

Walsall Metropolitan Borough

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 8th November, 2004, at 6.00 p.m.** at the Council House.

PRESENT

COUNCILLOR M.A. BIRD (MAYOR) IN THE CHAIR

Councillo	r J.R. Cook (Deputy Mayor)	Councillo	or J.G. O'Hare
"	A.J.A. Andrew	"	T.S.Oliver
"	T.G. Ansell	"	A.J. Paul
"	D.A. Anson	"	G. Perry
"	M. Arif	"	K. Phillips
"	A. Aslam	"	D.J. Pitt
"	C.M. Ault	"	Mrs. E.E. Pitt
"	J.M. Barton	"	M.G. Pitt
"	L.A. Beeley	"	I.C. Robertson
"	A.G. Bentley	"	R.S. Robinson
"	Mrs. J. Beilby	"	J. Rochelle
"	P. Bott	"	C.E.M. Rose
"	M.R. Burley	"	T. Rowley
"	B. Cassidy	"	B. Sanders
"	K. Chambers	"	H.S. Sarohi
"	A.G. Clarke	"	K. Sears
"	R.J.H. Collins	"	Mrs. D.A. Shires
"	B.A. Douglas-Maul	"	I. Shires
"	A.E. Griffiths	"	C.D.D. Towe
"	A.D. Harris	"	D.J. Turner
"	L.A. Harrison	"	W.T. Tweddle
"	E.F. Hughes	"	A. Underhill
"	H. Khan	"	R.A. Walker
"	M. Longhi	"	H. Withnall
"	S.W. Madeley	"	V.G. Woodruff
"	Ms. R.A. Martin	"	M. Yasin
"	Mrs. B.V. McCracken	"	P.A. Young
"	Mrs. C. Micklewright	"	Zahid Ali

59. Apology

An apology for non-attendance was submitted on behalf of Councillor Munir

60. Minutes

Resolved

That the minutes of the meeting held on 13th September 2004, copies having been sent to each member of the Council, be approved as a correct record and signed, subject to the name of Councillor Cook replacing the name of Councillor Collins as Deputy Mayor.

61. **Declarations of interest**

The Mayor read out of the following legal ruling in relation to summons item 11– Local Government Pension Scheme:

"Item 11 on the summons for this meeting contains a number of recommendations that affect the rights and determination of rights under the Local Government Pension Scheme. If any elected member has a friend or family member who is a member of the Local Government Pension Scheme through this Council, they ought to consider whether they need to disclose an interest.

If they have such a connection, then in my opinion, the member is likely to have a personal interest because the decision could be regarded as affecting the financial well being of a friend or relative.

Further, in my opinion such an interest would probably amount to a personal and prejudicial interest on the basis that a member of the public would reasonably regard their interest as so significant that it is likely to prejudice the member's judgement of the public interest.

If any member has a personal and prejudicial interest they need to declare that interest and take no part in the consideration of the matter. Therefore they cannot debate or vote on the item and they must leave the Council Chamber during its consideration."

The following members declared their interest in the items indicated:-

Councillors Martin, Bentley, Micklewright, Rose, Ansell, Madeley, Oliver, Cassidy, Underhill, Rowley, Barton, I. Shires, D.A. Shires, Beeley, Andrew, Rochelle, Douglas-Maul, Towe, Sears, M.G Pitt, Sarohi, Turner, E.E. Pitt, Cook, Woodruff, McCracken	Item 11 – Local Government Pension Scheme (personal/prejudicial)
Councillor Withnall	Item 14 – Post Office closures (personal/prejudicial)
Councillor Aslam	Item 10 – School Governor (personal)
Councillor Sanders	Item 10 – School Governor (personal)
Councillor Yasin	ltem 10 – School Governor (personal)
Councillor Bott	Item 15 – Darlaston Multi-Purpose Centre (personal/prejudicial)
Councillor Burley	Item 16 – Housing provision in the Borough – Director of Darlaston
Councillor Sears	Acorn Home Care (personal/prejudicial)

The Assistant Director of Legal Services gave advice on summons item 15 – Darlaston Multi-Purpose Centre and informed the Council that he was aware that the notice of motion appearing on the summons was likely to be amended in which case members would not be required to declare their interest. However, if the motion was moved in the original form, he advised that some members would have an interest to declare.

