the agenda as it is critical to the Board meeting its strategic objectives.

Young People raised concerns that the setting up home grant provide by the Council to Care Leavers was not adequate, in response to this, the Board received a briefing paper on the options for increasing the grant. After considering the issue, and the options presented by Officers the Board recommended that a mechanism for the incremental increase of the 'setting up home grant' was included in the formal budget setting process. The Board have been advised that any increases will be considered during April 2023 with implementation in April 2024 due to the 'Government's Response to Care Review. The Board were assured that the household support fund had been used to alleviate cost of living pressures.

Consideration has been given as to how young people viewed their involvement with the Corporate Parenting Board. Because of this feedback, the participation team have worked with the Children in Care Council to refresh the way they operated – the following approach was agreed:

- Young people's priorities for issues considered by the Board would be sought via an engagement session at the beginning of the municipal year (to inform the setting of the work programme).

- Corporate Parenting Board reports should be shared with the appropriate children's participation forum in a child friendly way – with the report amended where necessary (as a result of feedback).
- The Children in Care Council and Care Leaver's Forum would be supported to feedback their views about reports in the most suitable way for the young person.
- A schedule of informal meetings would be held with the Corporate Parenting Board and the Children in Care Council, Care Leavers forum and the Childrens home forums.

Building on this approach, the first informal engagement session was held with children in care and care leavers at the TLC hub in February 2023. This was a positive session, which generated feedback from young people on how support to them could be improved. At a future meeting, an action plan will be considered to respond to issues and feedback given by young people.

Areas of Focus

Performance

The Corporate Parenting Board monitors the progress on outcomes and performance indicators for looked after children through a quarterly performance report. This contains a dashboard of measures detailing the direction of performance. Members provided challenge on those measures where performance had dipped and sought reassurance that action had been taken to rectify any issues. The measures included in this presentation, provided Young People with the opportunity to raise concerns and detail issues they may have experienced. For example the provision of housing to care leavers.

Fostering and Adoption Service Annual Reports

The Corporate Parenting Board receives an annual report of the adoption service, which is provided through Adoption@Heart – a regional adoption agency, providing adoption services on behalf of Sandwell, Dudley, Walsall and Wolverhampton Councils. The service is hosted by Wolverhampton City Council and became operational in April 2019. Information provided to Members included the number, type and age of children waiting for adoption and the length of time waiting and the number of children adopted and details of the recruitment of new adoptive parents. Members provided challenge to this information and sought assurances.

The Board also receives an annual report of the fostering service. The Walsall Fostering Service is located within the Children's Services Directorate of Walsall Council. A range of information is provided to the Board, including the challenge of recruiting new foster carers. The Board was advised that there had been an increase in the number of Children in Care in Walsall over the last 5 years, from 645 in 2017 to 648 on 5 December 2022. However, at the end of March 2022, there were 196 approved internal fostering households. In 2021, the Fostering Service introduced a referral fee of £500 which on approval of the applicant by Fostering Panel, was payable to the referrer. The Board was supportive of the Council achieving foster friendly status.

The Board recommended Walsall Council review the advertising of independent fostering agencies on traffic islands and that Walsall Council identify advertising space for the Council fostering service (free of charge). This was raised at the appropriate Proud programme work stream and work had taken place to ensure that independent fostering agencies would no longer advertise on traffic islands, and there would be an increase of advertisements for the Councils fostering service.

Integrated Care Board (ICB) Assurance Report

The Corporate Parenting Board has a responsibility to ensure that Walsall Council and Partner agencies have a joint commitment to corporate parenting in order to achieve continuing improvements in outcomes for children and young people in care and care leavers. The ICB assurance report provides an overview of the statutory health responsibilities of the ICB in relation to children in care and provided further

detail of action taken to deliver on-going improvements to health outcomes for looked after children.

The Board considered the data in relation to initial health assessments, and the reasons for this included:

- Late notification of coming into care.
- Carers overlooked the appointment.
- Children missing/refused.
- Extended hospital stays.
- Cancellation due to Covid-19.
- An increase of children coming into care.

It was noted that the percentage of dental checks completed had declined due to Covid-19. This continued to be monitored and was beginning to recover. The Board was assured that NHS England were developing pathways for this cohort.

Therapeutic Support to Children in Care

A key concern for young people, as reported to the Corporate Parenting Board, was mental well-being. To respond to this concern, Members requested information on the therapeutic support provided to children in care who are at greater risk of suffering poor emotional well-being or mental health that their peers not in care, often resulting from their early childhood experiences and trauma.

Therapeutic support to children in care is provided through the FLASH service. Foster Carers were empowered to meet children's needs through the Mocking Bird service.

In delivering therapeutic support to children in care, the FLASH Service:

- Undertakes direct work with children and young people who are looked after.
- Delivers support to children and young people living in foster care, children's homes or supported accommodation in Walsall and within 20 miles.
- Provides evidence based therapeutic support.
- Delivers an evidence based therapeutic approach to trauma and attachment if available.
- Provides support in the 'community' or homes where children live.
- Provides drop-in and consultation for Care leavers at transition and Leaving Care Team
- Delivers consultation clinics for carers, social workers and other relevant professionals to support the child in their home.
- Reviews the progress of the intervention and the impact on the outcomes for the children.

Referrals to the service are made by the social workers and are prioritised on the risk of placement breakdown. Young people whose care is at risk of immediate breakdown are classed as priority and followed up with social worker and other professionals involved to determine the nature of the response. All referrals accepted into the service are offered a consultation session for social worker and/or carers to more fully explore concerns and presenting needs.

Challenge was provided from Members in relation to the status of the service, they were informed that a review of the service was undertaken in 2020/2021 and a revised specification has been developed in collaboration with the CCG and the Trust. The specification sets out the requirements for the service to provide a targeted therapeutic service from registered professionals to undertake direct work with children who are looked after and whose early childhood experiences of trauma are impacting on their emotional well-being and secure attachments to carers.

The Corporate Parenting Board received assurance that the service specification included key performance indicators and that these will provide both quantitative and qualitative information about the impact of the service and outcomes for children, this will include children referred to service and stepping down from specialist Child Adolescent Mental Health Service.

Members were supportive of the mental health practitioner funded by the Virtual School (since 2021), to work with children to better support them in school settings. The mental health practitioner who is a qualified social worker is located in the FLASH team.

National review of children with disabilities and complex health needs

As part of their responsibility to monitor progress on outcomes for looked after children the Board received feedback on the review of children with disabilities and complex health needs in Walsall. The review focussed on children who were looked after children with disabilities and complex health needs and were placed in residential specialist schools, which were registered as children's homes. The conclusion of the review was that there were no significant concerns and the quality of care was good. There was evidence that children had developed and there was excellent communication between those involved in the child's care.

Residential Homes

Walsall's children's residential service provides care to children from across the Borough who are unable to reside with their families and for whom foster care is not considered a suitable option at that time. In June 2021, Cabinet endorsed a plan by Children's Services to open and run two new children's homes. These homes would specifically focus on the more complex, hard to place and therefore more costly children, and those who were in the process of being able to return home or step down to foster care. The Board was supportive of this development, as it would improve outcomes for children and young people in care.

Supporting unaccompanied asylum seekers Children (UASC)

The Corporate Parenting Board considered an item on the responsibilities of the Council in relation to children in care who had arrived in this country as unaccompanied asylum seekers.

Members heard that children who had fled and claimed asylum often had additional needs such as language and culture, extreme and traumatic life experiences, fear and uncertainty about the outcome of their immigration proceedings. This group were vulnerable to criminal exploitation and modern slavery. Members considered the services available to this group and the future service development.

This information developed the Board's knowledge and awareness of the experiences and concerns of looked after children.

Virtual School Annual report

The Corporate Parenting Board has responsibility to promote the educational achievement of looked after and previously looked after children, and to monitor the effectiveness of the Virtual School. To this end, Members considered the Virtual School annual report, which outlined the activity of the Virtual School and reported on the 2020-21 educational outcomes of Walsall's looked after children.

Members expressed their satisfaction that the 2021 GCSE results were the best ever GCSE results reported for children in care. The number of young people gaining five or more 4-9 GCSEs (or equivalent) passes has increased from 29% in 2020 to 38% in 2021. Alongside a rise in the number of young people achieving five to nine GCSEs from 15% in 2020 to 19% in 2021. Which was better than regional, national and statistical neighbour reported outcomes.

Looking Forward to 2023 - 2024

In 2023/24 the Board will continue to deliver its remit and in particular:-

- Review the governance and function of the Board to ensure that opportunities to hear from children and young people are maximised.
- Champion a bespoke version of Total Respect training, for Elected Members.
- Refresh the approach to engagement with young people to make engagement meaningful.
- Build relationships with children and young people in care and care leavers and be an advocate for them.
- Attend future events and activities with young people to further develop relationships.
- Challenge services and partners to ensure that young people are receiving the best services and given every opportunity to succeed.
- Monitor the delivery of the Corporate Parenting Strategy and associated action plan, and set the Boards remit around its priorities.
- Consider the effectiveness of the Board and revise the approach to its function accordingly.

CORPORATE PARENTING BOARD TERMS OF REFERENCE

Membership

7 Members of the authority as determined by the Council to include:-

- The Portfolio Holder for Children's Services (Chair);
- The Chair of Education and Children's Services Overview and Scrutiny Committee.

Note: A representative from the NHS shall be invited to each meeting as an advisor.

Substitution

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4), subject to them having undertaken the relevant training as detailed below.

Chairman and Vice Chairman

The Chairman shall be the Portfolio Holder for Children's Services.

The Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Quorum

The quorum of the Board shall be one third of the membership, subject to a minimum of two.

Meetings

The Board will meet every eight weeks or thereabouts and will usually meet at the Council House, Walsall at 6.00 p.m.

Access to information

The Board will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Purpose

To assist the Council fulfil its legal obligations and responsibilities towards children looked after and leaving care by providing strategic direction to ensure they are effectively supported to reach their potential.

Remit

Members of the Corporate Parenting Board shall:

- (1) Provide clear strategic direction in relation to corporate parenting to improve the outcomes and life chances of looked after children and care leavers.
- (2) Ensure that Walsall Council and Partner agencies have a joint commitment to corporate parenting in order to achieve continuing improvements in outcomes for our children and young people in care and care leavers.
- (3) Make a demonstrable commitment to prioritising the needs of looked after children and young people.
- (4) Set objectives for monitoring the work of and evaluating the progress of the Officer level 'Operational – Corporate Parenting Steering Group'.
- (5) Develop and sustain clear linkages with Children in Care Council, 'Council 4 Kids', Walsall Safeguarding Children's Board, Walsall Foster Care Association and Partners to include the Police, the NHS and education providers and others.
- (6) Approve a work plan with clear aims and objectives which reflect the terms of Walsall's Corporate Parenting pledge.
- (7) Monitor progress on outcomes and performance indicators for looked after children.
- (8) Submit reports to the Council, the Executive, Education and Children's Services Overview and Scrutiny Committee or such other body as the Board considers appropriate or necessary.
- (9) Submit an annual report to Council in April each year.
- (10) Listen to, consult with and involve looked after children and care leavers and their carer's in the assessment, development and delivery of services, including inviting them to act as advisers to the Committee on a regular basis.
- (11) Develop knowledge and be aware of the experiences and concerns of looked after children and care leavers.
- (12) Promote achievement and acknowledge the aspirations of children and young people and show ambitions and aspirations for all looked after children and care leavers.
- (13) Champion the provision of Council based work placements and apprenticeships for looked after young people.
- (14) Monitor the effectiveness of the Virtual school.

**Changes to the Standing Advisory Council for Religious Education
Constitution**

1. Aim

- 1.1 To inform the Council of a summary of the debate at a meeting of the Standing Advisory Council for Religious Education (SACRE). Notably whether membership should include voting representee(s) of non-religious worldwide views/beliefs, such as Humanism, within Group A (Religions).

2. Summary

- 2.2 At its meeting held on 20th March, 2023, SACRE considered a report (appendix 1) and, save for one member that voted against the proposal, agreed that Council be recommended to approve an amendment to the SACRE Constitution to include 2 two voting representatives, having secular beliefs, within category 'A'.
- 2.2 It was further recommended BY SACRE that x1 vacancy be filled by a Humanist representative, as an application has been made and x1 be available to another secular belief, subject to application.
- 2.1 Whilst SACRE must be consulted on proposals to amend the constitution and indeed membership, it is for Council to determine the matter.

3. Recommendations

That Council:

- 3.1. Approves an amendment to the constitution of SACRE, to include two voting representatives for people with non-religious worldwide affiliation or beliefs not represented by any other membership Group so long as the non-religious belief is analogous (similar or equivalent) to a religious belief, within category A; and
- 3.2 That x1 vacancy be filled by a Humanist representative as an application has been made, on a permanent basis and x1 be available to another secular belief, subject to application.

Author

Neil Picken
Principal Democratic Services Officer

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**Changes to the Standing Advisory Council for Religious Education
Constitution**

Purpose: Review

1. Aim

Membership of the Standing Advisory Council for Religious Education (SACRE) is based on the 2011 Census. The 2021 Census has been published and so the composition of SACRE is under review. In addition, a request has been received to establish whether membership can include a voting representee(s) of non-religious worldwide views/beliefs, such as Humanism.

2. Summary

- 2.1 SACRE's constitution is clear that the number of representative members shall be determined from time to time by the Local Authority. The Council is required to inform SACRE when undertaking a review of the SACRE constitution and receive any recommended changes put forward following that consultation.
- 2.2 There is no guidance in law or by the Secretary of State as to which specific voting group non-religious worldwide views/beliefs, such as Humanism would belong. As such, each individual Council is left to decide.
- 2.3 Lack of guidance and legislative clarity has resulted in an inconsistent approach across the UK. Wales have specific legislation to allow non-religious worldwide views/beliefs, such as Humanists as voting members. In the rest of the UK Councils have permitted non-religious worldwide views/beliefs, such as Humanists representation within category 'A', whilst others have no representation or, as in Walsall, Humanist representatives have been included as Co-Opted members.
- 2.3 In light of the request and a review of available data regarding the representation of religious and belief demographics within Walsall following the publication of the 2021 Census, a change to the membership of SACRE is proposed to include two secular voting members to Category A. This will reflect the full range of beliefs held by people living in Walsall, including those with professed religious and non-religious beliefs.

3. Recommendations

That:

- 3.1 SACRE provides a view on the proposed amendment to the constitution, to include two voting representatives, for people with non-religious affiliation or belief not represented by any other membership group so long as the non-religious beliefs analogous (similar or equivalent) to a religious belief, within category A (Religion);
- 3.2 Subject to recommendation 3.1, notes the arrangements for the appointment of those representatives as set out in paragraphs 4.7 and 4.8; and
- 3.2 Note that the outcome will be reported to Council for decision.

4. Report detail – know

Structure and membership arrangements

- 4.1 SACRE is established under section 390 of the Education Act 1996. It is not a formal committee of the Council and sits as an outside body with responsibilities relating to advising the local authority and education providers regarding the teaching of religious education, which follows the locally agreed syllabus. SACRE's broader role is to support good Religious Education (RE) and collective RE worship within its schools by:

- Giving advice on ways of teaching agreed syllabus RE, including the choice of teaching materials;
- Monitoring schools' provision for RE and collective worship as well as the spiritual, moral, social and cultural development (SMSC) of pupils;
- Advising the LA on the provision of training for teachers in RE; e.g. the provision of a fair related to Religious Education for teachers and students;
- Considering complaints about the provision and delivery of religious education and collective worship referred to it by the LA.

SACRE also has power to require an LA to review the syllabus undertaken, via an Agreed Syllabus Conference (ASC). Membership of ASC's will often be the same as SACRE but there is no provision to include co-opted members on ASC's.

- 4.2 Whilst its origins go back to the Education Act of 1944, the role, structure and function of SACRE in Local Education Authorities was strengthened by the Education Reform Act 1988 before being replaced by the Education Act 1996. Wording in respect of membership of each category has remained unchanged and S390(4) of the 1996 Act confirms:-

(4) The representative groups required by this subsection are:-

- (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the

authority, will appropriately reflect the principal religious traditions in the area;

- (b) except in Wales, the Church of England;
- (c) Associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
- (d) The authority.

- 4.3 The constitution allows for up to 42 members with the right to co-opt (non-voting) members. Membership is split into four groups as detailed above and in table 1. With regard to Group A, the number of representatives of each religion and religious denomination appointed, so far as consistent with the efficient discharge of the Council's functions, reflect broadly the proportionate strength of that denomination or religion in the area as indicated by the 2021 census data.

Table 1 – membership of SACRE

Group	Description	No. Members
A	Christian denominations and other religions and their denominations, reflecting the principal religious traditions of the area including:- 1 Baptist 1 Black Country Orthodox Trust 2 Methodist 1 New Testament Church of God 1 Quakers 1 Roman Catholic 1 Salvation Army 1 United Reform Church 3 Muslim 2 Hindu 3 Sikh 1 Jewish 1 Buddhist	19
B	Church of England	5
C	Teacher representatives	11 (includes 6 teachers and up to 5 Union Representatives)
D	Local Authority	7

- 4.4 Only those representatives of Groups A, B, C & D are entitled to vote and each such group shall have a single vote.
- 4.5 SACRE's constitution states that the number of representative members shall be determined from time to time by the Local Authority and the individual appointments should be made by the Local Authority after taking all reasonable

steps to assure itself that the individual is representative of the denomination or the teacher association concerned. It is desirable that all members have an interest in education in general and in religious education in particular.

Proposed number of representatives from non-religious worldwide views/beliefs and process for consideration of applications

- 4.6 Given the increase in 'No religion' within the census (see paragraph 4.9) and changing landscape nationally, as detailed within this report, it is proposed that the constitution be amended to increase the number of places in Group A by 2 to include representatives of 'other bodies' for people with non-religious affiliation or belief not represented by any other membership group. These to be available to secular belief representatives.
- 4.7 It is suggested that the Constitution be amended as follows to confirm the inclusion of an additional 2 people with Non-Religious Philosophical Convictions not represented by any other membership group and that a process of these appointments be clarified. The amended Constitution Is attached in full at **Appendix A** with additions shown in bold/underlined:-

Non-Religious Philosophical Convictions

- 2 appointed representative for people with non-religious affiliation or belief not represented by any other membership group so long as the non-religious beliefs analogous (similar or equivalent) to a religious beliefs as per the following guidance:-
- To be “analogous” we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.
- Any appointment is dependent on the relevant local authority’s opinion as to whether such a representative would help ensure that the relevant traditions in the local authority’s area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

Nomination and election process

Nominations for people with non-religious affiliation or belief not represented by any other membership group in Category A should be submitted in writing to Democratic Services. Nominations to be reviewed by the Director of Children’s Service together with the Portfolio Holder for Education and SACRE, to consider eligibility. A recommendation to Council shall then be made.

- 4.8 As a nomination has been received for Mr Bill Green to be appointed to represent the Humanists, it is proposed that Mr Green takes up one of the vacancies available, should the amendment be approved by Council.

National Census - Taking into account religious and non-religious affiliations – voluntary question.

- 4.9 A number of authorities, including Walsall have religiously diverse boroughs where SACRE has a strong and well-established relationship to the communities they serve. Authorities use data from the National Census to inform representation of SACRE.

Statistics from the 2021 National Census confirm that Walsall has an estimated resident population of 284,100. It also sets out the religious affiliation in Walsall. The table below compares the figures in the 2011 Census to that in 2021 together with the number of seats each religion holds on SACRE:-

Religion	(2011 census)	(2021 census)	Seats on SACRE
Christian	158,971	126,921	9
Buddhist	516	533	1
Hindu	4,560	5,096	2
Jewish	54	74	1
Muslim	22,146	32,107	3
Sikh	11,606	17,148	3
Other Religion	1,420	1,658	0
No Religion	53,876	85,819	0
No answer	16,174	14,768	0

- 4.10 The table reflects the changing nature of religious and non-religious beliefs in current society and the Walsall area. Levels of Walsall residents with no religious belief vary across the wards of the borough ranging from 7.4% to 42.7%, with an overall percentage of the population of Walsall that hold no religion being 30.2%. This does not mean that 1/3 of the population of Walsall are humanists, it is however reasonable to expect there would be a reasonable proportion of whom are.

National Context

Wales

- 4.11 In 2018, the Welsh Government issued Guidance to clarify that persons who hold non-religious beliefs (such as humanists) should be permitted full membership on Group A, in light of the Human Rights Act 1998, so long as the non-religious belief is analogous (similar or equivalent) to a religious belief, such as Humanism. This guidance only applied in Wales and specifically included the following paragraphs to ensure that the person(s) appointed was analogous to a religious belief, such as Humanism.
- To be “analogous” we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.

- An appointment is dependent on the relevant local authority's opinion as to whether such a representative would help ensure that the relevant traditions in the local authority's area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.
- 4.12 On 29 April 2021, the Welsh Government passed the Curriculum and Assessment (Wales) Act which introduced an array of reforms. These include changing the name 'religious education' (RE) to 'religion, values, and ethics' (RVE) and clarifying that that humanists may sit on the bodies that oversee and develop the syllabus (SACRE).

Humanists UK

- 4.13 Whilst the legislative position in England is unclear, Humanists UK have successfully challenged Local Authorities including the Royal Borough of Greenwich and Southampton Council to review their decision not to allow non-faith representation under Category A. The decision to review was taken after Humanists UK notified the authorities of their intention to take legal action against the decision. This on the basis that Humanist representatives' exclusion from being admitted as a voting member violated human rights law. The Council subsequently agreed to reconsider the matter.

The House of Lords

- 4.14 On 14 June, 2022, the Education (Non-religious Philosophical Convictions) (Bill) was introduced in the House of Lords to make provision to include non-religious philosophical convictions within the school curriculum; to require that persons who hold non-religious philosophical convictions, such as Humanists must be represented at standing advisory councils on religious education and at agreed syllabus conferences; and for connected purposes.