62. Mayor's announcements

It was moved by the Mayor and seconded by Councillor Ansell:-

That Council procedure rule 11.8 – time allowed for questions be suspended for the duration of this meeting.

On being put to the vote the motion was declared carried and it was:

Resolved

That Council procedure rule 11.8 – time allowed for questions be suspended for the duration of this meeting.

63. Petitions

The following petitions were received:-

- (a) Councillor Robertson Save our Post Office
- (b) Councillor Madeley Save "Darlaston Multi-Purpose Centre" from closure
- (c) Councillor D. Pitt Bell Lane, Bloxwich Introduction of crossing facility

The petitions were referred to the appropriate Executive Directors.

64. Questions by members of the Council

(1) Ready Steady Summer

Councillor Aslam asked the following question of Councillor Perry: -

Following the success of the 2003 Summer Reloaded activity programme, would the Cabinet member for Culture and Leisure confirm whether or not this success has again been reached with Ready Steady Summer and what outcomes have been achieved?

Councillor Perry replied that building on the achievements of Summer Reloaded 2003 and Fab Feb Fun 2004, a programme of activities, Ready Steady Summer, took place over the 6 week summer holiday period. The project provided a wide variety of exciting and challenging activities for children and young people from 0-19 years of age across Walsall's six districts. Presenting a range of fun learning opportunities, Ready Steady Summer positively engaged young people to alleviate boredom during the school holidays and had a positive impact on community safety in Walsall.

Councillor Perry said that the Walsall MBC and Walsall Borough Strategic Partnership together allocated a total of £400,000 to fund this year's scheme. Ready Steady Summer saw 66 organisations running over 450 activities. There were approximately 1,200 sessions with an estimated 10,800 participants (almost 8,900 individuals). This included a mentoring scheme and programmes specifically for looked after children. Children and young people across the borough took part in an impressive range of activities – from first aid courses to sports coaching, from environmental improvement to performing arts, from fire safety days to camping trips.

He continued that with nearly 68,000 children and young people aged 0-19 living in Walsall, it was estimated that Ready Steady Summer engaged around 13% of these individuals. 86% of those taking part in activities had fun (lots of fun) and 85% said they would do it again.

Councillor Perry said that considering that the aims and aspirations of both Summer Reloaded in 2003 and Ready Steady Summer in 2004 focused around raising educational standards and lowering youth crime, this summer again saw a dramatic decrease in most crimes commonly associated with young people. With an 18.5% overall drop in crimes commonly associated with young people, it was significant to highlight that burglary and motor vehicle theft dropped by over a third as compared to last year. This was even more impressive when considered in relation to the 20% drop from 2002 to last summer and it was possible that Ready Steady Summer had complimented the efforts of the Police in meeting national crime reduction targets. With regard to malicious false alarms, there was an 37.9% decrease compared to the summer holiday period last year which was even more significant when considering that last year reported a 43% decrease from summer 2002. The estimated net savings in relation to crimes commonly associated with young people was a staggering £1,571,700 and for fires was £922,600. In terms of the potential impact of the programme on vandalism, data was collected from parks and open spaces, street pride and establishments. This showed that incidents of vandalism and the costs associated with addressing these are decreasing. Further, the number of referrals to the initial response and emergency duty teams had increased by 11.6% during the summer holiday period as compared to last year.

The educational data would be slow to show an impact, but it was interesting to note that permanent exclusions in Walsall decreased from 2002 to 2003 by 8% overall and 14% in secondary schools. Whilst it was difficult to draw direct correlations between Ready Steady Summer and some of these outputs, it was clear that the programme is having a positive impact on the lives of children and young people in Walsall.

Councillor Perry said that once again a mentoring scheme was run as part of the Ready Steady Summer aiming to develop, motivate and give young people the opportunity to gain confidence in education through working with mentors.

In conclusion, Councillor Perry said that 75 young people were recruited to act as mentors to mentees referred to the scheme from a number of local agencies such as the Youth Offending Team and Social Services. 123 young people were referred and valued in the scheme.