5. *Council Plan priorities*

- 5.1 This issue links to both the Communities (Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community) and Children (Have the best possible start and are safe from harm, happy, healthy and learning well) priorities within Our Council Plan. SACRE sets the syllabus for religious education within Walsall Schools and so it is important that SACRE's membership is proportionate to the Boroughs Census information to ensure that it fully reflects the communities which the Council serve.

6. *Risk management*

- 6.1 If this proposal is rejected and the status quo persists, then Humanists UK and / or other affected groups could seek a Judicial Review with an aim to have the decision overturned. A similar risk would exist if Humanists were simply appointed

to the SACRE without a fair and transparent application process open to all. This would potentially have a financial and reputational risk to Walsall Council.

7. Financial information

- 7.1 There are no direct financial implications. However, should the decision be taken to refuse membership for non-religious worldwide views/beliefs, such as Humanism within Group A (Religions) the Council would incur costs in defending any potential challenge.

8. Legal implications

- 8.1 Section 391 of the 1996 Education Act requires every Local Authority (LA) in England and Wales to constitute a Standing Advisory Council on Religious Education (SACRE) with the following functions and duties:
1. to advise the LA on matters connected with collective worship in community schools and the RE to be given in accordance with the Agreed Syllabus. This includes particular methods of teaching, the choice of materials and the provision for the training of teachers
 2. to require the LA to review its current Agreed Syllabus
 3. to determine (following an application made by the headteacher of any community or foundation school) whether it is appropriate for the requirement for collective worship to be broadly Christian should not apply in the case of that school or for some of the pupils in that school
 4. to publish an annual report on its work which should:
 - specify any matters on which it has advised the LA
 - broadly describe the nature of that advice on any matters which were not referred to it in the first place by the LA.
- 8.2 In 1994, the Government issued a Circular which asserted Non-Religious World Views, such as Humanist were not entitled to be voting members of SACRE in category A. This guidance was superseded by a 2010 Guidance, issued by the Secretary of State, giving examples of where Humanists taking part in SACRE meeting as co-opted members. Further, the reference to Humanists not being permitted to be voting members was not included in the 2010 guidance.
- 8.3 The Equality Act 2010 provides protection for individuals from discrimination because they have a religion or a belief or no religion or no belief; but it does not define either religion or belief in any further detail.
- 8.4 Article 9 of the Human Rights Act 1998 protects individuals right to hold both religious and non-religious beliefs. This is an absolute right which means it can't be interfered with by the state. Article 9 includes the right to choose or change religion or beliefs and confirms that individuals cannot be forced to have a particular religion.

- 8.5 In a High Court case in 2015 it was concluded that the non-inclusion of Non-Religious World Views as part of Religious Education is a breach of the Convention for Human Rights which is enshrined in English law through the Human Rights Act.

9. *Reducing Inequalities*

- 9.1 Religion and Belief, as a protected characteristic under the Equality Act does include a lack of faith in an organised religion. Should a decision be made to not allow those with non-religious worldviews/faith such as Humanist Representatives this would limit the capacity for them to be represented fully at meetings of SACRE.
- 9.2 However, the current arrangements are in line with the legislation and requirement that these seek to provide representation to particular religious groups within the Local Authority area, as determined by the Local Authority. Opportunities for alternative involvement mitigate the negative impact such as the inclusion of a humanist representative as a co opted member.

10. Decide – Options

- 10.1 Option 1: To amend the constitution to include x2 voting representee of non-religious worldwide views/beliefs, such as Humanism, within Group A (Religions). This would enable the request from the Humanist Co opted member to become a full member possible whilst ensuring that a further place is available for another representative of secular belief, subject to satisfying the selection process outlined within the report.
- 10.2 Option 2: To amend the constitution to include x1 voting representee of non-religious worldwide views/beliefs, such as Humanism, within Group A (Religions). As a request has been made to include a Humanist representative, should that be agreed by the Authority, it would prevent other non-faith groups being represented as the place would be filled. This would disenfranchise a sizeable proportion of those living in Walsall and prevent their views and opinions from helping to shape the overall nature of Religious Education in maintained schools specifically under SACRE statutory duties, and those non-maintained who follow the Locally Agreed Syllabus.
- 10.3 Option 3: To continue with co-opted member status and not amend the constitution to allow voting representatives from non-religious worldwide views/beliefs, such as Humanism. However, this has previously been the subject of legal challenge by a Humanists UK and while a legal challenge may be defensible under current legislation, it is unlikely to be in the public interest to defend such proceedings when there is evidence supporting the need to review membership to include more secular belief systems being represented on SACRE.
- 10.4 Option 4: To include up to 2 members under category D to represent the authority. However, this is currently elected members of the Council and so consideration would need to be given as to how a member of a secular belief would represent the Council.

11. Respond

- 11.1 Once a view has been provided by SACRE, the matter will be considered by Council for decision. SACRE will be advised of the outcome at the next available meeting and.

12. Review

- 12.1 Membership will be reviewed on an annual basis.

Background papers

None

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**STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION
(S.A.C.R.E.)
CONSTITUTION**

1. Legislative Background

The Education Act 1996, Sections 375-397 (in conjunction with 'Religious Education In English Schools: Non-statutory guidance 2010').

2. Terms of Reference

- a) The broad role of SACRE is to support the effective provision of RE and Collective Worship in schools. Walsall Local Authority will work with the SACRE to monitor and review the existing provision for RE and Collective Worship.
- b) The functions of SACRE are detailed in section 391 Education Act 1996 (as amended). Other responsibilities are outlined in: Religious Education in English Schools: non-statutory guidance 2010; SACRE and Self Evaluation: A guide Ofsted 2005; Circular 1/94 (Collective Worship).

These responsibilities are:

- a) **to advise** the Authority on such matters connected with Religious Education and Collective Worship in Walsall Community schools, Foundation schools without a religious character and Voluntary Controlled schools.
- b) **to monitor** the provision and quality of RE taught according to its Agreed Syllabus together with the overall effectiveness of the syllabus in all schools.
- c) **to provide** advice and support on the effective teaching of the Agreed Syllabus.
- d) **to provide** advice to the LA and its schools on methods of teaching, the choice of teaching material and the provision of teacher training.
- e) **to require** the LA to set up a statutory conference to review the Agreed Syllabus if, in the opinion of the SACRE, this becomes necessary. This must be reviewed and updated every five years but a majority of representative groups on the SACRE, other than that consisting of persons chosen to represent the Authority (Group D), may at any time require a review of the Agreed Syllabus which is currently being used by the Authority.

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- democracy.
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- f) **to consider**, in partnership with the LA, whether any changes need to be made to the Agreed Syllabus or in the support offered to schools in the implementation of the Agreed Syllabus, to improve the quality of RE and the learning of pupils.
- g) **to offer** schools and the LA advice concerning how an existing syllabus can be interpreted so as to fit in with wider changes in education.
- h) **to receive, determine and review** applications from headteachers that the requirement for **Collective Worship** in community schools to be wholly or mainly of a broadly Christian character shall not apply to the collective worship provided for some or all of the pupils at that particular school.
- i) **to publish** an annual report on its work and on actions taken by its representative groups, specifying any matters on which it has advised the LA, broadly describing the nature of that advice, and setting reasons for offering advice on matters which were not referred to it by the LA. This report will be presented to the LA and schools and is to be delivered to the Department for Education and NASACRE (the National Association of Standing Advisory Councils for Religious Education) by the date specified. This report should also be made available to the public. The report will provide at least the information specified by the receiving body.
- j) **to develop** SACRE's own role, supported by the LA and working with inter-religious bodies, to enhance the important contribution that the study of religion and belief can make to community cohesion, British values* and the combating of religious prejudice and discrimination.
- k) **to offer** advice to the Walsall LA on any matters related to SACREs.

3. Membership of SACRE

- a) The number of representative members shall be determined from time to time by the LA and the individual appointments should be made by the LA after taking all reasonable steps to assure itself that the individual is representative of the denomination or the teacher association concerned. It is desirable that all members have an interest in education in general and in religious education in particular.
- b) SACRE is to be comprised of the members of the four Representative Groups and members co-opted to SACRE
- c) The four Representative Groups shall be:

Group A: Such Christian denominations other religions and religious denominations as, in the opinion of the LA, will appropriately reflect the principal religious traditions in Walsall and religions and faiths covered by the Agreed Syllabus. The number of representatives of each religion and religious denomination appointed shall, so far as consistent with the efficient discharge of the Council's functions, reflect broadly the proportionate strength of that denomination or religion in the area as indicated by the 2011 census data:

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- 1 Baptist
- 1 Black Country Orthodox Trust
- 2 Methodist
- 1 New Testament Church of God
- 1 Quakers
- 1 Roman Catholic
- 1 Salvation Army
- 1 United Reform Church
- 3 Muslim
- 2 Hindu
- 3 Sikh
- 1 Jewish
- 1 Buddhist

Non-Religious Philosophical Convictions

- 2 appointed representative for people with non-religious affiliation or belief not represented by any other membership group so long as the non-religious beliefs analogous (similar or equivalent) to a religious beliefs as per the following guidance:-
 - To be “analogous” we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.
 - Any appointment is dependent on the relevant local authority’s opinion as to whether such a representative would help ensure that the relevant traditions in the local authority’s area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

Nomination and election process

Nominations for people with non-religious affiliation or belief not represented by any other membership group in Category A should be submitted in writing to Democratic Services. Nominations to be reviewed by the Director of Children’s Service together with the Portfolio Holder for Education and SACRE, to consider eligibility. A recommendation to Council shall then be made.

Group B: Church of England. This group is made up of 5 members of the Church of England, representing the Diocese of Lichfield. It can include both clergy and lay people. Each nominee will be proposed by the Lichfield Diocesan Board of Education and appointed by the LA. The nominating body will be the

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point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment.

Group C: Teacher representatives to represent a spread of teacher specialisations as listed below, and these should reflect as broad a spread of teacher associations as possible. Any teacher association that is not represented by the teacher category criteria will have the right to nominate an additional representative. The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment:

- 2 Maintained School Headteachers (Primary or Secondary)
- 1 Secondary Academy School Headteachers
- 1 Primary Academy School Headteacher
- Local RE subject leader Primary
- Local RE subject leader secondary
- Representatives of Unions (NUT, NASUWT, ATL, ASCL, NAHT)

Group D: Local Authority. This group shall comprise a group of up to seven elected members as nominated by the political parties represented on the council.

Co-opted members: SACRE shall have the right to co-opt additional members for the remainder of the municipal year. Co-opted members may take part in any of the discussions but do not belong to any of the groups and do not have voting rights. The co-opted members shall be appointed only by those members of SACRE who have not themselves been co-opted.

Co-opted Members to include a Humanist UK representative.

4. Officer Support

- a) Local Authority senior officer or representative (non-voting)
- b) Clerk to SACRE (non-voting)
- c) RE Consultant (non-voting)

The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment. The Head of Service will be the point of reference should SACRE have any questions pertaining to the Local Authority Senior Officer.

5. Membership

- a) The LA shall appoint the members of the SACRE after consulting with the Nominating Bodies as appropriate.
- b) Nominating bodies will review their representation at the beginning of each municipal year or up to every five years as they see fit.

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- c) An individual representative member may resign at any time by giving notice in writing to their Nominating Body and to the Clerk of SACRE
- d) An individual representative member may be removed from membership by the LA, if in the opinion of the LA he or she ceases to be representative of the nominating denomination or teacher association.
- e) Following non-attendance of a member at two consecutive meetings without apology, the SACRE will recommend to the LA that a replacement nomination be sought from the relevant Nominating Body.

6. Term of Office

- a) Appointments to SACRE shall generally be for a term of 5 years from the date that the new member should have attended their first meeting. Groups can re-nominate members after the end of the 5 years for consideration by the LA. Members may not serve for more than two consecutive periods of 10 years (i.e. ten consecutive years in total). SACRE may waive this rule with the agreement of all voting members of SACRE if the continued service of a Member was considered to be beneficial to the Council.
- b) The SACRE shall review the membership annually at the AGM in the summer term.

7. Voting

- a) Each of the four Groups on SACRE shall have one vote. Groups are to determine their own internal voting arrangements. Decisions within a group about how that vote is cast do not require unanimity. Each group is to regulate its own proceedings including provision for resolving deadlock.
- b) A proposal shall not be deemed to be carried unless it has been approved by at least three of the four Groups, unless otherwise required by law or guidance. If there is a tied vote then the issue would fail, and no action would be taken.
- c) The validity of the proceedings of SACRE or of the members of SACRE of any particular category shall not be affected by a vacancy in the office of any member of SACRE, or on the ground that a member appointed to represent any religion, religious denomination or association does not at the time of the proceedings represent the religion, religious denomination or association in question.

8. Quorum

A quorum shall consist of one member from at least three of the constituent groups with a total presence of no less than eight of the appointed members.

9. Chairs and Vice Chair

- a) The chair and vice chair will be appointed by the membership of SACRE at the AGM in the summer term or any meeting during the year when the

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position is vacant. Normally the chair and vice chair will remain in their positions for two years.

- b) The chair and vice chair, where possible, will represent different Groups of the SACRE and if possible have different religious backgrounds.
- c) SACRE will put in place procedures to consider succession planning for the posts of chair and vice chair.
- d) Where a vote is required, voting will be by a simple majority with each Group being assigned one vote.
- e) The Chair will be responsible for:
 - the management of meetings
 - representing the SACRE to other bodies
 - such other duties as the SACRE considers appropriate.
- f) The Vice Chair will be responsible for:
 - deputising for the chair as required;
 - representing the SACRE to other bodies in the absence of the chair or in agreement with the Chair
 - such other duties as the SACRE considers appropriate.

10. The Clerk

The LA shall appoint, fund and supervise a Clerk to:

- a) attend the full meetings of SACRE, any agenda setting meeting and Agreed Syllabus Conference meetings
- b) take appropriate minutes and notes at meetings
- c) maintain and update the records of SACRE and its meetings
- d) perform any other necessary administrative duties
- e) provide a copy of the minutes and papers of meeting to the members of SACRE and LA

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11. The Local Authority Senior officer

SACRE shall be served by a Local Authority Senior Officer. The LA officer will:

- a) attend each SACRE and ASC meeting
- b) represent the views of the LA at these meetings
- c) provide necessary information and support to the RE Consultant regarding RE and Collective Worship in the Walsall schools
- d) ensure that the LA provide sufficient funds for SACRE to perform its functions.

12. The RE Consultant

The RE adviser will:

- a) attend each meeting of the SACRE and support the SACRE to fulfil its function with regard to RE and Collective Worship
- b) work with the Chair, Clerk and LA Officer to prepare the SACRE agenda and any reports, papers or advice required
- c) report regularly to SACRE on work completed on behalf of SACRE
- d) provide expertise and advice in the areas of RE and Collective Worship.

13. Meetings of SACRE

- a) There will normally be three SACRE meetings per academic year, one per term. Meetings will be convened by the LA. The summer term meeting will be the AGM.
- b) Special meetings may be called by the Chair, Vice Chair and LA acting jointly.
- c) Details of the business to be considered by the meeting, which will be included in the agenda, must be received by the Clerk not later than 15 school days before the meeting.
- d) The Clerk will, no later than 5 working days before the meeting, circulate the agenda and supporting papers to the members.
- e) Meetings of SACRE shall be held in public except where an item of business is being considered which involves the consideration of confidential information in accordance with the Religious Education (Meetings of Local Conferences and Councils).

14. Convening an Agreed Syllabus Conference

- a) Walsall LA is required to convene an Agreed Syllabus Conference (ASC) to review the Agreed Syllabus every five years. An ASC may be requested to be convened by SACRE more frequently.
- b) This conference will ideally have the same composition as SACRE. There is no provision for co-opted members, however some individuals may be invited to all meetings of the conference and its Groups in order to give their advice.

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15. General

- a) The SACRE may if it wishes establish working parties to take forward specific projects comprising representatives of each of the groups and the RE Consultant. These working parties will report back to SACRE regularly, according to a schedule agreed at the outset of the project.
- b) In accordance with the statutory requirements of the Education Act 1996 and associated regulations, the press and public will be entitled to attend meetings of the SACRE, but may be excluded from the meeting during the consideration of items containing information capable of being treated as exempt information if meetings of SACRE were meetings of a Local Authority. The press and public are not entitled to attend meetings of an Agreed Syllabus Conference.
- c) The Constitution will be reviewed on a biennial basis at the Summer term meeting of SACRE (the AGM) and suggestions for amendment voted on as described in Sections 7 & 8. Minor amendments may be brought to any meeting, with the agreement of members, and such minor amendments voted on as described in Section 7 & 8.

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REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING AND SAFETY COMMITTEE

5 APRIL 2023

REVISION OF THE WALSALL COUNCIL STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

1.0 Summary of Report

- 1.1 The Purpose of this report is to seek members approval of a revised Statement of Principles issued under section 349 of the Gambling Act 2005

2.0 Recommendations

Subject to consideration of the outcome of consultation referred to in paragraph 3.5 to 3.8:

- 2.1 That members receive the revised Statement of Principles for the period 2023/26 and recommend it to full Council for approval and adoption.
- 2.2 That members agree that the Licensing Service as part of its ongoing desire to protect the health of the communities of Walsall work with partners both internal and external to raise the profile of organisations, charities and services that can assist those who may suffer harm because of gambling.

3.0 Background information

- 3.1 The Gambling Act 2005 provides a comprehensive framework for the regulation of gambling nationwide. Its objectives are:
- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - b. Ensuring gambling is conducted in a fair and open way.
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 3.2 Walsall Council as a Licensing Authority is responsible for the licensing of premises, permits and registrations. The Gambling Commission issue licences for Gambling Operators and Personal Licences.
- 3.3 The Act places a duty on the licensing authority to determine and publish its Statement of Principles every three years with respect to the exercise of its functions.
- 3.4 During the three year period the Statement of Principles must be kept under review and the licensing authority may make any revisions to it as it considers necessary. In the last three years no matters have been brought to the attention of the Licensing Service that have suggested there was any need to make amendments to the Walsall Council Statement of Principles.
- 3.5 On the 12 October 2022 members Licensing and Safety Committee agreed that public consultation on the revised Statement of Principles could proceed.

The full public consultation was then launched on the **10 February 2023**. The online consultation was split into three sections

- 1. Questions regarding the Statement of Principles
- 2. Questions regarding the wider social impacts of Gambling and any concerns or complaints individuals or organisations may have.
- 3. Equalities information as to who was completing the questionnaire.

The consultation ended on the **21 March 2023**.

The second set of questions was felt important as the amount of intelligence and information the Licensing Service has in relation to gambling, any harms it creates and any problem premises is very limited. This approach was agreed with the Consultation Institute.

Prior to the public consultation, all relevant responsible authorities were contacted on the 28 February 2022 for information relating to concerns around gambling within the borough.

- 3.5 **Appendix 1** identifies those persons and organisations that were contacted as part of this consultation process.
- 3.6 Consultation ended on the **21 March 2023**.
- 3.7 Details of responses will be provided prior to the meeting.
- 3.8 The comments made have in the consultation have predominantly led to a greater emphasis being placed on licence applicants or holders raising the profile of organisations that can assist vulnerable persons in seeking help.

3.9 As part of this review process the service requested and has received details from GamCare the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. This data showed the numbers of persons in the Walsall area contacting them about problems caused by their gambling habits.

3.10 There are presently 46 Licensed premises in the Borough and these consist of

- 28 Betting establishments
- 8 Adult Gaming establishments
- 7 Bingo establishments
- 3 Casino establishments

3.11 Since the introduction of the 2005 Act only one application has had to be brought before the relevant sub committees for determination. This application was granted following an appeal made to Magistrates Court by the applicant

Since the previous Statement of Principles was introduced (in 2016) there have been four new applications and no reviews. Overall since the introduction of the Gambling Act in 2007 there have been 85 new applications and no reviews.

3.12 Local Area Profile – officers from the Licensing Service continue to work alongside the Public Health Intelligence team to devise the Local Area Profile for Walsall. As soon as the document is ready it will be made available on the Licensing web pages or upon request.

3.13 The recommended Statement of Principles for 2023 -2026 is attached as **Appendix 2**.

5.0 Resource Considerations

5.1 **Financial:** The Licensing Service is fully funded through the income it receives from the licensing of gambling establishments as mentioned in the main body of this report. The Service sets the fees for such applications based on relevant guidance.

There is not a huge turnover of these premises and therefore income appears to be relatively stable. This consequences of approving this Statement of Principles should not adversely affect income generation.

5.2 **Legal:** The Act places a duty on the licensing authority to determine its Statement of Principles with respect to the exercise of its functions and to publish that statement before it starts the exercise of those functions on a three year cycle.

Such a Policy must be approved by council and published before the licensing authority carries out its functions in respect of individual applications.

Any challenge of the Licensing Authority's Statement of Principles is by way of Judicial Review.

Enforcement relating to gambling is undertaken primarily by Community Protection Officers. There are however allowances within the act for Environmental Health officers, Trading Standards Officers and the Police to inspect and enforce licence conditions.

5.3 **Staffing issues:** None arising from this report.

6.0 Citizen Impact

6.1 Is addressed through the Statement of Principles

7.0 Community Safety

7.1 Is addressed through the Statement of Principles

8.0 Environmental Impact

8.1 Nothing arising from this report.

9.0 Performance and Risk Management Issues

9.1 Nothing arising from this report.

10.0 Equality Implications

10.1 These are addressed through the Statement of Principles

11.0 Consultation

- 11.1 Section 349(3) of the Act states that the following must be consulted:
- a. The Chief Officer of Police
 - b. One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area
 - c. One or more persons who appear to the authority to represent the interest of persons likely to be affected by the exercise of the authority's functions under the Act

12.0 Associated Papers

- 12.1 Appendix 1 - List of people consulted
12.2 Appendix 2 – Final policy to be adopted.