(2) Environment inspection

Councillor Khan asked the following question of Councillor Longhi:-

We are all aware of the recent inspection of the environment in Walsall. Can you please let us know if you have had any feedback from the inspectors and are you able to give us some specifics about the outcome of the inspection?

Councillor Longhi said that he was pleased to advise that Walsall Council's vision of a clean and green borough was a great deal closer to reality after government inspectors reported how impressed there were with our rapidly improving approach to caring for the local environment. The Audit Commission had now awarded the Council one star for its environmental services saying that there were "excellent" prospects for still further improvements. This demonstrated a sea of change from a service that was judged to be "poor" with "no prospects for improvement" in 2001.

Councillor Longhi said that we knew all along:

- That Walsall town centre was clean and well presented and that streets and open spaces across the borough were effectively cleaned.
- That the Council's refuse collection service, independently rated as one of the best in the country, was reliable and relatively low cost.
- That the pledge to replace over 18,000 street lights had been achieved as part of our award winning private finance initiative and that most people agreed this was creating a safer environment.
- That abandoned vehicles were now being towed away from public land within two days and that fly tips were being removed within two days of being reported.
- That this was helping local people to feel proud of Walsall, with our Gold Standard for town centre cleanliness, the highly successful purge on fly posting, the popular "Walsall in Bloom" competition and town centre flower displays.
- That our partners are positive about working with the Council now, feeling that there was a genuine willingness to work together and that they were listened to and involved.

Councillor Longhi concluded that this had only been possible because of our committed and enthusiastic workforce who had shown a genuine desire to improve services for the public and said that he would like to place on record his thanks to all of them for the contribution they have made to this success.

Councillor Khan asked the following supplementary question:

What is the next big stage for the service?

Councillor Longhi replied that the Audit Commission had said that we have "excellent prospects for improvement" because we have a clear overall vision, a strong focus on achievement and a strong commitment to being an excellent authority by 2008. He said big things were expected in the future.

Councillor Longhi said that we wanted to increase recycling, continue to achieve a Gold Standard of cleanliness, stop flyposting and abandoned cars and improve our environment, but we could only do this with the help of our community. What we had to focus on next was really engaging local people to change the way that people do things. For example, we don't want people to drop litter, but to dispose of it responsibly, and we want more people to recycle and so reduce the amount of rubbish going to landfill. We need to get citizens feedback on how we can best do this, and how we can all invest in our future and create a clean and green borough.

(3) Obstacles on pavements

Councillor Underhill asked the following question of Councillor Longhi:

Could the Cabinet member responsible provide statistical information relating to the number of people with disabilities who have complained about the number of obstacles on our pavements over the past three years.?

Councillor Longhi replied that the number of people who complained was approximately 20. However, he said that he was sure that everyone would agree that it was a very important issues and was important to value the needs of our citizens and, in particular, vulnerable groups.

He said that not all those who complain make complaints to the Council, but approach voluntary organisations who act on their behalf such as the Royal Society for the Blind, Age Concern and Scope. You may want to speak to the policy advisers of those organisations who would explain the difficulties people experience. You may also like to know that failure by the Council to deal with these obstructions mean that it carries a liability because if someone has an accident then the Council can be the subject of a claim for compensation. Responsible traders support the Council.

Councillor Longhi said that if it was one blind person who couldn't get around we should still take this seriously. We wanted everyone in Walsall to be respected and included in our society regardless of their disability.

(4) Anti-Poverty Unit

Councillor Robinson asked the following question of Councillor O'Hare:-

The Anti Poverty Unit since its set up in 1996 has brought in excess of £40 million of extra money into Walsall for our residents, money not otherwise easily accessible to them. Can the portfolio member assure me that the Anti Poverty Unit will be allowed to continue its work with the same number of equivalent employees engaging into the community after the restructure?

Councillor O'Hare replied that in the first instance he would be grateful if Councillor Robinson could substantiate the figure of £40 million as finance were unable to verify this figure. Councillor O'Hare went on to say that we need to be able to give a firm assurance to stakeholders and the public that all services can be delivered efficiently. Employees within the Anti-Poverty Unit form part of a strategic service and are in scope for the Putting the Citizen First project. As a result of this, the entire service is in a state of change and no assurances can be given at the present time.