13.0 Contact Officer

- 13.1 Muhammed Sayful Alom (Licensing Team Leader) –
sayful.alom@walsall.gov.uk

Name	Address 1	Address 2
DWF Law LLP	5 St Paul's Square	Old Hall Street
Flint Bishop	St Michaels Court	St Michaels Lane
Freeths	One Colton Square	Leicester
Gosschalks	Queens Gardens	Hull
John Gaunt	Omega Court	372-374 Cemetery Road
Lanyon Bowdler Solicitors	Chapter House North	Abbey Lawn
Lockett & Co	Lockett House	13 Church Street
Lunn Groves	Sterling House	158 Hagley Road
Poppleston Allen	37 Stoney Street	The Lace Market
TLT Solicitors	One Redcliff Street	Bristol
Trethowans LLP	Trethowans LLP	London Road
Ward Hadaway	102 Quayside	Newcastle upon Tyne
Winckworth Sherwood	Minerva House	5 Montague Close
Woods Whur	St James House	28 Park Place

Address 3	Address 4	Address 5
Liverpool	L3 9AE	
Derby	DE1 3HQ	
	LE1 1QH	
East Riding of Yorkshi	HU1 3DZ	
Sheffield	S11 8FT	
Shrewsbury	SY2 5DE	
Kidderminster	DY10 2AH	
Stourbridge	DY8 2JL	
Nottingham	NG1 1LS	
	BS1 6TP	
Salisbury	SP1 3HP	
	NE1 3DX	
London	SE1 9BB	
Leeds	LS1 2SP	

Name	Address 1	Address 2
Licensing Matters Ltd	54 Fairfield Drive	Clitheroe
Arka Licensing Ltd	Trident Business Centre	89 Bickersteth Road
Inn Dispensable	Unit 45 Basepoint Centre	Waterberry Drive
Licence Leader	25 Hemyock Road	Selly Oak
JMC Licensing Consultants	540 Antrim Road	Belfast
Innpacked	Suite F8, 10 Whittle Road	Ferndown Industrial Estate
Get Licensed	None	
CPL Learning	Bridge Court	110 Canning Street
Licensing Guys	Rural Enterprise Centre	Vincent Carey Road
Inn Confidence	Inn Confidence	2nd Floor, Edward Pavilio
Optimised Training Centre	1 Guildford Street	Lozells
Knights Training	1-3-4 The Barracks	White Cross Business Park
Hospitality Training Solutions	Peter House	Oxford Street

Address 3	Postcode
London	BB7 2PE
Waterlooville	SW17 9SH
Birmingham	PO7 7TH
N. Ireland	B29 4DG
Wimborne	BT15 5GJ
	BH21 7RU
Birkenhead	CH41 1EW
Rotherwas	HR2 6FE
Royal Albert Dock	Liverpool
Birmingham	B19 2HN
South Road	Lancaster
Manchester	M1 5AN

Name	Address 1	Address 2
Betfred (Done Brothers Ltd)	56-58 Benson Road	Birchwood
Boyle Sports UK Ltd	172 Stafford Road	Shirley
Buzz Group Ltd	1st Floor, 7 Castle Quay	Castle Boulevard
Crown Leisure Ltd	Unit 1 Hillridge Road	Martland Park Ind Estate
Genting UK Plc	Circus Star City	Watson Road
Grosvenor Casinos Ltd	TOR, Saint-Cloud Way	Maidenhead
Ladbrokes Betting & Gaming Ltd	One Stratford Place	Montfichet Road
Megabet UK Ltd	Pinetree Business Centre	Durham road
Merkur Slots	Seebeck House	1A Seebeck House
Nexstar Ltd	19 High Street	Wednesfield
Off Course Bookmakers Ltd	560 Walsall Road	Great Barr
Players Amusements Ltd	Lucky Strike Amusement	18 Croft Parade
Playland Holdings Ltd	257 Stafford Street	Walsall
Pot Luck Gaming Centre Ltd	Penny Lane Business Ce	374 Smithdown Road
Power Leisure Bookmakers Ltd	Waterfront	Hammersmith Embankme
Talarius Ltd	Fifth Avenue Plaza	Queensway
William Hill Organisation Ltd	1 Bedford Avenue	London

Address 3	Address 4	Address 5
Warrington	WA3 7PQ	
Solihull	B90 3BQ	
Nottingham	NG7 1FW	
Wigan	WN5 0LS	
Birmingham	B7 5SA	
Berkshire	SL6 8BN	
London	E20 1EJ	
Birtley	DH3 2TD	
Milton Keynes	MK8 5FR	
West Midlands	WV11 1ST	
Birmingham	B42 1LR	
Walsall	WS9 8LY	
West Midlands	WS2 8DF	
Liverpool	L15 5AN	
Chancellors Road	London	W6 9HP
Team Valley Trading Estate	Gateshead	NE11 0BL
	WC1B 3AU	

Name

West Midlands Police
Gambling Commission
Trading Standards
Environmental Health
Childrens Services
West Midlands Fire Service (1)
West Midlands Fire Service (2)
Planning
Public Health
Community Protection
HMRC

Eddie Hughes Conservative MP
Wendy Morton Conservative MP
Valerie Vaz Labour MP
Walsall Ward Councillors
Walsall Parish Councillors
Sandwell Council
Dudley Council
South Staffs Council
Cannock Chase Council
Lichfield District Council
Birmingham City Council

Name	Address 1	Address 2
Gamble Aware		
Gam Care		
Aquarius Action Projects		
National Problem Gambling Clinic		
National Centre for Gaming Disorders		
Gamblers Anonymous		

Address 3

Postcode

Name	Address 1	Address 2
DWF Law LLP	5 St Paul's Square	Old Hall Street
Eversheds	Eversheds Sutherland (In	Eversheds House
Flint Bishop	St Michaels Court	St Michaels Lane
Freeths	One Colton Square	Leicester
Gosschalks	Queens Gardens	Hull
Harrison Clark Rickerby's Ltd	63 Church Street	Birmingham
John Gaunt	Omega Court	372-374 Cemetery Road
Kenneth Curtis Solicitors	88 Aldridge Road	Perry Barr
Lanyon Bowdler Solicitors	Chapter House North	Abbey Lawn
Lester Aldridge LLP	120 Moorgate	London Road
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Lunn Groves	Sterling House	158 Hagley Road
Poppleston Allen	37 Stoney Street	The Lace Market
Richard Bradley	Poppleston Allen	37 Stoney Street
Shoosmiths Licensing	2 Colmore Square	38 Colmore Circus
TLT Solicitors	One Redcliff Street	Bristol
Trethowans LLP	Trethowans LLP	London Road
VKM Solicitors	48 Queen Street	Wolverhampton
Ward Hadaway	102 Quayside	Newcastle upon Tyne
Winckworth Sherwood	Minerva House	5 Montague Close
Woods Whur	St James House	28 Park Place

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70 Great Bridgewater	Manchester	M1 5ES
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	LE1 1QH	
East Riding of Yorkshi	HU1 3DZ	
	B3 2DP	
Sheffield	S11 8FT	
Birmingham	B42 2TP	
Shrewsbury	SY2 5DE	
	EC2M 6UR	
Kidderminster	DY10 2AH	
Stourbridge	DY8 2JL	
Nottingham	NG1 1LS	
The Lace Market	Nottingham	NG1 1LS
Queensway	Birmingham	B64 6SH
	BS1 6TP	
Salisbury	SP1 3HP	
	WV1 3BJ	
	NE1 3DX	
London	SE1 9BB	
Leeds	LS1 2SP	

Name

Email

Tel

Address 1

Address 2

Address 3

Postcode

Gambling Act 2005

Draft Statement of Principles



Date policy adopted:	Date
Date formally published:	Date
Date implemented:	Date
Next review due:	Date

2023 - 2026



Walsall Council

Table of Content

	Page
1 Introduction	3
2 Licensing Objectives	5
3 Consultation	6
4 Declaration.....	7
5 Responsible Authorities and Interested Parties	7
6 Responsible authority for protection of children from harm	9
7 Exchange of Information	10
8 Inspection and criminal proceedings.....	11
9 Licensing authority functions.....	13
10 Local risk assessments	13
11 Local Area Profile.....	15
12 Licensing Authority Delegations.....	16
PART B	17
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS	17
13 General Principles.....	17
14 Decision-making	17
15 Vehicles	19
16 Vessels	19
17 Types of Premises Licence.....	20
18 Location	21
19 Planning.....	22
20 Duplication with other regulatory regimes	22
21 Licensing Objectives	22
22 Vulnerable Persons.....	24
23 Conditions	24
24 Category C Machines	25
25 Door Supervisors	25
26 Adult Gaming Centres (AGC).....	26
27 (Licensed) Family Entertainment Centres (FEC):	27
28 Casinos.....	28
29 Bingo premises	28
30 Betting premises	29
31 Tracks	30
32 Gaming machines	31
33 Betting machines	31
34 Applications and plans	31
35 Travelling Fairs	32
36 Provisional Statements	32
37 Reviews	34
38 PART C - Permits / Temporary & Occasional Use Notice.....	35
39 Safeguarding against Child Sexual exploitation (CSE)	41
40 Appendix 1 – Definitions	42

Version Details:

Date	Version	Summary Changes
05.04.2023	1.1	Guidance and Legislation – Inspections

IMPORTANT NOTE

Where this policy refers to information, legislation, policy, or guidance produced by other governing bodies or regulatory agencies, please note that the requirement detailed within this this policy will be subject to any amendments thereof.

Walsall Metropolitan Borough Council

Statement of Licensing Policy

1 Introduction

- 1.1 Under Section 349 of the Gambling Act 2005 ('the Act'), licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities pertaining to gambling. Walsall Council ('the Council') is the Licensing Authority for the Walsall Metropolitan Borough licensing area and is fulfilling its legal duty to prepare a statement of principles through this Gambling Policy Statement ('the Policy').
- 1.2 The Council is required to publish the Policy at least every three years. It will also review the Policy from time to time and revise it when appropriate to do so. Any amendments to the Policy must be the subject of further consultation and the Policy, or relevant parts of the Policy, must then be re-published. In exercising its functions under the Gambling Act 2005 (the Act), Walsall Council in its role as licensing authority will regulate gambling in the public interest and by having regard to the licensing objectives, as set out in Section 1 of the Act.
- 1.3 Walsall MBC is located in the West Midlands; an area comprising seven Metropolitan Councils in total. Walsall Council covers 40.2 square miles of which 24.83 square miles are predominantly urban development. With an estimated population of 293,378 (2018) it is the fourth largest area in the County, in terms of population.
- 1.4 The towns of Willenhall and Darlaston, to the west of the M6, contrast with the eastern parts of the borough, which are more residential and, in parts, agricultural in character. Traditional and growth industries are spread throughout the borough. Walsall benefits from its position at the cross-roads of the motorway network and communications have been improved further by the M6 Toll Road and the new Junction 10 improvement plan.
- 1.5 Birmingham airport and the Genting Arena Complex are within easy reach and frequent trains to Birmingham provide links to the national network. Regeneration projects focussing on Walsall town centre, local centres, the wider borough, and key transport corridors continue to transform the borough's new economic well-being.
- 1.6 Through its statement of licensing principles, Walsall Council strives to sustain core values of Honesty and Integrity, Fairness and Equality, Value for Money, Innovation and Collaboration and Listening and Responding.

Below is a map showing all the wards within the borough.



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- 1.7 Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the town to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.

2 Licensing Objectives

- 2.1 In exercising its functions under the Gambling Act 2005 (the Act), Walsall Council in its role as licensing authority will regulate gambling in the public interest and by having regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 2.2 In making decisions about whether to issue premises licences and temporary use notices Walsall Council will have regard to s153 of the Act and aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant code of practice issued by the Gambling Commission
- and in accordance with any relevant guidance issued by the Gambling Commission
- and where the decision is reasonably consistent with the licensing objectives
- and in accordance with the authority's statement of licensing policy.

- 2.3 The Gambling Act 2005 specifically references factors which Walsall Council as Licensing Authority must not consider in exercising its functions including:

- The expected demand for facilities (s.153(2))
- Whether the application is to be permitted in accordance with the law relating to planning or building (s.210(1)) 1.10.

- 2.4 The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review or revoke premises

licences where there is a potential conflict with the relevant codes of practice, relevant Commissions Guidance and this Statement of Licensing Principles.

3 Consultation

2.5 Section In line with the requirements of the Act the following persons, groups or organisations will be consulted with before the Statement of Policy is finalised and published:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

3.0 The consultation period will take place between DATE 2022 – DATE 2022. The list of persons consulted can be found at APPENDIX 1

3.1 The policy was approved at a meeting of the Council on DATE 2022 and was published via our website on DATE 2022. This Policy is effective from DATE 2022.

3.2 Comments on Statement of Principles

The Statement of Principles will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Licensing Service
Walsall M.B.C
Civic Centre
Darwall Street
Walsall
WS1 1TP

e-mail: licensing@walsall.gov.uk

website: www.walsall.gov.uk

3.3 It should be noted that this statement of licensing policy does not:

- override the right of any person to make an application and to have that application considered on its merits in accordance with the statutory requirements of the Act, or

- restrict the right of persons to make representations on an application or seek a review of a licence where provision has been made for them to do so.

4 Declaration

- 4.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

5 Responsible Authorities and Interested Parties

Responsible Authorities

- 5.1 The Act allows for two different types of groups to make representations regarding applications and also to apply to have existing licences reviewed by the Authority. These groups are “Responsible Authorities” and “Interested Parties”.
- 5.2 The Act defines Responsible Authorities as:
- 5.3 S.157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
- a. The council’s Licensing Department (as the licensing authority)
 - b. the Gambling Commission
 - c. the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
 - d. the fire and rescue authority for the same area
 - e. the council’s local planning authority
 - f. The council’s Environmental Health department (an authority which has functions in relation to pollution to the environment or harm to human health)
 - g. anybody, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
 - h. HM Revenue & Customs
 - i. any other person prescribed in regulations by the Secretary of State.
- 5.4 In relation to a vessel:
- a. a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any water where it is or is proposed to be navigated at a time when it is used for licensable activities.
 - b. the Environment Agency.
 - c. the Canal and River Trust.

- d. the Secretary of State, or
- e. any other person prescribed in regulations by the Secretary of State.

5.5 The contact details of Responsible Authorities under the Gambling Act 2005 are attached at Appendix 2 and are also available via the Council's website www.walsall.gov.uk.

Interested Parties

5.6 Interested parties may submit representations about licence applications or apply for a review of an existing licence.

5.7 Walsall Council will consider a person an interested party in relation to an application for or in respect of a premises licence where the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities or
- represents persons who satisfy paragraph (a) or (b)

5.8 Walsall Council will apply the following principles when determining whether a person lives sufficiently close to a premises to be considered an interested party:

- The size of the premises.
- The nature of the premises.
- The distance of the premises from the habitual residence or workplace of the person making the representation.
- The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
- The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

5.9 A rigid rule will not be applied to decision making and each case will be decided upon its merits.

5.10 Where representations are made by a rival business, where no specific or reasonable evidence base exists, rival businesses will not be considered interested parties.

- 5.11 Democratically elected persons will generally be considered Interested Parties, providing the Councillor or MP represents the ward likely to be affected. Elected members who are also members of the Licensing and Safety Committee must seek advice prior to agreeing to represent any person(s).
- 5.12 In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.13 Representatives of Community Groups for example those supporting vulnerable persons living near the proposed premises, Residents and Tenants Associations, Governors of schools, partnerships, charities, faith groups and medical practices located near proposed premises will generally be considered Interested Parties.
- 5.14 Other than democratically elected persons each case will be decided upon its merits. Where necessary written evidence for example in the form of a letter from the Interested Person(s) will be requested to assist in making a decision. The letter or written evidence should show that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities

6 Responsible authority for protection of children from harm

- 6.1 In accordance with the powers under s157(h) of the Act and having regard to the Gambling Commission's Guidance to Licensing Authorities, the Walsall Safeguarding Partnership is designated as the competent body to advise Walsall Council about the protection of children from harm.
- 6.2 In making this determination consideration has been given to the following principles:
- i. the need for the body to be responsible for covering the whole of the licensing authority's area; and
 - ii. the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.3 The Safeguarding Partnership has the overarching responsibility to meet the requirements of section 14(1) of the Children Act 2004, including:
- 6.4 the co-ordination of what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area of authority.

- 6.5 to ensure the effectiveness of what is done by each person or body for that purpose.
- 6.6 Should during the lifetime of this policy the Safeguarding Partnership change or be superseded in any way a new competent authority will be designated based upon the same principles described above.

7 Exchange of Information

- 7.0 The principles that Walsall Council will apply in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act are as follows:
 - 7.1 Regard will always be given to the Guidance to licensing authorities document issued by the Gambling commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005
 - 7.2 Information will be provided to the Commission in a manner determined by it as long as it forms part of a register maintained under the Act and that the information is in the possession of the authority in connection with the provisions of the Act.
 - 7.3 Information will be exchanged with some or all of the following:
 - a. A constable or police force
 - b. an enforcement officer
 - c. a licensing authority
 - d. HMRC
 - e. the First Tier Tribunal
 - f. the Secretary of State
 - g. Scottish Ministers.
 - 7.4 In the course of their duties, relating to Gambling or wider socio-economic impacts, information will be exchanged in compliance with the General Data Protection Regulation, the Data Protection Act 2018, the Freedom of Information Act 2000 and any other act or Regulation that forms a relevant part of the UK data protection regime.
 - 7.5 In respect of the processing, storage and use of information, Walsall Council is committed to complying with the General Data Protection Regulations (GDPR), underpinned by the council's Information

Governance Policy Framework consists of an overarching strategy supported by three separate Policies. These are:

- The Information Rights Policy
- The Records Management Policy
- The Information Risk and Security Policy
- For further information in relation to these matters contact can be made with informationmanagement@walsall.gov.uk

7.6 All Information received or retained by the Licensing Team is held within a secure access-controlled building. The electronic databases exist within a password protected server and any paper records are kept in locked cabinets.

7.7 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8 Inspection and criminal proceedings

8.0 Walsall Council will adopt the principles of good regulation and will have regard to its Enforcement Policy, current Gambling Commission Statement of Principles for Licensing and the Gambling Commission Licensing, Compliance and Enforcement Policy Statement where appropriate.

8.1 Walsall Council will exercise its regulatory activities in a way which is:

Proportionate

The Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors and can be accessed at www.cps.gov.uk/publication/code-crown-prosecutors will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence.

Accountable

Council activities will be conducted and recorded in a way that ensures they are open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

Consistent

Our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.

Transparent

We will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

Targeted

We will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities and intelligence.

- 8.2 Walsall Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure its primary focus is directed toward promoting and achieving compliance with the premises licences and other permissions it authorises.
- 8.3 Inspections of licensed premises will be carried out using intelligence and a risk-based approach.
- 8.4 Where a premises is considered to pose a high-risk inspections will be carried out no less than annually with appropriate revisits to ensure compliance.
- 8.5 Where complaints or other intelligence are received in relation to a premises these will be assessed and an appropriate response which may include inspection will be made. Should it be considered necessary to undertake test purchases or age verification exercises Walsall Council will follow the guidance set out in the Gambling Commission Test Purchasing and Age Verification toolkit or any guidance which supersedes it.
- 8.6 Walsall council will always be prepared to work in partnerships with the Gambling Commission on local test purchasing and age verification or other enforcement exercises and use any evidence gathered in decisions relating to review of a licence and implementation of its Enforcement Policy.
- 8.7 Where consultations are required as part of an application an inspection will normally be carried out.
- 8.8 This regime does not include issues relating to operating and personal licences and concerns about manufacture, supply or repair of gaming machines which are the responsibility of the Gambling Commission.

- 8.9 This authority supports the principals of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.
- 8.10 Bearing in mind the principle of transparency, this licensing authority's enforcement policy and any protocols which may be in place are available upon request to the Licensing service.

9 Licensing authority functions

- 9.1 Walsall Council is required under the Act to:
- a. Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - b. Issue Provisional Statements
 - c. Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - d. Issue Club Machine Permits to Commercial Clubs
 - e. Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - f. Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - g. Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - h. Register small society lotteries below prescribed thresholds
 - i. Issue Prize Gaming Permits
 - j. Receive and Endorse Temporary Use Notices
 - k. Receive Occasional Use Notices
 - l. Set and collecting fees
- 9.2 Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- 9.3 Maintain registers of the permits and licences that are issued.

10 Local risk assessments

- 10.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks. The risk assessment requirement is intended to provide a well evidenced and

transparent approach to considering and implementing measures to address the risks associated with gambling.

- 10.2 The Social responsibility (SR) code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must consider relevant matters identified in the licensing authority's policy statement.
- 10.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. This risk assessment must also be updated:
- i. when applying for a variation of a premises licence.
 - ii. to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
 - iii. when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 10.4 Walsall Council expects licence holders and applicants to share their risk assessment when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise upon request.
- 10.5 Walsall Council will wherever possible facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. Licensees will be given the opportunity to volunteer specific conditions that could be attached to the premises licence where appropriate.
- 10.6 The risk-based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 10.7 Walsall will work with responsible authorities and in collaboration with the industry at putting together a premises-based gambling risk assessment for new and existing businesses to conduct, assess and complete when looking at applying for a new licence, or to vary an existing one.
- 10.8 Gambling operators are required to undertake a risk assessment for all of their licensed premises. Operators must also undertake a review of those assessments when concerns are raised by the council or responsible authorities.

- 10.9 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

11 Local Area Profile

- 11.1 Walsall Council has completed its own assessment of the local environment as a means of 'mapping out' local areas of concern. This will be updated and reviewed regularly and no later than each review of this Gambling Policy.
- 11.2 The local area profile takes account of a wide range of factors, data and information held by Walsall Council and its partners. This includes public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.
- 11.3 It is envisaged that the profile will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The local area profile will help to inform specific risks that operators will need to address in their risk assessment.
- 11.4 For example, if an area is identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school, Walsall Council could reasonably expect, the licensee to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 11.5 Walsall Council would also expect a licensee to have sufficient controls in place to mitigate associated risks in such areas and, if not, the council may itself consider other controls and impose them through conditions.
- 11.6 Walsall council will produce its local area profile in a separate document to this general gambling policy statement and review the contents regularly.
- 11.7 As stated, there is no mandatory requirement to have a local area profile, but Walsall Council considers that there are a number of benefits in doing so:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it.
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application.
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge.
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

12 Licensing Authority Delegations.

- 12.1 A summary of the licensing authority delegations is given as Appendix 3.
- 12.2 A licensing sub-committee of three councillors will sit to hear applications where relevant representations have been received from responsible authorities and/or interested parties.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

13 General Principles

- 13.0 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

14 Decision-making

- 14.1 Walsall Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks the application is:
- a. in accordance with any relevant code of practice issued by the Gambling Commission,
 - b. in accordance with any relevant guidance issued by the Gambling Commission,
 - c. reasonably consistent with the licensing objectives, and
 - d. in accordance with the authority's statement of licensing policy.
- 14.2 In its decision making, Walsall Council will comply with the Gambling Commission's Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.
- 14.3 Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.
- 14.4 Walsall Council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's

concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

- 14.5 Walsall Council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.
- 14.6 For the purposes of this Policy and its responsibilities as a licensing Authority Walsall Council will use the following definition of premises.
- 14.7 "Premises" is defined as including "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Walsall Council will expect that mandatory conditions relating to access between premises are observed.
- 14.8 Walsall Council will give due consideration in its decision making to the Gambling Commission's Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street.
- 14.9 But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.
- 14.10 Walsall Council does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.
- 14.11 Walsall Council will give due consideration in its decision making to the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a

discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised, and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.

14.12 Walsall Council will consider the following and other relevant factors in making its decision, depending on all the circumstances of each case, including:

- a. Does the premises have a separate registration for business rates?
- b. Are neighbouring premises owned by the same person or someone else?
- c. Can each of the premises be accessed from the street or a public passageway?
- d. Can the premises only be accessed from any other gambling premises?

15 Vehicles

15.1 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Walsall. Certain allowances may be made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements that ensure that, at no point, can the gambling become a commercial activity.

16 Vessels

16.1 Walsall Council will give due consideration into applications made for premises licences relating to passenger vessels.

16.2 The definition of a vessel for these purposes is:

- a. anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water,
- b. a hovercraft,
- c. anything, or part of any place, situated on or in water, and
- d. In terms of point 3 a normal and sensible interpretation will be made. Structures which are an extension of the land will not be considered vessels, even if they arch over water. This means that, neither a pier nor a bridge will be considered a vessel and they remain premises for the purposes of this Policy.

- 16.3 All other matters relating to the licensing of a vessel will be considered in line with the Gambling Commission's Guidance to Licensing Authorities.

17 Types of Premises Licence.

- 17.1 Walsall Council will give due consideration in its decision-making processes to the Gambling Commission's relevant access provisions for each premises type, outlined below:

Casinos

- 17.2 The principal access entrance to the premises must be from a street.
No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- 17.3 No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- 17.4 Access must be from a street or from another premises with a betting premises licence.
No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- 17.5 No customer should be able to access the premises directly from a casino or an adult gaming centre.

Bingo Premises

- 17.6 No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track.

Family Entertainment Centre

- 17.7 No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track.
Walsall Council will give due consideration to Part 7 of the Gambling Commission's Guidance to Licensing Authorities which contains further guidance on this issue.

Premises “ready for gambling”

- 17.8 For the purposes of this Policy and the operation of the Licensing Service Walsall Council consider that a licence to use premises for gambling should only be issued in relation to premises that it can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 17.9 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. However, there is nothing to prevent a premises licence application being made in these circumstances if there is a right to occupy the premises.
- 17.10 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- a. first, whether the premises ought to be permitted to be used for gambling; and
 - b. thereafter, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be, before gambling can take place.
- 17.11 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

18 Location

- 18.1 Walsall Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. The Gambling Commission’s Guidance to Licensing Authorities will be followed by this authority and particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 18.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 18.3 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location

although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.

- 18.4 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 18.5 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

19 Planning

- 19.1 In determining applications and unless there are compelling legal or evidence-based decisions to the contrary Walsall Council will generally not take into consideration matters that are unrelated to gambling and the licensing objectives. For example, the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal or whether those buildings have to comply with the necessary planning or building consents. Walsall Council would however require confirmation that a premises will be ready to use for gambling in the reasonably near future. Walsall Council consider the placing of conditions on the licence to cater for situations where premises are not yet in a state to allow gambling to take place.

20 Duplication with other regulatory regimes

- 20.1 This licensing authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 20.2 Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

21 Licensing Objectives

- 21.1 Those Premises licences that are granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities relevant comments are made below.

- 21.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 21.3 The Gambling Commission takes a leading role in preventing gambling from being a source of crime. Walsall Council will endeavour to pay attention to the proposed location of gambling premises in terms of this licensing objective. Where it is believed or can be reasonably proven that an area has high levels of organised crime Walsall Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. In order to make a distinction between disorder and nuisance consideration of factors such as whether police assistance has been required at a premises and how threatening and behaviour was to those who could see it.
- 21.4 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- 21.5 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premising licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- 21.6 Walsall Council will expect gambling to be conducted in a fair and open way and that this will be addressed via operating and personal licences that are issued by the Gambling Commission.
- 21.7 Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 21.8 For the purposes of this policy, consultations and operational procedures Walsall Council considers this to mean preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. Consideration will be given by the authority as to whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances and machines and possible segregation of areas etc. Each case brought before the authority will be considered separately in relation to compliance with this licensing objective.
- 21.9 The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence.

22 Vulnerable Persons

- 22.1 As regards the term “vulnerable persons” Walsall Council defines this group as people who gamble more than they want to; people whose gambling is beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”
- 22.2 Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.
- 22.3 If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- 22.4 Applicants will be required to demonstrate whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

23 Conditions

- 23.1 Any conditions attached to licences issued by Walsall Council will be proportionate and will be:
- a. relevant to the need to make the proposed building suitable as a gambling facility;
 - b. directly related to the premises and the type of licence applied for;
 - c. fairly and reasonably related to the scale and type of premises; and
 - d. reasonable in all other respects.
- 23.2 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc.
- 23.3 There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to the way in which the licensing objectives can be met effectively.
- 23.4 In order to pursue the licensing objectives Walsall Council will consider specific measures which may be required for buildings which are subject to multiple premises licences these may include:

- a. the supervision of entrances,
- b. segregation of gambling from non-gambling areas frequented by children,
- c. the supervision of gaming machines in non-adult gambling specific premises, and
- d. any other such matters in accordance with the Gambling Commission's Guidance.

24 Category C Machines

- 24.1 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- a. all such machines are located in an area of the premises that can be viewed or monitored by an authorised person of the premises;
 - b. access to the area where the machines are located is supervised;
 - c. the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - d. at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
 - e. These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 24.2 In terms of the management of Tracks particularly where they are subject to more than one premises licence Walsall Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 24.3 It is noted that there are conditions which cannot be attached to premises licences such as:
- a. any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - b. conditions relating to gaming machine categories, numbers, or method of operation;
 - c. conditions which provide that membership of a club or body be required;
 - d. conditions in relation to stakes, fees, winning or prizes.

25 Door Supervisors

- 25.1 Where Walsall Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it is likely that a requirement shall be made that the entrances to the premises are controlled by a door supervisor. In these circumstances the applicant or licence holder will be notified by the authority as to whether these need to be SIA licensed. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

26 Adult Gaming Centres (AGC)

- 26.1 Walsall Council is committed to protecting children and vulnerable persons from harm or being exploited by gambling and will expect any applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18-year-olds do not have access to the premises.
- 26.2 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13th of July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13th of July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.
- 26.3 Gaming machines are a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access.
- 26.4 The following measures are deemed suitable for applicants to consider in relation to the promotion of the licensing objectives. The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 26.5 All potential risks and measures taken to mitigate such risks should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated, including:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

27 (Licensed) Family Entertainment Centres (FEC):

27.1 Walsall Council is committed to protecting children and vulnerable persons from harm or being exploited by gambling and will expect any applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18-year-olds do not have access to the premises.

27.2 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence).

Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not.

27.3 The following measures are deemed suitable when applicants are considering how to meet the licensing objectives. The list is not mandatory, nor exhaustive, and is merely indicative of example measures.

27.4 All potential risks and measures taken to mitigate such risks, should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated.

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage

- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

27.5 Walsall Councils Licensing Officers will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. They will also review any mandatory or default conditions on these premises licences, when they have been published.

28 Casinos

28.1 No Casinos resolution - Walsall Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should it be decided in the future to pass such a resolution, this policy statement will be updated with details of that resolution. Any such decision will be made by the Full Council.

28.2 Licence considerations / conditions – Walsall Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed in the Guidance and the Licence Conditions and Codes of Practice published by the Gambling Commission.

28.3 Betting machines – Walsall Council will, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

28.4 It will be expected that all potential risk measures should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated.

29 Bingo premises

29.1 Prior to a licence being issued an applicant will need to satisfy Walsall Council that bingo can be played in any bingo premises. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. Before issuing additional bingo

premises licences, this authority will consider whether bingo can be played at each of those new premises.

- 29.2 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 29.3 All potential risk measures should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated.
- 29.4 A Bingo premises licence granted before the 13th of July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13th of July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.
- 29.5 To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area.

30 Betting premises

- 30.1 Betting machines - Walsall Council will, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 30.2 All potential risk measures should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated.
- 30.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

31 Tracks

- 31.1 Walsall Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 31.2 As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 31.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 31.4 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

31.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures. All potential risks and measures taken to mitigate such risks, should be considered by the operator when completing its own local risk assessment for the area where the premises are to be situated.

32 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement for up to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

33 Betting machines

Walsall Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

34 Applications and plans

34.1 Applicants are required to submit plans of the premises with their application, in order to ensure that this authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

34.2 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

34.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point

racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

- 34.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 34.5 It is appreciated that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

35 Travelling Fairs

- 35.1 This authority is responsible for deciding where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 35.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 35.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.
- 35.4 Low-stake gaming machines can be made available at fairgrounds along with coin-pushers, cranes and grabbers. Higher stake machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

36 Provisional Statements

- 36.1 Developers are able to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge

whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 36.2 S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- a. expects to be constructed,
 - b. expects to be altered, or
 - c. expects to acquire a right to occupy.
- 36.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 36.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 36.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.
- 36.6 When determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties will be considered unless:
- a. they concern matters which could not have been addressed at the provisional statement stage, or
 - b. they reflect a change in the applicant's circumstances.
- 36.7 In addition, Walsall Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a. which could not have been raised by objectors at the provisional statement stage,
 - b. which in the authority's opinion reflect a change in the operator's circumstances, or
 - c. where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can

discuss any concerns it has with the applicant before making a decision.

37 Reviews

- 37.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. Walsall Council will then decide whether a review is to be carried-out. The matters listed below will be used to make a decision:
- a. the review is in accordance with any relevant Code of Practice issued by the Gambling Commission,
 - b. the review is in accordance with any relevant guidance issued by the Gambling Commission,
 - c. the review is reasonably consistent with the licensing objectives; and
 - d. the review is in accordance with the authority's statement of principles,
 - e. the Council has reason to suspect that premises licence conditions are not being observed,
 - f. the premises is operating outside of the principles set out in the licensing authority's statement of policy,
 - g. there is evidence to suggest that compliance with the licensing objectives is at risk, or
 - h. for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.
- 37.2 Walsall Council Licensing Officers will consider each application for a review in terms of whether it is frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 37.3 In its role as a licensing authority Walsall Council will also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 37.4 Once a valid application for a review has been received by the authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 37.5 Walsall Council will carry out the review as soon as possible after the 28-day period for making representations has passed.

- 37.6 The purpose of the review will be to determine whether any action in relation to the licence. If action is justified, the options that the authority may consider are:-
- a. add, remove or amend a licence condition imposed by the licensing authority,
 - b. exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion,
 - c. suspend the premises licence for a period not exceeding three months, or
 - d. revoke the premises licence.
- 37.7 In determining what action, if any, should be taken following a review Walsall Council will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 37.8 Walsall Council will in appropriate circumstances seek to initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 37.9 Once the review has been completed, notification of the decision and the reasons for the decision will be made to:
- a. the licence holder
 - b. the applicant for review (if any)
 - c. the Commission
 - d. any person who made representations
 - e. the chief officer of police or chief constable; and
 - f. Her Majesty's Commissioners for Revenue and Customs
- 37.10 The authority will follow the Gambling Commission advice to Local Authorities guidance in terms of any appeal provisions.

38 PART C - Permits / Temporary & Occasional Use Notice

Permits

- 38.1 The Policy of Walsall Council in respect of permits for unlicensed family entertainment centres, club gaming, club machine and gaming machine on alcohol licensed premises is to:
- a. promote the licensing objectives;
 - b. treat each application individually on its own merits;
 - c. comply with the statutory requirements;

- d. ensure compliance with the guidance issued by the Gambling Commission;
 - e. promote and ensure high standards at all venues.
- 38.2 When considering a licence or permit application, Walsall Council will consult closely with the Chief of Police and Safeguarding Partnership.
- 38.3 Details on the categorisation of gaming machine entitlements and the gaming entitlements for clubs and pubs can be found on the Gambling Commissions website through the links listed below.

Gaming machine entitlements

- 38.4 www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx

Gaming entitlements

- 38.5 www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx

(Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 38.6 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises need only notify the licensing authority in the prescribed manner.
- 38.7 Walsall Council may remove this automatic authorisation in respect of any particular premises if:
- a. the provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - b. gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e., that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - c. the premises are mainly used for gaming; or
 - d. an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

- 38.8 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and Walsall Councils consideration of an application where a premises wishes to have more than 2 machines will be based upon the licensing objectives, any guidance issued by the Gambling Commission and any such matters as the authority think relevant.
- 38.9 Such matters will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machines. Measures in terms of preventing access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 38.10 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as, an Adult Gaming Centre premises licence.
- 38.11 Walsall Council may grant an application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 38.12 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

**Unlicensed Family Entertainment Centre gaming machine permits
(Statement of Principles on Permits - Schedule 10 paragraph 7)**

- 38.13 Where a premises does not hold a premises licence but wishes to provide gaming machines, Walsall Council will expect the applicant to show that the premises will be wholly or mainly used for making gaming machines available for use.
- 38.14 An application for a permit will only be granted where Walsall Council is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.
- 38.15 Walsall Council will expect applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

Statement of Principles

38.16 Walsall Council will expect an applicant for a Family Entertainment Centre Permit to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures such as training in relation to:

- suspected truant school children being on the premises,
- how staff would deal with unsupervised very young children being on the premises, and/or
- children causing perceived problems on or around the premises.

38.17 Walsall Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

Prize Gaming Permits

38.18 Walsall Councils Statement of Principles for Prize Gaming Permits states that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant demonstrates:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- that they have clear policies that outline the steps to be taken to protect children from harm.

38.19 In making any decision on an application for this permit Walsall Council will generally have regard to the licensing objectives but will always have regard to any Gambling Commission guidance.

38.20 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

Club Gaming and Club Machines Permits

38.21 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

38.22 Walsall Council will take into account the statutory guidance when deciding whether it is a genuine members club.

38.23 Walsall Council may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years;
- an objection has been lodged by the Commission or the police.

38.24 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003

(Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

38.25 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Temporary Use Notices (TUN)

38.26 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

38.27 Walsall Council will only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

38.28 There are restrictions on the type of gambling that can be offered under a TUN:

38.29 it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both.

38.30 gambling under a TUN may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises

38.31 it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner

38.32 gaming machines may not be made available under a TUN.

38.33 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 14 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

38.34 In considering whether a place falls within the definition of "a set of premises", Walsall Council will look at, amongst other things, the ownership/occupation and control of the premises.

38.35 It is likely Walsall Council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Occasional Use Notices

38.36 Walsall Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Consideration will however be given to the definition of a 'track' and whether the applicant is permitted to avail themselves of the notice.

39 Safeguarding against Child Sexual exploitation (CSE)

39.1 Walsall Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

39.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of their policy. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

39.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person;
- children in the company of a group of older person;
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
- children leaving the locality of the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.

39.4 Whilst Walsall Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

40 **Appendix 1 – Definitions**

"Premises" is defined as including "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

"Operator Licence" is a licence which states that it authorises the licensee—

- to operate a casino (a "casino operating licence"),
- to provide facilities for playing bingo (a "bingo operating licence"),
- to provide facilities for betting other than pool betting (a "general betting operating licence"),
- to provide facilities for pool betting (a "pool betting operating licence"),
- to act as a betting intermediary (a "betting intermediary operating licence"),

- to make gaming machines available for use in an adult gaming centre (a “gaming machine general operating licence” for an adult gaming centre),
- to make gaming machines available for use in a family entertainment centre (a “gaming machine general operating licence” for a family entertainment centre),
- to manufacture, supply, install, adapt, maintain or repair a gaming machine, or a part of a gaming machine (a “gaming machine technical operating licence”),
- to manufacture, supply, install or adapt gambling software (a “gambling software operating licence”), or
- to promote a lottery (a “lottery operating licence”).

“Gambling Commission” is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way.

Appendix 2

<p><u>Licensing Authority</u> Walsall Council 2nd Floor Civic Centre Darwall Street Walsall WS1 1TP Email: Licensing@walsall.gov.uk</p>	<p><u>Police</u> The Licensing Officer West Midlands Police Walsall Council Civic Centre Darwall Street Walsall WS1 1TP Tel: 0345 113 5000</p>
<p><u>Planning</u> Planning & Transportation Licensed Premises Applications Walsall MBC 2nd Floor Civic Centre Darwall Street Walsall WS1 1DG Tel: 01922 652425 or 652452 Email: PlanningConsultations@walsall.gov.uk</p>	<p><u>Fire</u> Protection (Fire Safety) Admin West Midlands Fire Service Headquarters 99 Vauxhall Road Birmingham B7 4HW Telephone 0121 380 6300 Email: firesafety.admin@wmfs.net</p>
<p><u>Safeguarding Partnership</u> Children Services, 2nd Floor Civic Centre Darwall Street Walsall, WS1 1TP Tel: 0300 555 2866 Email: WalsallFIS@walsall.gov.uk</p>	<p><u>Environmental Health</u> Civic Centre Darwall Street Walsall WS1 1TP Tel: 01922 653024</p>
<p><u>Gambling Commission</u> Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6666</p>	<p><u>HM Revenues & Customs</u> Excise Processing Teams BX9 1GL United Kingdom Tel: 0300 322 7072 option 7 Email: nrubetting@gaming@hmrc.gsi.gov.uk</p>

Appendix 3 – Summary of Licensing Authority delegations permitted under the Gambling Act 2005

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Final approval of three year licensing policy.	X		
Policy not to permit casinos.	X	X (Where delegated by full council)	
Fee setting (where appropriate)			
Application for premises licences		Relevant representations received and not withdrawn	No representations received
Application for a variation to a licence		Relevant representations received and not withdrawn	No representations received
Application for a transfer of a licence		Relevant representations received and not withdrawn	No representations received
Application for a provisional statement		Relevant representations received and not withdrawn	No representations received
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made or objections have been withdrawn
Application for other permits			X
Cancellation of licensing premises gaming machine permits			X
Consideration of temporary use notices			X
Decision to give a counter notice to a temporary use notice		X	

Comments

The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Licensing Unit
Walsall M.B.C
Civic Centre
Darwall Street
Walsall
WS1 1TP

e-mail: licensing@walsall.gov.uk

website : www.walsall.gov.uk

11 April 2023

Annual Audit Report 2021/22

Ward(s): All

Portfolios: Lead Portfolio – Finance (Leader of the Council), All

Purpose: For Information

1. Aim

- 1.1 To provide Audit Committee with the Annual Audit Report for the financial year ending 2021/22 following the conclusion of the audit.

2. Summary

- 2.1 This report provides the Annual Audit Report 2021/22 on value for money produced by the council's external auditor. The draft value for money report was presented to Audit Committee in November 2022 and deadlines have now been added to the improvement recommendations. The report also incorporates the opinion on the financial statements for 2021/22. The Committee received the outcome of the audit in the Audit Findings report at their meeting in March.

3. Recommendations

- 3.1 That Audit Committee notes the Annual Audit Report (Appendix 1).
- 3.2 That the Committee notes that the report will be forwarded to full Council for their consideration and for noting.

4. Report detail – know

- 4.1 The council's external auditors, Grant Thornton, are required by the National Audit Office Code of Audit Practice to consider whether the council has put into place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The Code also requires the auditors to produce a report to the council detailing these arrangements along with any key recommendations on significant weaknesses that were identified.
- 4.2 The attached Annual Audit Report (Appendix 1) details the council's arrangements in securing economy, efficiency and effectiveness in its use of resources. The value for money arrangements were reviewed against three main criteria:
- Improving economy, efficiency and effectiveness

- Governance
 - Financial sustainability
- 4.3 For all three criteria no significant weaknesses were identified. The report does provide 2 improvement recommendations for financial sustainability and 2 improvement recommendations in relation to Improving economy, efficiency and effectiveness for the council to consider. These are outlined within the report. These were considered by Audit Committee at their meeting in November 2022 when a request was made for deadlines to be added. The final report contains those deadlines.
- 4.4 The report notes that the council's 2021/22 financial statements received an unqualified opinion on 22 March 2023.

Control Environment

- 4.5 This report relates to the arrangements the council has in place to secure economy, efficiency and effectiveness in its use of resources.