Councillor Robinson asked the following supplementary question:-

Can Councillor O'Hare confirm that the Anti-Poverty Unit is still in scope under the Putting the Citizen First project.

Councillor O'Hare confirmed that this was the case.

(5) Consultants fees

Councillor Burley asked the following question of Councillor O'Hare:-

Can we be provided with a detailed breakdown of how much this Council has spent on "consultants fees" in the past two years and in which service areas of the Council have they been used and for what purpose.

Councillor O'Hare said that he could not give a detailed breakdown of the figures in the time given to prepare this reply. He reminded the Council that this was the busiest time of the year for finance staff. He went on to say that he could, however, give figures for 2003/4 and 2004/to date. The figures were £1.25 million and £500,000 respectively.

Within this period there was much consultancy related expenditure which was charged directly to capital schemes where it related to a capital project. A good deal of this money relates to quantity surveyors, site supervision, specific schools project work and specialist advice on projects such as bridge strengthening programmes, town centre transport package and the Bosty Lane Road repairs.

Councillor O'Hare went on to point out that many of the consultants used by this Council were as a result of instructions from the Office of the Deputy Prime Minister through the Interim Board.

Councillor Burley asked the following supplementary question:-

With such large expenditure it is amazing that we are not keeping a running total and asked what was being hidden and when will a written reply be available.

Councillor O'Hare replied that there is no running total because as he explained had experienced earlier some of the consultants costs are charged directly to the capital project concerned.

(6) Housing Services inspection

Councillor Walker asked the following question of Councillor M.G. Pitt:-

I understand the Council's housing services underwent a recent inspection, could you please advise the Council of the key outcomes of the inspection?

Councillor Pitt replied that the Housing Inspectorate assessed the Strategic Housing Service in March 2004 as "Poor with promising prospects of improvement". We already had an improvement plan in place but we expanded on it to include the inspectors feedback. The staff have been working tirelessly over the last 6 months to put a whole range of improvements in place.

Their efforts, commitment and enthusiasm enables me to confirm that the Audit Commission has now recognised this in its latest re-inspection of the Housing Services, as a one star "Fair Services, with promising prospects for improvement" authority.

We know that there is more to do to improve our services to customers. This reinspection result has confirmed that we are improving services to people in Walsall.

(7) Ofsted inspection

Councillor Towe asked the following question of Councillor Hughes:-

What is the outcome and feedback from the recent OFSTED inspection that was conducted a few weeks ago?

Councillor Hughes replied that the report of the Ofsted inspection of the LEA would be published early in December.

Councillors will be aware that this was an extremely rigorous process that involved 7 inspectors, 45 interviews, 24 focus groups, a total of 109 head teachers and 7,800 documents and reports being examined. Inspectors then recorded a judgement score against 50 areas of our work grouped under five major headings: (1) Corporate leadership in education, (2) strategy for education, (3) support to improve education in schools, (4) support for special educational needs and (5) support for social inclusion.

He said that on an annual basis the Audit Commission surveyed schools to test their views of the quality of the services offered. I have reported to the Cabinet on the huge improvements that head teachers had reported in the services provided by the LEA. They have given a ringing endorsement of the approach taken by the authority to improve education in the borough. As part of the preparations for the Ofsted inspection we completed a rigorous self-evaluation and this has been shared with members previously. I am delighted to report that verbal feedback from the inspection team supported the view of head teachers and our self evaluation that there had been massive improvement. Indeed in several areas the Ofsted inspectors have judged our progress to be even greater than we had assessed.

At this point it was important to state that when the report was received Walsall should celebrate appropriately this outstanding success which would be recognised nationally as a huge achievement. It was also a moment for me to acknowledge publicly and thank all those who had contributed to this success.

Councillor Hughes said firstly he would like to thank the head teachers, governors and staff of Walsall schools who had worked in such strong partnership with us. Secondly, I would like to thank parents and children for the commitment they were showing to raising educational standards in Walsall.

The inspectors emphasised the very significant improvement in the contribution of Councillors. He thanked Councillor Eileen Pitt for the strong and courageous leadership she gave as the Cabinet member for Education. He also thanked the Leader, Councillor Ansell and his Cabinet colleagues for their support in making education such a high priority for Walsall and backing this up with real resources. We have also been fortunate to have been supported by a range of stakeholders in Walsall Education Board.