Assurance of Controls

- 4.6 The council's external auditors, Grant Thornton, are required under Section 20(1)(c) of the Local Audit and Accountability Act 2014 to satisfy themselves that the council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.
- 4.7 Further the Code of Audit Practice issued by the National Audit Office requires them to produce an Annual Audit Report giving details of their findings relating to these proper arrangements.

Strategic Risks

- 4.8 This report reviews actual performance in relation to the 2021/22 financial year. As no significant weaknesses were identified there are no strategic risks directly related to the Annual Audit Report and value for money assessment specifically, however it does link strongly to and form part of the assurances in place in relation to strategic risk 7 which is focussed on the overall financial resilience of the council.

5. Financial information

- 5.1 There are none directly related to this report. Securing value for money is a key objective of the council.

6. Reducing Inequalities

- 6.1 Effective value for money arrangements ensure a focus on delivery of Corporate Plan objectives, a key driver of which is reducing inequalities.

7. Decide

- 7.1 As this report is for information only there are no matters within this report for decision.

8. Respond

- 8.1 Audit Committee may wish to comment on the report. Once considered by Audit Committee the report will be presented to Full Council.

9. Review

- 9.1 Any significant weaknesses that Grant Thornton have discovered during this audit process has been reported within the Annual Audit Report (Appendix 1). Any recommendations for improvement will be considered and implemented within the council's proper arrangements going forward.

Background papers

Code of Audit Practice

Author

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Walsall Council Auditor's Annual Report 2021/22

March 2023

Contents



We are required under Section 20(1)(c) of the Local Audit and Accountability Act 2014 to satisfy ourselves that the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice issued by the National Audit Office (NAO) requires us to report to you our commentary relating to proper arrangements.

We report if significant matters have come to our attention. We are not required to consider, nor have we considered, whether all aspects of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.



Section	Page
Executive summary	3
Opinion on the financial statements and use of auditor's powers	5
Secure economy, efficiency and effectiveness in the Council's use of resources	6
Financial sustainability	7
Improvement recommendations	12
Governance	14
Improving economy, efficiency and effectiveness	17
Improvement recommendations	21
Follow-up of previous recommendations	23
Appendices	
Appendix A – Responsibilities of the Council	27
Appendix B – Risks of significant weaknesses, our procedures and findings	28
Appendix C – An explanatory note on recommendations	29
Appendix D – Key acronyms and abbreviations	30

The contents of this report relate only to those matters which came to our attention during the conduct of our normal audit procedures which are designed for the purpose of completing our work under the NAO Code and related guidance. Our audit is not designed to test all arrangements in respect of value for money. However, where, as part of our testing, we identify significant weaknesses, we will report these to you. In consequence, our work cannot be relied upon to disclose all irregularities, or to include all possible improvements in arrangements that a more extensive special examination might identify. We do not accept any responsibility for any loss occasioned to any third party acting, or refraining from acting on the basis of the content of this report, as this report was not prepared for, nor intended for, any other purpose.

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Executive summary



Value for money arrangements and key recommendation(s)

Under the National Audit Office (NAO) Code of Audit Practice ('the Code'), we are required to consider whether the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Auditors are required to report their commentary on the Council's arrangements under specified criteria and 2021/22 is the second year that we have reported our findings in this way. As part of our work, we considered whether there were any risks of significant weakness in the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources. Our conclusions are summarised in the table below.

Criteria	Risk assessment	2020/21 Auditor Judgment		2021/22 Auditor Judgment	
Financial sustainability	Risk of significant weakness identified		No significant weaknesses in arrangements identified, but improvement recommendation made		No significant weaknesses in arrangements identified. Two improvement recommendation has been made.
Governance	No risks of significant weakness identified		No significant weaknesses in arrangements identified, but improvement recommendation made		No significant weaknesses in arrangements identified. No improvement recommendations have been made.
Improving economy, efficiency and effectiveness	No risks of significant weakness identified		No significant weaknesses in arrangements identified, but improvement recommendation made		No significant weaknesses in arrangements identified. Two improvement recommendation has been made.

	No significant weaknesses in arrangements identified or improvement recommendation made.
	No significant weaknesses in arrangements identified, but improvement recommendations made.
	Significant weaknesses in arrangements identified and key recommendations made.

Opinion on the financial statements

The Council provided draft accounts for the year ended 31 March 2022 in line with the national deadline and provided a good set of working papers to support them.

We issued an unqualified audit opinion on the Council's financial statements for the year ended 31 March 2022 on 22 March 2023.

We identified no adjustments to the financial statements which impact on the Council's Comprehensive Income and Expenditure Statement.

We did, however require adjustments to the draft statement of Financial Position relating to:

- Pensions assets (£13.8m), due to receipt of updated information
- NNDR appeals provision (£3.8m), which had been identified by management following publication of the draft accounts.

We also reported one unadjusted misstatement, (£6.1m), due to the increase in Property, Plant and Equipment values between the valuation date of 1/1/22 and the year end (31/3/22).

We raised one recommendation, relating to timing differences that had created unreconciled differences on the bank reconciliation (albeit the amounts involved were trivial in nature). Management accepted this recommendation.



Opinion on the financial statements and use of auditor's powers

We bring the following matters to your attention:

Opinion on the financial statements

Auditors are required to express an opinion on the financial statements that states whether they : (i) present a true and fair view of the Council's financial position, and (ii) have been prepared in accordance with the CIPFA/LASAAC Code of practice on local authority accounting in the United Kingdom 2021/22

We issued an unqualified opinion on the Council's accounts on 22 March 2023.

Statutory recommendations

N/A

Under Schedule 7 of the Local Audit and Accountability Act 2014, auditors can make written recommendations to the audited body which need to be considered by the body and responded to publicly

Public Interest Report

N/A

Under Schedule 7 of the Local Audit and Accountability Act 2014, auditors have the power to make a report if they consider a matter is sufficiently important to be brought to the attention of the audited body or the public as a matter of urgency, including matters which may already be known to the public, but where it is in the public interest for the auditor to publish their independent view.

Application to the Court

N/A

Under Section 28 of the Local Audit and Accountability Act 2014, if auditors think that an item of account is contrary to law, they may apply to the court for a declaration to that effect.

Advisory notice

N/A

Under Section 29 of the Local Audit and Accountability Act 2014, auditors may issue an advisory notice if the auditor thinks that the authority or an officer of the authority:

- is about to make or has made a decision which involves or would involve the authority incurring unlawful expenditure,
- is about to take or has begun to take a course of action which, if followed to its conclusion, would be unlawful and likely to cause a loss or deficiency, or
- is about to enter an item of account, the entry of which is unlawful.

Judicial review

N/A

Under Section 31 of the Local Audit and Accountability Act 2014, auditors may make an application for judicial review of a decision of an authority, or of a failure by an authority to act, which it is reasonable to believe would have an effect on the accounts of that body.

Securing economy, efficiency and effectiveness in the Council's use of resources

All Councils are responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness from their resources. This includes taking properly informed decisions and managing key operational and financial risks so that they can deliver their objectives and safeguard public money. The Council's responsibilities are set out in Appendix A.

Councils report on their arrangements, and the effectiveness of these arrangements as part of their annual governance statement.

Under the Local Audit and Accountability Act 2014, we are required to be satisfied whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The National Audit Office's Auditor Guidance Note (AGN) 03, requires us to assess arrangements under three areas:



Financial Sustainability

Arrangements for ensuring the Council can continue to deliver services. This includes planning resources to ensure adequate finances and maintain sustainable levels of spending over the medium term (3-5 years).



Governance

Arrangements for ensuring that the Council makes appropriate decisions in the right way. This includes arrangements for budget setting and management, risk management, and ensuring the Council makes decisions based on appropriate information.



Improving economy, efficiency and effectiveness

Arrangements for improving the way the Council delivers its services. This includes arrangements for understanding costs and delivering efficiencies and improving outcomes for service users.



Our commentary on the Council's arrangements in each of these three areas, is set out on page 6 onwards. Further detail on how we approached our work is included in Appendix B.

Financial sustainability



We considered how the Council:

- identifies all the significant financial pressures that are relevant to its short and medium-term plans and builds them into its plans
- plans to bridge its funding gaps and identify achievable savings
- plans its finances to support the sustainable delivery of services in accordance with strategic and statutory priorities
- ensures its financial plan is consistent with other plans such as workforce, capital, investment and other operational planning which may include working with other local public bodies as part of a wider system
- identifies and manages risk to financial resilience, such as unplanned changes in demand and assumptions underlying its plans.

Financial Outturn 2021/22

For the 2021/22 financial year, Walsall Council produced a surplus on provision of services of £8.436 million, which after statutory accounting adjustments resulted in a net surplus of £1.49 million (0.23% of gross expenditure). This allowed for a transfer to earmarked reserves which will be utilised to help the Council manage the rising cost of inflation combined with the impact of the recent pay award.

Capital spend in 2021/22 totalled £79.586 million compared to £102.837 million in 2020/21. This was an underspend of £4.16 million against budgets after re-profiling into future years. This was due to re-scoping of projects and capital contributions from the Combined Authority.

The Council's PROUD workstream continued in the financial year, with £28.90 million of savings budgeted for 2021/22. Of this, £21.13 million (73%) were fully delivered in year, with £7.76 million not fully achieved, £2.93 million of this balance was addressed through service underspends, with the remaining balance expected to be delivered in 2022-23.

In terms of reserves the Council made use of £61.68 million of reserves and transferred £68.74 million to earmarked reserves. These mainly related to Covid-19 grants and grants received in advance. Opening general fund and earmarked reserves balances for 2022/23 were £17.69m and £222.70m respectively. Overall, this was a strong outturn for the Council, particularly given the forecast of a £1.08m overspend estimated in February 2022. This was managed through underspends across a number of directorates, a review of central budgets and additional income from direct payment refunds in adult social care. Whilst many directorates were able to manage their budgets the Adult Social Care, Public Health and Hub delivered a £4.49m overspend and continues to put pressure on the Council's budgets in 2022/23.

Financial Outlook

Walsall Council set a balanced budget for 2022-23, which was approved by Cabinet and Council in February 2022 based on the Government's 1 year finance settlement. The gap over the four years to 2025/26 was forecast at £53.57m, around 21.5% of the Council's total general fund reserve balance of £249m. The funding shortfall was to be addressed through savings. For 2022/23 these had been fully identified, along with 56% for 2023/24 and 10% for 2024/25.

Financial Year	Forecast funding shortfall (Feb 2022)	Savings identified (Feb 2022)	Savings to be identified
2022/23	£18.86m	£18.86m	£0.00m
2023/24	£12.24m	£6.89m	£5.35m
2024/25	£11.53m	£1.15m	£10.38m
2025/26	£10.94m	£0.00m	£10.94m

reserves for the 2022/23 budget in February 2022. Since this, the cost-of-living increases are beginning to materialise, along with the announcement of the local government pay award. This has driven costs of energy, supplies and workforce upwards, and pressures are continuing in social care sectors with increased demand and placement costs, which the Council will address through additional use of reserves. Forecasts at October 2022 expect the Council to make use of a net value of £27m of earmarked reserves for 2022/23. This would reduce the balance from £217m to £190m by March 2023. Whilst a reduction in reserves poses key financial risks, the Council are unlikely to fully exhaust this balance over the medium term based on current forecast funding shortfalls.

Financial sustainability

The Council is currently focussed on updating the medium-term financial outlook and approving a new approach for setting the 2023/24 budget. The pay award has added an £8.86m pressure for 2022/23, of which £5.45m has been funded through pay and pension budgets, providing an additional cost of £3.41m. There is an expectation that services will manage 5 months of this costs through budget management, with earmarked reserves used to fund the remainder. Due to the 2021/22 underspend transfer to reserves, the Council have some cushion to support rising inflationary costs.

The Council have undertaken an assessment to forecast the potential cost changes in 2022/23. At July 2022 this was forecast to produce a revenue overspend of £2.28 million, with additional high risks of £13.19m identified. By October 2022 this has risen to a budget gap of £5.24million, with further high risks of £8.39m to the revenue forecast identified within social care services. The Council are actively monitoring these and where possible are working with service lines to develop mitigating actions and identify opportunities for savings. The potential overspend of £5.24m would reduce general reserves to £10.87m, below the Council's minimum reserve level of £16.11m.

Children's Services

An area of continued pressure for the Council is Children's Services, which in 2021/22 had a £6m cost pressures which were covered by the use of covid and non-covid reserves. In this service area, variances and under-delivery of savings (heavily focussed on reducing Third Party Spend) are mainly driven by the short term impact of covid, and ongoing demand pressures, furtherance in the complexity of cases and increasing placement costs as a result.

The Council invested an additional £8m in Children's Services for 2022/23, however this area continues to place pressure on the Council's budgets with the latest position for 2022/23, a forecast overspend of £3.69m after use of reserves. This is mainly driven by increased demand costs and delays in recruitment driving higher agency costs. There is also further risks to the budget of £2.67m concentrated around fostering and potential trends in external residential placement costs. This is an area the Council will have to ensure to continually monitor throughout the financial year to manage overspends.

Adults' Services (ASC)

The most significant financial challenge for the Council relates to Adult's Services. In 2021/22 the Adults Social Care, Public Health and Hub had a £7.11m overspend in year, reduced to £4.49m after use of earmarked reserves. Whilst a significant proportion of this was driven by delayed achievement of savings (as detailed on next slides) there were also significant additional staffing costs due to use of agency and interims across a range of ASC teams. This is an area where the Council have a number of vacancies making both business as usual performance and transformational change difficult to achieve. This is evident from the under-achievement of the PROUD savings target in 2021/22 and the current performance for 2022/23 which places £7m of benefits at high risk of non-delivery. A number of these are delayed as delivery plans or details of savings have not yet been finalised.

The result of the above is that for 2022/23, there is an estimated overspend of £7.74m in year, reduced to £2.5m after use of reserves. As in 2021/22 this is mainly driven by the cost of interim management and agency staff costs, combined with delays in delivery savings. The directorate has also been impacted by contractual inflation and continued negotiations with the CCG in relation to Joint Funding arrangement payments. The ASC Continuous Improvement Board is re-profiling savings to determine an achievable position. There is a risk that if mitigating action plans are not developed the net forecasted overspend could increase to £5.3m after use of reserves. The Council are aware of the pressures on ASC and the corporate budget plan highlights continued investment of over the medium term of £34m, along with consideration of re-profiling of savings in this area. As with Children's Social Care this is an area the Council will need to continually monitor throughout the financial year in order to actively manage overspends and delays in savings progress.

Financial Sustainability

PROUD savings

The Council's 2021/22 savings target of £28.9m was not fully achieved in year, with £21.13m (73%) fully delivered and £7.76m unachieved. £2.93m of this was mitigated in year through service underspends meaning £5.36m was carried forward for delivery in 2022/23.

Table 7: Delivery of Savings by Proud Workstream 2021/22

Workstream	Delivered £	Delayed £	Total £
Customer Access & Management	1,145,423	3,682,127	4,827,550
Connected Working (Perform Plus)	259,809	56,416	316,225
Third Party Spend	8,882,030	884,701	9,566,731
Income Generation & Cost Recovery	6,370,869	2,611,057	8,981,926
Corporate Landlord	400,397	0	400,397
Designing Ways of Working - Hubs	243,402	172,874	416,276
Designing Ways of Working - Enabling Support Services (Admin & Business Support)	650,667	223,395	874,062
Designing Ways of Working - Enabling Support Services	3,381,748	133,333	3,515,081
Total	21,134,345	7,763,903	28,898,248

The majority of the underachievement related to Customer Access & Management (CAM) and Income Generation & Cost Recovery workstreams, mainly concentrated within Adult Social Care service lines. The CAM value is driven by £2.3m of unachieved savings in Adult Social Care (ASC) in relation to Older People Front Door along with delayed restructures in the resilient communities (£523k) and money home job (MHJ) team (£206k) due to continuing Covid-19 pressures. The ASC issues are a national problem but are causing difficulties in Walsall due to the current recruitment issues within the service area. This has delayed large scale transformation of services due to the need for staff to prioritise service provision and upcoming regulatory changes.

Within Income Generation & Cost Recovery £1.7m relates to joint funding arrangement variation with the CCG, where dialogue continues to realise these savings. Other elements relate to smaller amounts impacted by Covid-19 which will be introduced in 2022/23 such as Court Income (£100k) following re-openings and Council Tax penalty charges (£150k).

Additionally, much of the Third Party Spend delay is concentrated within the Children's Social Care service line which has been impacted by Covid-19 effects, court delays, recruitment issues and increases in complex cases.

Page 154 of 189

Walsall PROUD activity for 2022/23 includes £18.86m of savings with a further £5.36m carried forward from 2021/22, resulting in a figure of £24.22m to be achieved in year. In July 2022 the Council reported to Cabinet that £10.7m of these benefits were at high risk of non-delivery, £9.8m of which was directly within ADSC. The Council's most recent financial performance reporting to October 2022 shows this has reduced to £8.02m of high-risk benefits, £7m of which within ASC.

Directorate	Savings target	High Risk Saving	Identified Mitigation
ASC, PH & Hub	£10.346m	£7.061m	£0.985m
EEC	£0.772m	£0.609m	£0.609m
CSC	£0.748m	£0.350m	£0.350m
Total	£11.866m	£8.020m	£1.944m

In order to support delivery of savings, particularly concentrated in Adults, an ASC Continuous Improvement Programme Board has been created. The service line is also working with the CAM team to progress customer access for the Front Door. It is our view that the significant target combined with the under achievement in 2021/22 and the lack of capacity within both the ASC and CAM teams mean it is unlikely that ASC will be in the position to make the total savings required in year.

Whilst it is evident that the service line are making progress, due to the fact that the high risk savings have decreased from £9.7m to £7.1m, this remains a key issue particularly as all delivery plans are not finalised. There is a clear risk of under-delivery the later in the financial year that service transformation plans and projects are finalised.

More widely the Council are working collectively with service leaders to develop Service Transformation Plans (STPs) which include mitigating actions in order to reduce spend and realise benefits by year end as a result of the widening budget gap. Whilst the Council have a good track record of making savings, there are key areas which are causing delays year on year and simply carrying forward the savings plans is not a sustainable option. The Council should look to reprofiling savings particularly in areas which are under-resourced in order to ensure there are achievable in year.

Financial Sustainability

PROUD transformation activity

Walsall PROUD is a large-scale, whole Council technology enabled transformation programme, first approved by Cabinet in October 2018 and in conjunction with the Council's strategic partner. The plans include multiple workstreams including income generation, corporate landlord and service transformation focusses, which directly support the Council's priorities.

During Covid-19 many activities were disrupted as the Council responded to the pandemic. However, there is evidence that significant progress has been made, although it is clear that the transformation has not yet been fully executed.

Examples of achieved delivery include customer satisfaction rising from 67% to 73% due to changes with the Customer Relationship Management system, the website and centralisation of the Customer Experience Centre. The Customer Access Management workstream continues to develop with completion of the digital customer platform. Whilst this was originally expected in April 2023 this has been delayed as the Council build more internal capacity in the ICT team. The CAM workstream is critical to £4.4m of agreed efficiencies in 2023/24, to ensure achievement the Council have procured external transformation capability to support progress.

The programme has also increased levels of employee engagement up from 57% (2017) to 61% (Nov 2021). With some individual measures increasing by up to 38% across 4 years. This has been achieved through development of an Organisational Development Strategy with clear career pathways and talent attraction and retention plans. The Council has also heavily focussed on supporting agile ways of working which has been consistently represented through our interviews with appreciation for flexibility and hybrid measures consistently raised as a key enabler for both transformation and business as usual practices. This workstream continues to progress at pace with the establishment of a corporate Wellbeing Framework and further embedding of cross directorate working and collaboration through Senior Manager and Director Group meetings.

Contributing measures and questions	2017 scores (Strongly agree / agree)	2020 scores (Strongly agree / agree)	2021 scores (Strongly agree / agree)	Change (2017 to 2021)
Walsall Council inspires me to do the best in my job.	62%	77%	80%	+38
I feel valued and recognised for the work I do.	41%	63%	65%	+25
I have the tools (physical resources, equipment, technology) I need to do my job effectively.	53%	68%	75%	+22

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One of the main aims of PROUD was for the Council to amplify its own capabilities and grow own talent internally through working closely with their strategic partner, in order to ensure long term self-sufficiency. Along with some recruitment in key areas such as performance insights to drive this forward further, this appears to be building, with some key support still needed in the technology space, as recognised by the Council.

The next stages of Proud will focus delivery of benefits through Directors owning Strategic Transformation Plans, enabled, and supported by the capabilities delivered through the enabling workstreams. It is evident from speaking to individuals is that there is a clear cultural drive which is underpinned by the enhanced cohesiveness of the organisation which has been built through the PROUD transformation activity. Individuals in service lines understand the key outcomes the Council are striving to achieve organisationally and there is trust in senior leaders from a transformation perspective.

The big challenge for the Council will be continuing the momentum of the PROUD work as an embedded part of business as usual, particularly when combined with the uncertainty of future funding regimes. PROUD has become a hook for the new ways of working at the Council and it will be for senior leaders at the executive and service level to ensure this continues. This has been recognised and the Council have reorganised to strengthen the Head of Service Level roles particularly within finance and in May 2022 updated the scheme of delegations to simplify decision making and ensure consistency across governance arrangements. The Council has also identified a need to prioritise resource in ICT teams to ensure further delays due to lack of capacity do not hinder future progress.