Finally Councillor Hughes thanked Elaine Simpson and her team at Education Walsall for the talent, energy and passionate commitment they have brought to improving our local education authority.

Councillor Towe asked the following supplementary question:-

Do you believe that the Government should look favourably on Walsall and support schools in the future.

Councillor Hughes replied that only one area out of the 50 which were inspected was below the satisfactory level and that was our building stock level and was due to the fact that we did not have enough funding to deal with the problem. He went on to say that he hoped that we would be able to attract money from the better schools fund due to the combination of our poor building stock and some of the best officers to put forward a strong argument for additional funding.

65. **Recommendation of Cabinet – Licensing Act 2003**

The report to Cabinet and report containing the results of consultation were submitted.

It was moved by Councillor Zahid and duly seconded:-

- (a) That the draft statement of licensing policy be adopted;
- (b) That the exercise of powers contained in the Licensing Act 2003, be delegated to the Licensing and Safety Committee.

Councillor Shires requested Councillor Zahid to include the following addendum in his motion:-

The Council notes that there is a lack of information on the costings of the Act and backs the Local Government Association in pushing for an independent review to assess the true costs to Councils and that any costs not stated in the review should be reimbursed to local authorities by the Government.

Councillor Zahid agreed to include the addendum within his original motion and upon being put to the vote the motion and addendum were agreed and it was:

Resolved

- (a) That the draft statement of licensing policy be adopted;
- (b) That the exercise of powers contained in the Licensing Act 2003, be delegated to the Licensing and Safety Committee.
- (c) That the Council notes that there is a lack of information on the costings of the Act and backs the Local Government Association in pushing for an independent review to assess the true costs to Councils and that any costs not stated in the review should be reimbursed to local authorities by the Government.

66. Unauthorised obstructions on the highway

The report was submitted.

It was moved by Councillor Longhi and duly seconded:-

- That the existing policy in relation to unauthorised obstructions on the highway approved by the Highways and Public Works Committee on 26 September 1991 be ended;
- (2) That the following interim policy in relation to unauthorised obstruction on the highway be approved:-

The Council will comply with its duty in relation to the removal of unlawful obstructions on the highways as set out in the Highway Act 1980 and any other relevant legislation.

(3) That officers be instructed to develop a revised policy consulting with the Development Control Committee and report back to Council within the next 12 months.

On being put to the vote the motion was declared carried and it was:-

Resolved

- (1) That the existing policy in relation to unauthorised obstructions on the highway approved by the Highways and Public Works Committee on 26 September 1991 be ended;
- (2) That the following interim policy in relation to unauthorised obstruction on the highway be approved:-

The Council will comply with its duty in relation to the removal of unlawful obstructions on the highways as set out in the Highway Act 1980 and any other relevant legislation.

(3) That officers be instructed to develop a revised policy consulting with the Development Control Committee and report back to Council within the next 12 months.

67. Appointment of members to the LEA Group on Walsall Admission Forum

The report was submitted.

Resolved

That the following members be appointed as members to the LEA Group on the Walsall Admissions Forum:-

Councillors Mrs. Pitt, Rowley, Sanders and Walker

68. **Constitution of Governing Bodies**

The report was submitted.

Resolved

- That approval be given to the instruments of government detailed in Appendix 1, made in accordance with the provisions of the Education Act, 2002, and the School Covenants (Constitution) (England) Regulations 2003.
- (2) That the Chief Executive and Executive Directors be authorised to agree the new instruments of government.

69. Council employees Local Government Pension Scheme

The members who had declared an interest in this matter left the room for the duration of the item.

The report was submitted.

Resolved

- (1) That the actions and decisions required by the employers following the enactment of the Local Government Pension Scheme (Amendment) Regulations 2004, as set out in the shaded boxes numbered 1, 2 and 3 within the report be approved.
- (2) That the annual report of non-ill health early retirement activity and costs to the Council and the West Midlands Metropolitan Authorities' Pension Fund for the year ended 31 March 2004, be noted.
- (3) That the changed delegations for approval of non ill health early retirement as set out in shaded box number 4 in the report be endorsed.