The Council monitor progress through the Walsall PROUD Programme Board which produces highlight reports with RAG ratings for each of the workstreams progress, alongside BRAG ratings for financial picture. This ensures all attendees are aware of the transformational and financial benefits achieved and where risks are arising throughout the year. In March 2021 Cabinet were provided with an update on the overall progress of the programme with an update on the next stages. The Council also has a Proud Programme Management Office, and the Transformation and Change Team have been supporting with tracking and embedding benefits as part of the programme. Moving forward, the Council will need to continue to identify savings beyond the scope of the current transformation programme, as Government funding changes and increasing demand and cost pressures will continue to put pressure on Council finances. For any new investment beyond the scope of the current programme, it is proposed to add to the existing financial parameters with indicators that may better reflect the returns delivered for benefits. For instance, payback of the investment is secured within a certain number of years, the exact payback period being dependent on the project.

Financial sustainability

Key findings

The Council continued to face significant costs because of the Covid-19 pandemic, both indirectly through increased demand and complexity within social care, and more directly through loss of income from fee generating services. In relation to the latter, whilst some income losses were reimbursed for 2021/22 the Council accounts that total lost income totalled £1.76m, with only £631k reimbursed. Delayed reopening of services such as Courts have also impacted planned PROUD savings.

The Council has prepared a Medium-Term Financial Outlook looking forward to 2025/26 which at the time of writing in February 2022 was based on prudent assumptions, with a clear focus on the impact of demand and inflation. Risks to the financial outlook were considered as part of this process and have been clearly outlined in the report to Cabinet.

Reserves were in place to deal with many of these risks however further inflationary pressures have arisen since then particularly in relation to fuel and energy costs, combined with the impact of the increased pay award, which have widened the budgetary gap for 2022/23 and future years. As at February 2022 the funding shortfall was £53.57m to be addressed through use of earmarked reserves and savings programmes. Whilst the Council have a healthy earmarked reserve balance of £217m at April 2022, in the current financial environment this could be eroded if PROUD savings are not delivered over the medium term.

The Council is currently assessing the impact of the inflationary and demand pressures, and exploring mitigating actions with service line leads. There is evidence that plans are being developed to help bridge the widening gap and it is evident that the Council are taking an organisational-wide approach. The key pressures sit within both Adults and Children Services and finance team members are working closely with each of these service areas to ensure realistic plans are built despite capacity issues.

Overall we are satisfied with the Council's approach to financial planning and savings delivery in the context of the current environment and have not identified any significant weaknesses in these arrangements. The Council is aware of the drivers of cost pressures and officers are working together to ensure these are mitigated where possible. PROUD delivered over £20m of savings in year, and whilst a number of schemes are under pressure in 2022/23, governance arrangements such as the ASC Continuous Improvement Board have been put in place in order to aid delivery, despite demand and capacity pressures.

Improvement recommendations



Financial sustainability

Recommendation 1 The Council should ensure that all saving delivery plans are fully developed in advance of the financial year beginning. It should also consider reprofiling identified savings in areas that are under-resourced (for example ASC), to ensure they are achievable.

Why/impact

From our experience one of the most common causes of not meeting a savings target by year end is the fact that delivery plans are not fully identified at the start of the year. This is due to the fact that a high level of unidentified schemes in the first quarter, means the Council have a shorter time frame with which to take the necessary actions to achieve the savings required. We have identified that a lack of capacity within the ASC team contributed to a savings under-achievement in 2021/22 and is likely to result in an under-delivery of savings in 2022/23.

Summary findings

The Council achieved 73% (£21.13m) of their savings targets during the 2021-2022 financial year. The majority of the undelivered savings were mainly concentrated with the Adult Social Care service line which continues to struggle to deliver savings during 2022-2023 with £7.1m of savings highlighted as high-risk at October 2022. Updates to Cabinet show that the reasoning for this is due to delivery plans not yet being finalised.

Management Comments

The Council agrees that all savings delivery plans should be in place prior to approval of the budget. There were 105 savings approved within the 2021/22 budget, the vast majority of which had plans in place. ASC provided high level plans at this stage and were developing their detailed delivery plans and resource requirements. The Council has recognised the capacity issues within ASC and Proud Board received and approved the ASC continuous improvement programme investment bid in November, which will provide extra capacity within the service, with a focus on delivering the transformation and delivery benefits. Additionally, the impact of delayed delivery of savings has been reflected in the draft Budget for 2023/24 under construction, with ASC savings expected to be those partly reprofiled / rolled forward from 2022/23, limiting further savings to £2.19m to ensure realistic plans can be put in place for delivery of these.

Timescale for implementation – by 23 February 2023 (Budget Council date)



The range of recommendations that external auditors can make is explained in Appendix C

Page 157 of 189

Improvement recommendations



Financial sustainability

Recommendation 2 The Council should consider making use of alternative indicators of success for the PROUD benefits to help highlight the returns being delivered over the longer term as a result of transformation activity. E.g. payback periods. It should also ensure that resources are prioritised to support delivery of PROUD.

Why/impact

Continuing the momentum of the PROUD work will be key to the Council addressing challenges around future funding and demand. For any new investment beyond the scope of the current programme, it is proposed to add to the existing financial parameters with indicators that may better reflect the returns delivered on benefits. For instance, payback of the investment is secured within a certain number of years, the exact payback period being dependent on the project.

Summary findings

Moving forward, the Council will need to continue to identify savings beyond the scope of the current transformation programme, as Government funding changes and increasing demand and cost pressures will continue to put pressure on Council finances. As difficult decisions may need to be made, it would be useful for the Council to have an increased understanding of the benefits being realised from the PROUD work taking place.

Management Comments

In March of this year, Cabinet received a report identifying that, as Proud evolves beyond delivery of the current programme from 2024/25 onwards, and funding and demand continues to be a challenge, there will be a requirement for additional benefits to be identified and delivered to meet the revised medium term financial outlook. Revised workstreams have been created to progress this, alongside service transformation plans. The report also identified that alternative indicators of success would need to be developed. The Proud Programme Management Office, Finance and the newly established Hub will coordinate these success indicators through the existing Council Plan mechanisms in place (Measure of Success Indicators). Resource plans are in place to support delivery and these continue to be monitored and updated as required.

Timescale for implementation – by 1 April 2023



The range of recommendations that external auditors can make is explained in Appendix C

Page 158 of 189

Governance



We considered how the Council:

- monitors and assesses risk and gains assurance over the effective operation of internal controls, including arrangements to prevent and detect fraud
- approaches and carries out its annual budget setting process
- ensures effective processes and systems are in place to ensure budgetary control; communicate relevant, accurate and timely management information (including non-financial information); supports its statutory financial reporting; and ensures corrective action is taken where needed, including in relation to significant partnerships
- ensures it makes properly informed decisions, supported by appropriate evidence and allowing for challenge and transparency. This includes arrangements for effective challenge from those charged with governance/audit committee
- monitors and ensures appropriate standards, such as meeting legislative/regulatory requirements and standards in terms of staff and board member behaviour (such as gifts and hospitality or declaration/conflicts of interests) and where it procures and commissions services.

Risk Management

The Council have an effective Risk Management Strategy which helps them identify, analyse, prioritise and manage and monitor the mitigation of risks. They make use of a Strategic Risk Register (SRR) to provide structure on how to review and manage risks. It describes the risk, identifies the accountable officer and a deadline to implement a mitigation plan. There is also a scoring matrix included in the SRR, which allows risks to be scored by both impact and likelihood, to help inform mitigation and management plans. The SRR is regularly updated to ensure alignment with the most recent version of the Corporate Plans and the Council's latest objectives and aims. So far, there have been 4 versions of the SSR. The most recent update was submitted to the Audit Committee in September 2022.

The Council are in the process of developing an 'Assurance Map' to be incorporated into the SRR. This will display the different levels of internal and external assurance used for risk management. This transparency has the aim of improving quality and compliance in risk management. The Council have established an implementation plan for the Assurance Map, with an initial version submitted to the Audit Committee in September 2021 as part of the regular SRR updates and will be further developed throughout 2022 and 2023. Our assessment of the Assurance Map is that it will significantly improve the Council's risk management strategy. This is through better oversight of the measures in place to deal with risks, the ability to make more accurate current and target risk scores and the ability to consider assurances in risk mitigation plans.

Planned mitigations are generally delivered in a timely manner. For example, the Cabinet approved a Centre of Excellence and Transformation and Change Team in November 2021 to mitigate the risk of not achieving desired outcomes from the Proud Programme. This demonstrates the value of the SSR in establishing effective assurances that can be mobilised and speaks to the overall effectiveness of the council's risk management strategy.

The Audit Committee receives regular updates on risk management. Our review of meeting minutes show Audit Committee members are proactive in challenging officers on whether risks are being appropriately managed. During the February 2022 meeting, members questioned the impact risks associated with the Proud Programme will have on transformation savings and financial resilience of the Council. In response, as an additional assurance to manage this risk, the Audit Committee agreed to invite relevant lead officers to meetings. This was so risks that could impact financial resilience can be reviewed. This exemplifies the level of focus the Council give to risk management and dealing with risks as they arise. Through all the structures in place to ensure continuous improvement in quality of risk management, It is clear that it is a core area of focus for the Council.

Governance

Internal Audit and Counter Fraud

The Council received a 'Moderate' assurance rating by the Head of Internal Audit for 2021/22. This is consistent with the rating for the previous year. Of the 40 internal audits undertaken in the year, 7 were given a 'Substantial' level of assurance, 24 'Moderate' and 10 'Limited'.

A key focus on the Audit Committee during 2021/22 has been on ensuring that, where Internal Audit raise recommendations, management implement them promptly. Internal Audit provided an update on the implementation of recommendations in their Internal Audit Annual Report which shows a slight increase in performance in 2021/22, with 96% of due recommendations implemented compared to 89% in the prior year. There were no overdue high priority recommendations.

Implementation of recommendations is particularly pertinent in the current changing environment with increased budget pressures, workforce issues, digital transformation and changing demands. It is therefore imperative that the Council and Audit Committee continue to hold senior management accountable for any potential delays in internal audit response times.

Counter Fraud is evidently an area where the Council have increased their focus during 2021/22. In April 2021 the Audit Committee approved an updated Counter Fraud and Corruption Policy along with a Response Plan to ensure this was effectively embedded. Updates were presented in both September 2021 and February 2022, with Fraud Training also provided to members. The Plan sets out a step-by-step guide on work to be undertaken to improve counter fraud capacity. Notably, one of the actions outlined in the Response Plan was to review required capacity for counter fraud services and balance out internal and external resources to be delivered by June 2021. Subsequently, in July 2021, Walsall entered a two year contract with Solihull Council where Solihull's role is to proactively support fraud investigations. This Response Plan has allowed the Council to deliver on fraud work in a timely manner despite capacity constraints. This also speaks to how target delivery dates of all work packages within the Response Plan provides accountability and a structure to consistently progress with counter fraud initiatives. Evidently, the Response Plan is effective in driving continuous improvement within the Counter Fraud function of the Council.

Financial Governance

The budget for 2022/23 was presented at the February 2022 Cabinet meeting alongside other relevant financial strategies such as the annual Treasury Management and Capital Budget Strategies. A range of internal and external stakeholders are engaged in the budget-setting process, including service users, trade unions, and scrutiny committees through the consultation process, before the budget is approved internally within the Council.

Throughout the year the financial position and savings progress are reviewed by service areas through production of monthly narrative reports. Monthly reports are also sent to CMT meetings which allows discussion of variances and changing circumstances in order to develop mitigation at both the directorate and executive levels. Internal audit conducted a review of budgetary control in the financial year which provided an overall finding of substantial assurance. They found that budget holders are trained in how to forecast and manage budgets with oversight from service line accountants to reduce risks of overspends. Whilst there were some instances of budget holders not being automatically notified of budgets, there are plans in place for this to change in future years with the introduction of live dashboards. The internal audit report did highlight that some budget holders expressed a decreased level of access to finance business partners, this was as a result of temporary turnover in the team with plans to hire replacements and increase interactions and support available. The Council has evidenced that it has robust arrangements in place with regards to financial overview and scrutiny.

Consultations

Whilst the Council has a forward plan in place for Budget Consultations, this does not yet exist for other types of consultation activity. Our review suggests that there is a risk of lack of capacity within the corporate consulting team within the Council; only one member of staff leads on consultation work with support from one member of IT staff who has now recently left the organisation. However the Council has recognised this risk and has an arrangement with the Consultation Institute to provide external support. The need for skills and resilience in consultation resources may become increasingly important as they seek to respond to the changing financial landscape and increased demand within their communities, which may necessitate more in-depth consultation work than has been undertaken in previous years, both as part of the Budget Consultation and more widely.

Governance

Sherbourne Recycling Limited (SRL)

Sherbourne Recycling Limited was created on 1st April 2021 to build and run a new Material Recycling Facility (MRF) just outside Coventry. Walsall Council are one of 8 local authority partners involved in the joint venture and each Council has a long-term waste supply agreement with SRL. Walsall Council have a 19.66% shareholding, making them the second largest shareholder providing a £0.197m equity holding.

The Council entered into this arrangement to support the improvement of their recycling rate, with the aim of reaching the national recycling target of 65% recycling of all household waste by 2023, from a current value of 40%. This initiative is directly linked to the Council Plan marker of ensuring more waste is recycled with less going to landfill.

Our review revealed a confidence within the Council that the new MRF, which is currently under construction, will provide a long-term solution to the Council's waste management services and cost management. The new MRF will allow more control over what the Council can do with commodities they own i.e. they can sell or reinvest. This serves a wider, long-term aim of financial resilience.

Led by Coventry City Council, the partners collaborated to develop the business case for the new MRF. The main benefit of which was that Councils would have more control over their waste management and more discretion in the way they manage their commodity assets.

A Cabinet report was first submitted in September 2019. This included financial modelling completed by a specialist external resource and also considered alternative best and worst case scenarios. Our review of Cabinet reports show an original funding approval of £9.9m including a £1m contingency and £0.3m of shares, with the remaining £8.61m as a loan. However in March 2021 an additional £1.58m investment was required from the Council after an independent market report was commissioned. This highlighted the need to increase in the size and sophistication of the project as a result of increased anticipated market demand post-pandemic and higher levels of automation due to a depleting industry workforce. However it was noted that Cabinet approval was sought before the final business case was updated and approved, although Cabinet were provided with figures reflecting the worst-case scenario which still showcased that the scheme was viable. Details on the key changes and financial impacts since the original May 2019 business case were also presented.

The Council are projected to receive a net interest on the loan repayment over the life of the contract. Although, importantly, key assumptions behind the financial modelling are that the Council will provide funds through borrowing and the type of loan will be similar to the one used in the model. Moreover, the recent change in government and cost of living crisis mean inflation and interest rates are unpredictable, both factors which will impact the net interest rate of return on Walsall's funding of the MRF. Therefore the Council may expect a delayed return and this should be kept under review.

There was internal and external engagement exercises carried out as part of the decision-making process around the new MRF. However as the location of the is near Coventry, therefore would not directly affect Walsall residents, the public of Walsall were not included in surveys. However the Council were well represented in internal consultations between the partners through the form of Board meetings and subgroups to raise concerns.

The SRL project has defined governance outlining management and decision-making arrangements and all partner councils have involvement and responsibility. There are two main governing authorities for the SRL – the Shareholder Panel and the Board. Both these authorities sit separately to the Councils but consist of representatives from each. The Shareholder Panel are responsible for key decisions, typically when escalated by Board for key decisions. The Board is responsible for general management of SRL and make decisions on operations, low value contracts and approve minor amendments to stakeholder financials and the business plan. Together, the Shareholder Panel and Board provide the necessary guidance and protocols to ensure the continued value of SRL.

Beyond this, there are many subgroups that correspond to different functional services involved in development of the new MRF. These include Business Case, Operational, Financial, Functional, Procurement, Compliance and Engagement groups. Our review highlighted that Walsall Board representatives have regular meetings with subgroups demonstrating a level of oversight with day-to-day construction and overall progress of the new MRF.

Our high level review of the decision-making process involved in the investment in SRL appears to showcase clear partner collaboration, continuing governance arrangements and oversight and approval from Cabinet members. From our review we identified that the updated Full Business Case was not available for Cabinet in March 2021 when the increased investment was requested, but evidence was provided that shows that updated figures were presented to help inform the decision-making process.

Improving economy, efficiency and effectiveness



We considered how the Council:

- uses financial and performance information to assess performance to identify areas for improvement
- evaluates the services it provides to assess performance and identify areas for improvement
- ensures it delivers its role within significant partnerships and engages with stakeholders it has identified, in order to assess whether it is meeting its objectives
- where it commissions or procures services assesses whether it is realising the expected benefits.

Performance and Data Insights

The Council uses a key priority framework to set strategic intent and deliver outcomes which were first agreed by Cabinet in 2019. For 2021/22 the Council has produced a one year Corporate Plan due to the unprecedented situation they were operating in at the national level. This was to provide a greater focus on aims, priorities and outcomes for the benefit of residents. This is a refreshed version of the 2018-2021 Corporate Plan with a 3 year Corporate Plan to be published for 2022-2025.

The Council set out 5 priorities, which are underpinned by 10 outcomes for residents. To ensure progress is measurable towards outcomes over the year, each outcome has two markers of success. These 20 markers of success (along 34 indicators) have been used as a tool to measure progress over the year on achievement to outcomes and reported to Cabinet on a quarterly basis. They have been colour coded, with green showing positive progress, amber highlighting stable or slight dip in performance, and red showcasing underperformance.

For 2021/22, the 21 of the 30 baseline indicators which were measurable at year end, showed progress against the baseline. With 6 rated amber and 3 rated as red. The latter related to low apprenticeship programme enrolments, low performance against % of EHC assessments completed within 20 week timeframe due to backlogs and increases in first time entrants into the criminal justice system.

A recommendation was raised in our 2020/21 work with regards to the integration of financial and performance reporting. The recommendation identified that it may be useful to incorporate these in order to help with identification of risks and financial sustainability. The Council have not yet introduced this but are making plans to progress this further and, as a result, this recommendation has been raised for 2021/22.

It has been noted that at the directorate level - both national and local level data is used to inform decisions for service improvements and establish shortfalls in its current services. Whilst in the previous year we recommended the Council consider the use of cost unit benchmarking, this is an area the Council are currently considering through market research of the platforms available.

Currently the Council's reporting on their key achievements are very narrative focussed with minimal use of data and visual outputs to communicate markers of success. However, it is clear this is a key focus for the Council with development of a new Business Insights Hub working closely with the Policy & Strategy Team. The Council's vision is to have a more consistent approach to data and performance measurement across the Council and to improve data quality principles. As a result, these teams are in the process of developing the corporate performance measurements and how automation and further use of Power BI Dashboards could be used.

As a first step the Council's Digital Strategy 2022-2025 was presented to Cabinet in March 2022 providing a blueprint of how the Council could further leverage digital capabilities. This has been separated into 5 themes and not only focusses on improving the digital skillset and infrastructure of the Council but utilising this across the region.

A new performance management framework has been provided for 2022-25, which is to provide the council a more robust structure of how it reports performance and feeds back to the Cabinet. Evaluation of this change will be picked up in future VFM work.

Improving economy, efficiency and effectiveness

Partnership working

There are many examples of effective partnership working across Walsall. An independent review by The Institute for Community Research and Development at University of Wolverhampton has been published on the response to COVID-19, and has shown that partnership working was a dominant feature, enabling the Council to meet the challenges that were presented to the community during the pandemic. The review also highlights strong and effective leadership from Walsall Council.

Additionally the Council is part of the Walsall Safeguarding Partnership. This group has a number of different sub-groups which focus on performance improvement on the front line and at the executive level. Additionally a report is published each year for both adults and children's which highlight the work of the partnership, the effectiveness of relationships, levels of contributions by partners, progress on learning and improvements, difference made on the ground, evidence of the impact of work for outcomes. This is presented to each of the partners own scrutiny committees including the Councils and the Chief Executive of the Council along with PCC and CCGs equivalents.

Furthermore, the Council has developed the initiative of 'We are Walsall 2040'. This is an exercise which will bring together organisations from across Walsall to develop a vision for the future of the Borough. Within the initiative, over 10,000 residents and businesses will be asked for their views and what they want Walsall to look and be like in 2040 and beyond. The aim of this initiative is to help the Council and its partners to prioritise resources and to develop shared ambitions, helped by the views and experiences, ideas and ambitions of those within the Council. This would reinforce the view that the body engages and consults with its stakeholders to determine its local priorities.

The monitoring of different service agreements and partnerships take different forms depending on the circumstances but regular performance monitoring reports on partnerships are taken to Cabinet when needed. e.g. Through the Health & Wellbeing Board, Strategic Investment Board, Contract Boards & Performance Boards etc. Additionally, the Q4 achievements report highlights the work of partnerships through the year, such as 'Walsall Works'. This is a Council initiative which directly feeds into one of the key markers of success. It involves working with partners to support local people to find jobs, apprenticeships and access training, whilst also working with local businesses looking to invest in their future workforce.

Throughout the year Walsall Council were also part of the 'The Black Country Plan'. The Draft Black Country Plan contained planning policies and land allocations to support the growth and regeneration of the Black Country over the years to 2039. It had been prepared and approved for consultation by the four Black Country Authorities (Dudley, Sandwell, Walsall, and City of Wolverhampton) during 2021/22. However in October 2022, it was announced that the authorities were unable to reach an agreement on the approach to planning for future development needs. Therefore Walsall will need to develop their own local plan.

Partnership working is a key component of the Council's Digital Strategy 2022-2025 which focusses on embracing digital opportunities across the region. The Council plan to make use of the data sharing arrangements and partnership working forums which are already in place with Digital Region included as one of the five key pillars. Their aim is to explore digital integrations with partner agencies in order to remove siloed working. This has been drafted with a direct link to the West Midlands Digital Roadmap 2021-2026 which sets out a vision to increase connectivity and linkages across the various industries of the region.

The Council recognise that there are still elements of their partnership working which could be improved, particularly around the care economy. Work with health colleagues particularly as part of the Integrated Care System is ongoing to understand social and health needs across the borough, utilising national processes, local trackers and data collation that was put in place at the start of the pandemic. Additionally the Council is undertaking a refreshed approach to commissioning adult social care in a way which will focus on incorporating wider health partners.

It is clear that partnership working is a key strength for Walsall Council particularly strengthened by pandemic working arrangements, which have continued into 2021/22. This provided us with evidence that the Council are building on these working arrangements across the region to help achieve their desired outcomes. Looking forwards the Council want to focus on digital enhancement, but have taken a broader view of this to ensure that the rich data available within the region is incorporated into their programme of work. It is evident that for Walsall breaking down existing barriers is recognised as a key to success.

Improving economy, efficiency and effectiveness

Procurement and Contract Management

During 2021/22 the Council's corporate procurement team was based within Adult Social Care but aided all directorates on contract management activities. Responsibilities for contract management sits within the service areas and the Council make use of In-Tend portal for both procurement and contract management activity although practices can vary across the Council.

During the year, internal audit reviewed commissioning strategy within the Resilient Communities team and contract management within the Council. Both of which resulted in findings of moderate assurance on adequacy of the system design and limited assurance on the effectiveness of operating controls. Across both reviews it was highlighted that there was a lack of documented guidance in place for both commissioning and contract management. Review of contract management by IA showcased that there is a lack of consistency across the Council and no specific contract management guidance was in place during the 2021-2022 financial year. Additionally contract registers whilst updated did not include all necessary information and did not have a consistent format.

One of the key elements of the Walsall Proud Programme was to create the Hub as a core team of core specialists to reduce duplication and will include commissioning, procurement and contract management. All procurement activity is being reviewed with a focus on reducing third party spend and improving the 'Procure to Pay' processes. This has involved the Council setting up a Third Party Spend Board to support services through commissioning and procurement. Additionally, The Council have begun work to strengthen their business case process in year, working across the organisation to standardise formats and ensure they align with project management principles.

This work was still in progress during the 2021/22 financial year and the commissioning, procurement and contract management hub is in design phase. During the year the emphasis has been on a significant piece of work involving updating the current contracts register, analysing 3 year spend profiles, and understanding procurement patterns and commissioning needs to inform the development of a new Procurement Strategy. Therefore, during the year, the Procurement Strategy was still in development, with plans to have an approved strategy in place by April 2023.

Whilst we can see that progress is being made in these areas, the Council need to ensure consistency across the Council for contract management, procurement and commissioning. Whilst this will be aided by the current procurement, commissioning and contract management workstream, namely The Hub, it will require buy-in from all service lines and clear communication of aims and procedures through policies, guidance and templates.

Adult Social Care

According to The British Red Cross Covid-19 vulnerability index, Walsall is in the top 20% of most vulnerable local authorities in England so are particularly sensitive to impacts of the pandemic. This is evident in the struggles facing the Adult's social care sector which has seen changes in demand and cost. This is combined with the national level reform, which the service area have also been preparing for throughout the 2021/22 financial year and beyond.

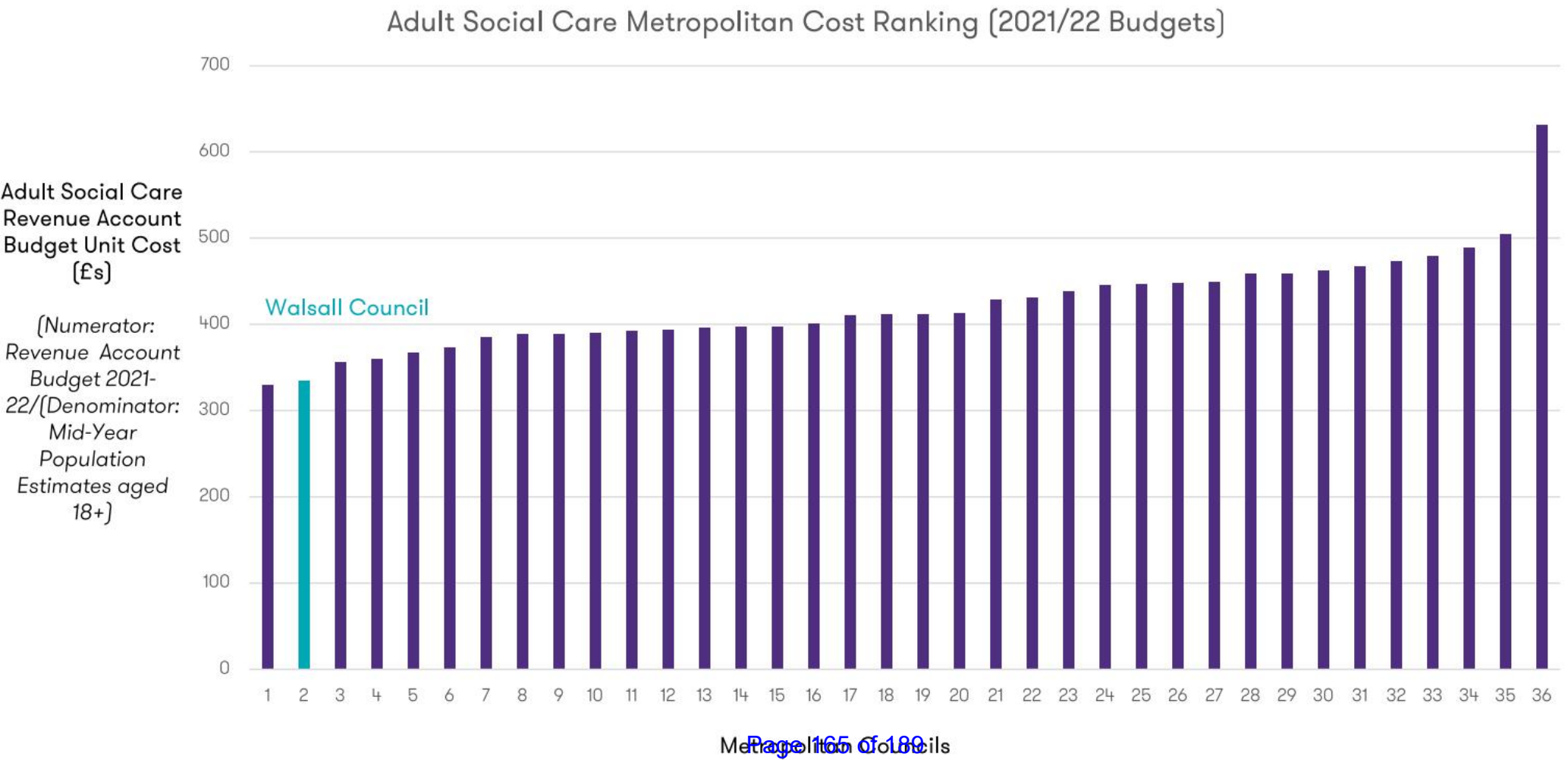
Until 2019/20 the adult social care budgets have been relatively predictable, however during 2021/2022 the directorate have struggled with accuracy of projections which has had financial impacts on service line budgets. Savings targets are a significant challenge and have led to an under-delivery against savings target in 2021/22 and a forecast under-delivery in 2022/23.

The service area is also struggling with capacity issues due to workforce gaps throughout the directorate structure, which has meant that the additional activity need to deliver savings programmes has not always been possible. This is a more recent problem for the Council which historically has not always struggled in this area. Our discussions with the leads showcased that there is a workforce plan in place which is being discussed at a regional level to encourage collaboration and allow for harmonisation of rates of pay. Additionally, the Council are reliant on external partners as much of the transformation plan in this area requires whole system change. This has become particularly apparent regarding the Joint Funding arrangements, which had a financial impact of £1.7m as referenced in the financial sustainability section of this report. Negotiations continue with health partners.

Whilst the service area is grappling with year on year overspends, this has necessitated some use of earmarked reserves. Our benchmarking analysis has shown that in comparison to other local authorities Adult Social Care spend is in the bottom 20% nationally. Which may highlight why further savings are proving difficult. (See analysis on next slide).

However, despite the financial challenges, the Council's operational performance and outcomes continue to improve. With the Council moving from 112nd in the Adult Social Care Outcomes Framework ('ASCOF') Rankings in 2018/19 to 54th. However, this showcases there is still room for improvement. Furthermore, the Council undertook an ASC Peer Review the results of which were reported to the Social Care and Health Overview and Scrutiny Committee in December 2021. This has fed into the Council's action plan and is used to engender further improvements across the working areas.

Improving economy, efficiency and effectiveness



Improvement recommendations



Improving economy, efficiency and effectiveness

Recommendation 3 The Council need to ensure consistency across the Council for contract management, procurement and commissioning. Once fully developed by the Hub this will requires clear communication of templates, guidance and policies combined with regular training to ensure full understanding across the Council.

Why/impact A lack of guidance in relation to procurement, contract management and commissioning makes the Council more vulnerable to financial risk and reputation damage from non-compliance with regulatory standards. Robust contract management will help the Council to maximise savings and service quality.

Summary findings Whilst we can see that progress is being made in these areas, the Council need to ensure consistency across the Council for contract management, procurement and commissioning. Whilst this will be aided by the current procurement, commissioning and contract management workstream, namely The Hub, it will require buy-in from all service lines and clear communication of aims and procedures through policies, guidance and templates.

Management Comments Key progress has been made developing a consistent contracts register and spend analysis, the next stage of this is to ensure that the appropriate systems are in place to provide management information to support further efficiency. A procurement and contract management strategy is planned and will encompass the needs of the council's economic strategy and transformation plans. Development of processes and the broader service offer will continue as part of the transition away from the current transactional approach to a more developed commercial and strategic offer.

Timescale for implementation – by 31 July 2023



The range of recommendations that external auditors can make is explained in Appendix C.

Improvement recommendations



Improving economy, efficiency and effectiveness

Recommendation 4

The Council should introduce integrated reporting for financial and performance management to support with the identification of risks around financial sustainability.

Why/impact

The financial and non-financial performance of the Council was not always presented at the same meetings and integrated reporting would allow members to take an overall view of the performance of the Council.

Summary findings

The Council have approved a Policy and Strategy Hub structure with a Head of Policy and Strategy appointed in early 2022 and an intention to recruit to the rest of the structure. However, limited capacity and a focus on the 2022-25 Council Plan and 'We are Walsall 2040' has meant that integrated reporting has not yet been implemented. A Corporate Performance Management Framework was updated in 2021/22 and approved by Cabinet in June 2022. The Council should finalise this work and introduce integrated financial and performance reporting.

Management Comments

The reporting of financial performance and non-financial performance will be aligned where practicable. The Policy and Strategy and Hub structure was approved and the Head of Policy and Strategy appointed during the latter part of 2021/2022 with the rest of the structure being established/recruited to. Due to limited capacity, the focus has been on the Council Plan 2022-25 and 'We are Walsall 2040'. The Head of Finance and Assurance and Head of Policy and Strategy have agreed that integrated reporting development is beneficial and is being planned for further development during 2023.

Timescale for implementation – Full integration of new performance reporting system for 2024/25 (1 April 2024) with reporting starting towards that process for 2023/24 (1 April) onwards



The range of recommendations that external auditors can make is explained in Appendix C.

Follow-up of previous recommendations

	Recommendation	Type of recommendation	Date raised	Progress to date	Addressed?	Further action?
1	Enhanced training for members on the importance of adequate reserves level for long-term financial sustainability	Improvement	2021	<i>Management Progress Update:</i> Briefings held with all groups on Budget. Reserves levels and S25. Statement were included in briefings. The S151 officer also briefed Overview Scrutiny on the importance of challenge on the council's reserves levels and S25. Statement.	Yes	Further briefings are being arranged for the 2023/24 budget setting.
2	Develop a Forward Plan of future consultation	Improvement	2021	<i>Management Progress Update:</i> A forward plan of consultations for the Budget is produced and monitored annually to ensure that adequate consultation is undertaken. The Council have plans to expand this to cover all consultations	No	The Council have plans to expand this in future years. Timescale for implementation – by 31 January 2023
3	Continue to undertake regular reviews of PROUD savings delivery and the need to amend or reprofile the savings targets as appropriate	Improvement	2021	<i>Management Progress Update:</i> Monthly monitoring is undertaken and reported. Reprofiting of £7.76m of savings was required from 2021/22 to 2022/23 due to ongoing challenges experienced from Covid-19. Of this £2.41m was delivered from 1 April 2023. The remainder - £0.71m in Children's and £4.64m in ASC - is being tracked in 2022/23. There continues to be some challenges in this area, in respect of the lasting demand from Covid-19 but also more widely, as is being experienced nationally. Significant investment was agreed within the 2022/23 to alleviate some of these pressures. ASC continues to experience challenges including resource, with a separate Proud workstream for ASC being created in 2022/23 to support delivery of the change required. For 2021/22, despite the continuing impact of Covid-19, £21.34m of approved savings were still delivered in full, a significant achievement. The council ensured that mitigating actions were put in place during 2021/22 to manage savings successfully and the council outturn was under budget for 2021/22, with reserves intact.	Yes	No

Follow-up of previous recommendations

	Recommendation	Type of recommendation	Date raised	Progress to date	Addressed?	Further action?
4	Review and update the fraud risk register as appropriate and ensure regular monitoring of fraud risks is embedded into the governance structure.	Improvement	2021	<i>Management Progress Update:</i> Solihull were appointed to support delivery of the Response Plan in July 2021. This involved firstly review and refresh of the Counter Fraud Policy and development of the revised Response plan which was submitted to Audit Committee February 2022. Fraud risk assessment workshops are now being held across all directorates to establish a Fraud Risk Register. Aligned with this, a training awareness plan and training materials are being developed to support awareness raising. The Fraud risk register will be reported to Audit Committee during 2022/23.	No – but work is underway to make progress	The Fraud Risk Register has not yet been developed, this continues to be a work in progress as fraud workshops continue to take place. Timescale for implementation – by 31 July 2023
5	Develop a more formal and structured programme of training for Audit Committee members.	Improvement	2021	<i>Management Progress Update:</i> One-to-one meetings provided to new members of the Committee. Induction training meeting held for all members. Training agreed and held for specific topics aligned to the work programme – risk management, financial reporting, fraud, etc.	Yes	No but training must continue to be provided on relevant topic areas and for new members.
6	Develop formal succession planning for Audit Committee members.	Improvement	2021	<i>Management Update:</i> S151 has discussed continuity of membership with Group leaders. Audit Committee membership reviewed during 2021/22 leading to a change in membership for the 2022/23 municipal year.	No	There continues to be a vacancy on the Audit Committee which needs to be filled and a succession plan developed. Timescale for implementation – by 30 June 2023

Follow-up of previous recommendations

	Recommendation	Type of recommendation	Date raised	Progress to date	Addressed?	Further action?
7	Introduce integrated reporting for financial and performance management.	Improvement	2021	<i>Management Progress Update:</i> Policy and Strategy and Hub structure approved and Head of Policy and Strategy appointed latter part of 2021/2022 with rest of structure being established/recruited to. Due to limited capacity, focus has been on Council Plan 2022-25 and We are Walsall 2040. Head of Finance and Policy and Strategy have agreed integrated reporting development is beneficial and is being planned in. Corporate Performance Management Framework also updated during 2021/22 and approved June 2022 by Cabinet.	No – but work is underway	The Council should fully implemented the identified steps to integrate financial and performance management reporting. Timescale for implementation – 1 April 2024 onwards
8	Review the scope for use of benchmarking against other local authorities (where information is available) as part of quarterly or annual reporting.	Improvement	2021	<i>Management Progress Update:</i> Head of BI appointed. BI structure approved August 2022. Benchmarking data and reports used in individual services - Head of Finance and BI exploring use of available benchmarking data to ensure a consistent approach across the council. Intention to make more use of that in next budget setting round (2024/25).	No – but work is underway	Continuation of workstream. Timescale for implementation – by 31 May 2023

Appendices

Appendix A – Responsibilities of the Council

Public bodies spending taxpayers' money are accountable for their stewardship of the resources entrusted to them. They should account properly for their use of resources and manage themselves well so that the public can be confident.

Financial statements are the main way in which local public bodies account for how they use their resources. Local public bodies are required to prepare and publish financial statements setting out their financial performance for the year. To do this, bodies need to maintain proper accounting records and ensure they have effective systems of internal control.

All local public bodies are responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness from their resources. This includes taking properly informed decisions and managing key operational and financial risks so that they can deliver their objectives and safeguard public money. Local public bodies report on their arrangements, and the effectiveness with which the arrangements are operating, as part of their annual governance statement

The Chief Financial Officer (or equivalent) is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the Chief Financial Officer (or equivalent) determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Chief Financial Officer (or equivalent) or equivalent is required to prepare the financial statements in accordance with proper practices as set out in the CIPFA/LASAAC code of practice on local authority accounting in the United Kingdom. In preparing the financial statements, the Chief Financial Officer (or equivalent) is responsible for assessing the Council's ability to continue as a going concern and use the going concern basis of accounting unless there is an intention by government that the services provided by the Council will no longer be provided.

The Council is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance, and to review regularly the adequacy and effectiveness of these arrangements.



Appendix B – Risks of significant weaknesses, our procedures and findings

As part of our planning and assessment work, we considered whether there were any risks of significant weakness in the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources that we needed to perform further procedures on. The risks we identified are detailed in the table below, along with the further procedures we performed, our findings and the final outcome of our work:

Risk of significant weakness	Procedures undertaken	Findings	Outcome
<p>Financial sustainability was identified as a potential risk of significant weakness on the following basis:</p> <ul style="list-style-type: none"> - The Council was forecasting achievement of financial plans for 2021/22, having agreed savings of £28.9m, and set a balanced budget for 2022/23 including £18.9m of identified savings. It had a Medium Term Financial Plan in place covering the period to the end of 2025/26. - The ongoing impact of COVID-19 and potential impacts on Adult Social Care, public health and income generation activities meant increased uncertainty over future funding and costs in the medium to long term. 	<p>We undertook detailed work on the financial arrangements of the Council to assess the risk of significant weakness. This included a detailed review of the Council's savings plans, savings delivery and financial forecasts.</p>	<p>Overall we were satisfied with the Council's approach to financial planning and savings delivery. Key to this is the PROUD scheme and the savings it has delivered for the Council.</p>	<p>Appropriate arrangements in place, no key recommendation raised and two improvement recommendations raised.</p>

Appendix C – An explanatory note on recommendations

A range of different recommendations can be raised by the Council's auditors as follows:

Type of recommendation	Background	Raised within this report	Page reference
Statutory	Written recommendations to the Council under Section 24 (Schedule 7) of the Local Audit and Accountability Act 2014.	No	N/A
Key	The NAO Code of Audit Practice requires that where auditors identify significant weaknesses as part of their arrangements to secure value for money they should make recommendations setting out the actions that should be taken by the Council. We have defined these recommendations as 'key recommendations'.	No	N/A
Improvement	These recommendations, if implemented should improve the arrangements in place at the Council, but are not a result of identifying significant weaknesses in the Council's arrangements.	Yes	Pages 11, 12, 20 and 21

Appendix D - Key acronyms and abbreviations

The following acronyms and abbreviations have been used within this report

ASC – Adult Social Care

CAM – Customer Access and Management

SRR – Strategic Risk Register

MRF – Material Recycling Facility

SRL – Sherborne Recycling Limited

ASCOF – Adult Social Care Outcomes Framework

CIPFA/LASAAC – Chartered Institute of Public Finance and Accountancy/Local Authority (Scotland) Accounts Advisory Committee

CSC – Children Social Care

STP – Service Transformation Plans

BRAG – Blue, Red, Amber, Green

CMT – Corporate Management Team

MRF – Material Recycling Facility

VFM – Value for Money

CCG – Clinical Commissioning Group

IA – Internal Audit



Cabinet Member Briefing – The Customer Engagement Portfolio



Our Customer Strategy (2021 – 2026) set out ambition that:

“We want to do things right, first time, every time, and make services accessible, to help reduce inequalities and maximise potential”.

I am very proud to tell you about all the brilliant work the team and I have done this year, to help bring us closer to realising that vision for our residents.

Our Service Delivery

Walsall Connected

This year saw the successful launch of our new flagship Walsall Connected service, which consists of a network of 7 community libraries, and 19 voluntary and community partnership sites, who now offer our residents support, and digital assistance, to access first-line Council services, while at the same time, teaching them to gain everyday digital skills, that will help them to do many other things on-line independently in the future. Since July 2022, a total of 4328 individuals have received support, with 90% of all customer queries now being dealt with at the first point of contact. Perhaps more impressive, is the fact that from these customers, 62% said that they would feel confident to do the same process themselves on-line next time and 100% stating that they would recommend the service to family and friends.

All Walsall Connected sites are also ideally placed to help signpost residents into a wide range of other community-based services, such as befriending, crafting and friendship clubs, community events, mother and toddler groups, health and wellbeing services, neighbourhood watch and many others, helping to ensure that no-one in our community feels isolated, or alone.



Customer Experience Centre (CXC)

The Customer Experience Centre has expanded over the last 12 months to incorporate other service areas. This supports the CXC aims of centralising low to medium level customer contact across the council whilst ensuring our customers receive consistently excellent service when they contact the council. As more services join the CXC in the coming months this will help align our ways of working, the call quality assurance, reduce call abandonment and wait times of all services as they move into the CXC operating model.

Building Control transferred to the CXC in April 2022 and initially in excess of 30% of calls were supported by the service area, this has now reduced to 7%. This has been supported by enabling the team to undertake the LABC qualification.

In 2023 School admissions and appeals transferred to CXC. We witnessed a phenomenal success with a staggering 97% of calls answered resulting in a 19% increase in the previous year and a 24% decrease in abandoned calls with an average answering speed of 36 seconds an improvement on the previous year by 2 minutes 49 seconds.

Over the last 12 months we have seen the number of transactions increase via 'My Account' self-service portal with 49.1% of customers choosing to transact online using the portal for those processes available on the new CRM system. We have a total number of 25,721 customer who have created accounts via 'My Account'



Benefits Service

The benefits service supports the boroughs residents with Housing Benefit, Council Tax Reduction and Discretionary Housing Payments providing vital support to vulnerable residents. The team this year received over 20,000 telephone calls, supporting residents with benefits and housing support fund enquiries delivering expertise and knowledge to solve issues at first point of contact.

This year the team issued Housing Benefit payments totalling over 60 million pounds and Discretionary Housing Payments of over 1 million. The Discretionary Housing Payment have supported nearly 1100 households providing extra support to meet housing costs, reducing the demands placed on other Council services.

Council Tax Reduction is provided to nearly 28,000 households reducing Council Tax for eligible households, in addition Council Tax Reduction Hardship payments are made to further support the most vulnerable.

The teams number of days to process new applications (average from Jan 2023 – March 2023) is currently 14 days and 3 days to process change in circumstances, both are below national average confirmed in Quarter 2 of 2022 – 2023 of 21 days for new applications and 9 days for changes indicating the level of service provided within this team.

Housing Standards



Adaptation Assistance

To date this year the team has approved 515 adaptation applications for disabled residents and over 485 adaptation schemes have been fully completed. Cabinet approved an updated Housing Renewal Assistance Policy which has further streamlined the service, which offers a flexible approach to helping residents to stay safe, and well, living in their own homes. Last Year the service was recognised as being one of the most flexible in England, by offering financial support of up to £45,000, in some specific cases.

Improving Energy Performance Certificates (EPCs) for Homes

This year our team has been helping to tackle fuel poverty, by working with private landlords, to ensure they are aware of relevant legislation and improve the standard of rented homes. This work has resulted in 59 new or improved EPC's in the borough. Under the rules, properties are given EPC ratings from A (best) to F and G (worst) (with later not being allowed to be rented out privately).

Local Authority Delivery (LAD) & Home Upgrade Grant (HUG) Schemes

The team successfully bid and secured funds through the Local Authority Delivery Scheme (LAD) which aims to raise the energy efficiency of low-income and low EPC rated homes (those with Band E, F or G) including those living in the worst quality off-gas grid homes, delivering progress towards reducing fuel poverty, the phasing out the installation of high carbon fossil fuel heating and the UK's commitment to net zero by 2050. In the last twelve months the Council has facilitated the following through this scheme:

- 119 homes securing external wall insulation.
- 32 homes securing loft insulation.
- 3 homes securing cavity wall insulation.
- 326 homes securing solar PV panels to enable them to undertake micro-generation of energy.

Further funds were also secured for round 3 of LADs, and works are now being delivered to help more households in Walsall with this new round of funding. In addition to the above, the Council also secured HUGs round 1 and 2 funding to help households on low incomes, who are living in energy efficiency homes and do not have gas as a source of home heating.

Warm Homes and Social Housing Decarbonisation

Funding was secured from the National Grid charity to provide first time central heating for a range of vulnerable households including:

- 48 Residential Park homes
- 47 Social housing / owner occupied homes

One of the largest single awards of funding nationally was secured to assist Watmos to retrofit 858 homes and that scheme is now underway, and due to complete in spring 2023.

Improving Standards and Tackling Empty Homes

The service received 589 enquiries about housing standards and 136 of these warranted follow-up property inspections. In most cases landlords complied with requests to improve properties but statutory action was required in others. The council takes a robust stance against rogue landlords. In 2022 the Service issued a range of statutory notices including 22 Improvement Notices (4 of which were for the highest category of hazards) and 2 prohibition orders of which 1 was an emergency prohibition order. The team also issued a total of 6 Civil Penalty fines against landlords who had either failed to complete works required by Improvement Notices or to licence their HMO property and these fines were to the value of £42,000. This is ring fenced towards enforcement action. To ensure continued partnership working and clear responsibilities for work, the council has re-signed the updated Joint protocol with West Midlands Fire and Rescue. After long-term empty homeowners did not heed officer advice, the service sought authority from the Planning Inspectorate for Compulsory Purchase Orders (CPO). These CPOs were confirmed by the Inspectorate for 5 dwellings in 2022. The properties are to be refurbished and used for future supported housing purposes.

Houses in Multiple Occupation Additional Licensing Scheme Launched

Following comprehensive statutory consultation, the first area of the borough for Additional Licensing of house in multiple occupation launched in September 2022. This licensing scheme covers 4 wards and includes all private rented HMOs that have 3 or more tenants from more than 1 household. Consultation on a second scheme covering 5 further wards was completed in 2022 and this was approved by cabinet for launch later in 2023.



Housing and Welfare Services

Homeless prevention

The Rough Sleepers Initiative team continues to be pro-active within the borough which has significantly contributed to the low numbers of rough sleepers in Walsall. The team carry out bi-monthly night counts which has seen numbers of rough sleeping significantly reducing. In 2016 our numbers of rough sleepers was 26, as of January 2023 our number was 1. Our Winter Night Provision started 31st October 2022 and runs until the end of March 2023. To date 19 individuals have been accommodated under SWEP. All of which have been proactively supported with 17 individuals being successful accommodated. Due to the ongoing success of the team further funding has been awarded by Department for Levelling up, Housing and Communities for 2023-25 amounting to £1.2m.

Change into Action (CIA) has been re-launched to support rough sleepers via voluntary donations from the public. This is an alternative giving scheme which provides a different option to giving to 'street beggars' donations can be made via a number of pay portals. To date we have received donations in excess of £12,000.00. These funds can be accessed by charities and partner agencies to provide additional support for those who have had a history of rough sleeping or who are at risk of rough sleeping.

Housing and Welfare Services continue to strive in preventing homelessness and Walsall continues to maintain a prevention rate above the national average.

New Arrivals and Migrant Resettlement

The Council and its partners have housed and supported 116 **Afghans** since 2021. The families have integrated well. We have also welcomed 92 individuals through the **Homes for Ukraine scheme**, of which 72 still remain in Walsall. This has included the Council carrying out safeguarding checks, property inspections and commissioned support for both hosts and guests.

Help for the Rough Sleepers and Vulnerable Homeless People

Housing First places homeless people directly into long-term, self-contained housing with no requirement that they progress through transitional housing programmes, such as hostels, shared housing, or time limited tenancies based on special conditions. In 2022, the team secured a further £800,000 (on top of the earlier £1.5 million secured) for the next 3 years to support via **Housing First** 50 former rough sleepers. The scheme has initially supported 103 individuals with:

- 26 graduating to independent living
- 78 having received addiction treatment - 16 have overcome their addictions
- 69 have accessed mental health services
- 11 have engaged in either training or employment

In addition, we have also secured £160,000 to appoint a liaison officer to help source homes for ex-offenders and support them to sustain their tenancies. We have remodelled and recommissioned our domestic abuse refuge service, with a smaller refuge block and more dispersed units of assorted sizes. This is helping us deliver better outcomes for victims, and to help a broader range of households including females, males, households with older children, and LGBT+. At the end of 2022, the government also awarded us £315,000 for the next two years to improve exempt accommodation (shared and supported housing) through the **Supported Housing Improvement Programme**. We will be inspecting accommodation to ensure it meets proper standards and conducting support assessments ensuring residents are actually receiving the support levels that they require.

The Rough Sleepers Initiative team continues to be pro-active within the borough which has significantly contributed to the low numbers of rough sleepers in Walsall. The team carry out bi-monthly night counts which has seen numbers of rough sleeping significantly reducing. In 2016 our numbers of rough sleepers was 26, as of January 2023 our number was 1. Our Winter Night Provision started 31st October 2022 and runs until the end of March 2023. To date 19 individuals have been accommodated under SWEP. All of which have been proactively supported with 17 individuals being successful accommodated.

Further Grant support

Household Support Fund

Walsall are providing assistance to the Borough's most vulnerable residents using the Household Support Fund in a number of different ways. We are providing support, in the form of direct payments, to all households with children and pensioner households that are in receipt of council tax support. This scheme provides direct assistance to the most financial vulnerable households. Funding has also been allocated to increase the assistance that can be offered to residents in the borough through local food banks and local partner organisations as well as helping with match funding contributions for replacement boilers. In addition, the council is using the Household Support Fund to increase the assistance available through the Walsall Crisis Support Scheme and Discretionary Housing Payments. In 2022 there was over 59,500 individual awards from the household support fund totalling over £6m worth of assistance with £5.6m of further grant funding secured for 2023 .

Council Tax Energy Rebate

In 2022 the council administered the governments Council Tax Energy Rebate scheme. The core scheme awarded £150 to all those with their main residence in a Band A-D property, or B and E and entitled to disabled band reduction. There was also a discretionary scheme where the council gave a top up to the core scheme for those households in receipt of council tax

reduction and awards to households in Band E-H that either were in receipt of council tax reduction or able to evidence hardship due to the rise in energy costs. The council made over 104,000 payments worth £15.6m under the core scheme and £735k worth of payments under the discretionary scheme to over 27,500 households.

Thank you

I would like to take this opportunity to share with Council, my thanks for the considerable contribution and efforts made our staff, our partners and our communities.

The services within the Customer Engagement Directorate have worked hard over the last 12 months delivering services to our residents, and putting the customer at the heart of everything we do. This report has shared a number of successful initiatives introduced within the service, which has been developed and adopted by both the Council, and partner organisations. This has required us to work in a collaborative way, to both co-design and deliver services to benefit the customer. Our journey does not end here. Customer Engagement strives to continually improve our customer experience.



Councillor Gaz Ali
Portfolio Holder for Customer
17th April 2023

Cabinet Member Update - The Clean & Green Portfolio



Our residents have told us that they want Walsall to be somewhere that is seen as “a thriving, safe and clean place to live.” Delivering cleaner, greener streets and open spaces is a key part of realising this aspiration and something that I am passionate about as the Clean & Green portfolio holder.

Our Service Delivery

Waste Collection

Our refuse collection teams collect over 600,000 bins every month, maintaining a missed bin rate of just 0.04%. This is almost half the national average and a fantastic achievement for the residents of Walsall.

We’ve made approximately 79,000 trade collections over the course of the year, serving around 1690 organisations including service provision to schools and council premises.

Thirty bulky collection slots are offered daily resulting in some 7,500 collections being completed over the course of the year. The online booking service creates a simple way for residents to arrange a collection and the service continues to offer excellent value for money to our residents.

By the end of the financial year we will have collected over 110,000 tonnes of municipal waste. Between April and November we collected 18,000 tonnes of garden waste to be processed for agricultural fertiliser. This service was provided at no cost to our residents which is not the case in many other local authority areas. Over 90% of the waste collected was diverted away from landfill including over 64,000 tonnes sent for energy recovery and 20,000 tonnes sent to be recycled and reused.

Fly-tipping

Since April the council has cleared over 3,200 instances of fly-tipping on the highway and council owned land. Over two thirds of the waste cleared is household waste and operational teams work closely with Resilient Communities colleagues to take enforcement action where it is feasible and appropriate to do so. Education also has a key role to play in preventing fly tipping in the first place. In the last quarter, we have been trying a new approach to highlight the fact that fly-tipping is an environmental crime and we’ve already achieved some great successes.

Grass cutting

Around 2 million square metres of grass were cut every 3-4 weeks throughout the summer with work already well underway to prepare for the 2024 spring/ summer season. This work forms a key part of the approach to preserving the appearance of the borough and is delivered alongside our routine street cleansing, litter picking and grounds maintenance activities.

Street Cleanings

The council maintain around 520 miles of street scene. Residential streets are visited by a barrow team every 2 weeks with deep cleans completed every quarter using mechanical sweepers and litter pickers. Town and district centres are cleaned daily from Monday to Friday with additional weekend provision due to be introduced imminently.

The council provides around 880 litter and dog waste bins on the highway and green spaces. This year, an audit showed that the vast majority of bins are well located with appropriate emptying regimes - either daily or on alternate days depending on their location.

Weed Control

We are now self-delivering herbicide treatment of weeds on the highway, paths and in our town and district centres. The team have introduced a greener method of working, using an electric quad bike to deliver the treatment of weeds. This has already been noted within the industry with others looking to follow Walsall's lead.

Tree Inspections

The council maintain around 40,000 trees and various areas of woodland which enhance the boroughs street scene and create valuable biodiversity. A new contract for tree inspections is now embedding and working well to ensure that the borough's trees are checked and maintained in a timely manner and to a safe standard.

Fleet Services

Finally, our Fleet Services have continued to keep our operational services on the road throughout the year. They've carried out nearly 3,000 MOT tests for council vehicles and taxis and an external audit of the service found them to be in the upper quartile, nationally, in terms of their systems, management and operations.

Our Strategies

Cleaner, Greener, Safer, Stronger

Our five-year plan for improving Walsall's streets scene and open spaces will put people and communities at the heart of their streets, encouraging and empowering them to create the environment in which they want to live. The services the council deliver will be clearly defined, embrace innovation and reflect our residents' priorities. Where behaviour change is needed, the council will strive to educate and enforce fairly when people don't live up to the standards our residents aspire to.

We already have a great foundation on which to continue building our approach. The council has a key role to play in delivering services but the help and support of key partners such as housing associations and the third sector, will also be essential. We have to embrace new technology, empower communities, encourage positive behaviours and, in some cases, charge for what we do. No matter how hard the circumstance, together, we will rise to the challenge.



Waste strategy



In order to achieve our commitment to be a net zero council by 2039 we will need to manage our waste in a more sustainable way. A new long term waste strategy will provide framework for achieving this.

Developed in line with new statutory duties, as set out in the Environment Act 2021, the strategy will set out how the council will work towards achieving the national target of recycling 65% of municipal waste by 2035 and to send less than 10% of municipal waste to landfill within the same timescale.

The strategy will also set out the council's long term investment strategies necessary to deliver the required waste infrastructure to ensure that all waste is processed in the most sustainable way.

A key part of the waste strategy will include an approach to shifting consumer behaviours that promote the principles of reduce, reuse and recycle in the goods, services and products we buy, and will include ways of promoting those behaviours that make the greatest contribution to carbon reduction and efficient resource management.

Our Projects

HWRC and Transfer Station

In May planning consent was granted for the new HWRC and transfer station at Middlemore Lane. This £37.8m project will provide a state of the art facility with 100 parking spaces across the site including EV charging provision. The new facility will provide capacity to deal with our waste as the population grows, reduce queuing for residents and introduce a small trader scheme for local businesses to dispose of their waste. Work has continued to discharge the planning conditions, engage with the market, and develop the contracts for the design and construction.

MRF Joint Venture

The borough's recycling is currently taken to Leicester for processing however this will change in the coming months. The council is has a 20% share in a joint venture to build a new material recycling facility [MRF] in Coventry. Over the past year, construction work has been completed, processing equipment has been installed and we look forward to seeing the facility open in the summer. Once complete, the facility will be the most advanced MRF in Europe and provides a great example of council's working together to deliver cost effective services that embrace innovation.

Environmental Crime Scenes

In 2023 we have been taking a new approach to tackling fly-tipping. Following an approach from a resident led programme in Palfrey, the council has been trialling environmental crime scenes. In two short months we've seen three instances of fly-tipping cleared quickly and at no cost to the council. We are now rolling out a borough wide implementation of this approach aligned to our quarterly deep cleans.

Thank you

Finally, I want to conclude my first report to Council by recognising the significant contribution made our staff, our partners and our communities.

Our frontline teams, based largely at the Environmental Depot, work hard throughout the year, in all weathers, to ensure that waste is collected on time, litter bins are emptied, streets are cleaned and the council's soft landscape is maintained. Our service managers embrace innovation and the last 12 months has seen new technology embedded into the way that we work improving efficiency, transparency and customer service. A large proportion of our workforce are also our residents and they demonstrate genuine commitment and passion as they carry out their daily tasks in a borough that they're proud to also call home.

The council cannot create a cleaner, greener borough in isolation. Over the past 12 months, collaboration with our supply chain and partner agencies has continued to grow and is something we look forward to building on in the year to come.

Finally, our community groups and volunteers do invaluable work to supplement the services the council provide. The council spend £1.5m tackling the problem of litter dropped by an inconsiderate minority. Our local volunteers do a great job giving their support to us in our fight against litter as a part of all our efforts to make Walsall a attractive place to live, work and visit.



Cllr Kerry Murphy, Cabinet Member - Portfolio Holder for Clean & Green



THE BARR BEACON TRUST MANAGEMENT COMMITTEE



Annual Report May 2022– April 2023

Council – 17 April 2023

1.0 Purpose of report

To present the work of the Management Committee for the period May 2022 to April 2023.

2.0 Recommendation

That the work of the Management Committee be noted.

3.0 Background

- 3.1 Barr Beacon is an easily recognised and well used landmark in Walsall and the Black Country, has strong local heritage significance and is a site of ecological importance for nature conservation due to its range of habitats and the wide variety of species that it supports. The land was conveyed to trustees in 1918 essentially to provide and maintain open space for the benefit of the local community and to keep in repair the War Memorial. Walsall Council became trustee following Local Government reorganisation in 1972.
- 3.2 A Management Committee was established in February 2007 to deal with the regular administration of the Trusts affairs subject to the Trust being kept informed of the work of the committee by way of an annual report.
- 3.3 The Committee comprises the local ward councillors and relevant cabinet members. Meetings take place virtually (as agreed by Council as Trustee) except that the Annual meeting is held in person. During the year, the Committee has ensured that all activities on Trust land have been provided in accordance with the purposes of the Trust and have fulfilled Charity Commission Public Benefit requirements.

4.0 Site Management

- 4.1 **Site maintenance:** The Council's Healthy Spaces and Countryside operations teams continue to focus resources on essential maintenance to ensure that the Council as Trustee fulfils its purposes and its obligations for the site as a Local Nature Reserve.

- 4.2 **Site Security:** Work has started as part of the major investment by the Trust and the Council to implement measures to prevent unauthorised access to the site. This includes providing power feeds to both sides of the site to enable CCTV and electronic gates to be installed. Site meetings have taken place with the power company and works will commence as soon as the relevant Wayleaves and Exemption Regulation certificates are complete.

There has again recently been damage to the war memorial topography disc. It appears that it has been used to set alight fireworks as there is also marking of the roof. This has happened a few times before so all spare discs have now been used. The committee has asked officers to source alternative more durable materials for the disc.

4.3 **Other Site Improvement Initiatives:**

The committee has supported the council's Healthy Spaces team to introduce a number of significant and exciting initiatives and opportunities for the development and promotion of the site for the benefit of local residents and as a wider visitor attraction, these include:

Green Flag Status: Barr Beacon has been awarded Green Flag Status which is an accreditation given to publicly accessible parks and open spaces by Keep Britain Tidy on behalf of the Department for Levelling Up, Housing and Communities, to recognise well managed parks and green spaces across the UK thereby promoting standards of good management and best practice amongst the green space sector.

Purple Horizons This is a significant long term project which, working with Natural England, has restored heathland on the site and will enable more habitat creation and restoration work to be carried out to create regional stepping stones of property habitat between Sutton Park and Cannock Chase. Barr Beacon acts as a stepping stone for species to move between these two larger areas of heathland. This is a 20 year project which is nationally recognised and is one of only five in the country. The project has been given the Public Sector Award at the West Midlands Combined Authority Natural Environment Awards in March this year. The regional awards recognise excellence within organisations in the West Midlands for protecting, restoring and enhancing the natural environment.

Tree Survey: As part of the associated traffic management work for the site security improvements, the tree teams will use the opportunity to undertake a survey of tree work on the highway at the same time.

Additional bins: The committee has funded the installation of a number of additional large capacity bins to cater for litter over the busy summer months.

5.0 Events and Activities:

- 5.1 The annual Wreath Laying Remembrance Ceremony this year took place on 11 November 2022. The event was well attended as usual by Committee members, the Mayor, local veterans and local school children.
- 5.2 The Committee has considered potential income generation initiatives such as wedding ceremonies and or photography on the site however, the licence requirements are resource intensive and therefore the committee decided not to pursue this.

6.0 The Lodge

The Lodge is used regularly by an adult learning organisation whose students and staff have been participating in horticultural activities based at the Lodge. The arrangement continues to work well for both the organisation and the Trust. The committee authorised essential interior refurbishment to be carried out to ensure that the building remained fit for purpose and this has been completed.

7.0 Accounts

- 7.1 The committee continues to be content for the Council's Finance officers to manage the accounts on behalf of the Trust and accordingly, a finance report has been received at each meeting. The accounts are independently examined.
- 7.2 The Trust currently holds COIF income shares (a specialist charity Common Investment Fund) with a current market value of around £425,000 which are held as a long term investment. COIF charities investment fund has a highly diversified and well-balanced portfolio of investments designed to help meet growth and income requirements of charities. The council's finance officers periodically review this investment and report to the committee.
- 7.3 The level of investments helps to attract significant external funding for major projects on the Beacon. Having this healthy investment balance also provides an annual return, ordinarily around £12,000, which is used to fund day to day maintenance and activities on the site. The Trust is holding around £35,000 available cash which is carefully managed by the committee to be used for Trust purposes including maintenance of the lodge and various community and commemorative events this year.
- 7.4 The committee has authorised expenditure for specialist insurance cover which includes public liability, property damage and trustee indemnity, to ensure that the Trust is adequately protected. This has been arranged through the Councils Risk and Insurance Team on behalf of the Trust.

8.0 Annual Return

The annual returns required by the Charity Commission for the period of this report have been completed.

9.0 Conclusion

The committee continues to work closely with Council officers to make and plan improvements to the site and has recognised the significant contribution that the Council makes to maintain the open space and to support its future development so that the site remains an asset for the community to enjoy.

The activities on the site not only further the Trusts purposes but are also consistent with the Council's priorities to encourage people to lead active lives to maintain or improve their health and wellbeing; and to build a strong sense of community.



Councillor A. Andrew
Chair, Barr Beacon Trust Management Committee
5 April 2023

Contact Officer: Helen Owen, Democratic Services on behalf of the Clerk to the Trust: helen.owen@walsall.gov.uk