70. Changes to Councillor membership on Council Committees

Resolved

That the following changes in membership for the remainder of the municipal year be noted:-

Committee	New nomination	Replacing
Childrens Services and Lifelong Learning Scrutiny and Performance Panel	Councillor Withnall	Councillor Young
Development Control Committee	Councillor Martin	Councillor Zahid Ali

71. Appointment of Vice-Chairman of Development Control Committee

Resolved

That Councillor Beeley be appointed Vice-Chairman of the Development Control Committee in place of Councillor Zahid for the remainder of the current municipal year.

72. Notice of motion – Post Office closures

The report was submitted.

It was moved by Councillor Young and seconded by Councillor Roberston:-

The Council recognises the difficulties that will be created for local residents throughout Walsall with the proposed closure of a number of post offices and that this will especially hit the elderly, those with families and those who have not got access to their own transport. This Council resolves to make strong representations to the Post Office on behalf of our residents to ask that these essential resources for our communities are retained and kept open and also to encourage others to do likewise.

Amendment moved by Councillor M.G. Pitt and I. Shires:-

That the notice of motion be amended to include after the words "post office" in line 5 "and the labour government".

Councillor Robinson said that the movers of the notice of motion would accept the amendment and the motion as amended was put to the vote and duly carried.

On being put to the vote the substantive motion was carried and it was:-

Resolved

The Council recognises the difficulties that will be created for local residents throughout Walsall with the proposed closure of a number of post offices and that this will especially hit the elderly, those with families and those who have not got access to their own transport. This Council resolves to make strong representations to the Post Office and the labour government on behalf of our residents to ask that these essential resources for our communities are retained and kept open and also to encourage others to do likewise.

73. Notice of motion – Darlaston Multipurpose Centre

The report was submitted.

Councillor Chambers gave notice that Councillor Madeley would be moving an amendment.

It was then moved by Councillor Chambers and duly seconded:-

The Darlaston Multipurpose Centre is a valued facility used by residents of Darlaston.

We recognise, however, that the Slater Street part of the site is surplus to the requirements of the Centre.

The facilities in the Victoria Road section are used by all sections of our community by schools, junior football teams, badminton clubs, and senior citizens bowls clubs and should be retained.

That up to 10% of the capital receipt arising from the sale of the Slater Street site to be re-invested in the community of Darlaston and specifically in the Darlaston Community Association Club based in Hall Street to bring these facilities up to a better standard and possibly utilising the capital receipt to attract matched external funding.

Councillor Madeley then moved the following amendment:-

That the fourth paragraph of the notice of motion be deleted and replaced with the following:-

That Cabinet considers allocating 10% of any capital receipt arising from the sale of Slater Street to be recycled to projects within the Darlaston Local Neighbourhood Partnership area or the leisure service area.

Councillor Ansel said that he would accept the amendment if Councillor Madeley would agree to add in at the end of his amendment the words "subject to a satisfactory business plan ensuring the long term viability of this stand alone facility".

The Mayor on a procedural note reminded the Council that it was not possible to move an amendment to amendment and asked Councillor Chambers if he was willing to take the addendum on board with the amended motion.

Councillor Chambers in replying to the motion said that he was prepared to take on board the addendum.

On being put to the vote the motion as amended was declared carried and it was:-

Resolved

The Darlaston Multipurpose Centre is a valued facility used by residents of Darlaston.

We recognise, however, that the Slater Street part of the site is surplus to the requirements of the Centre.

The facilities in the Victoria Road section are used by all sections of our community by schools, junior football teams, badminton clubs, and senior citizens bowls clubs and should be retained.

That Cabinet considers allocating up to 10% of any capital receipt arising from the sale of the Slater Street site to be recycled to projects within the Darlaston Local Neighbourhood Partnership area or the leisure service are, subject to a satisfactory business plan ensuring the long term viability of this stand alone facility.

74. Notice of motion – Housing provision in the Borough

The following motion, notice of which had been duly given was **moved** by Councillor Chambers and duly seconded:-

Resolved

That this Council recognises the increasing need for the right mix of housing provision in the future for this Borough. This Council will continue to develop a housing strategy which moves forward firm plans with our partners to provide affordable homes for first time tenants and home owners and sufficient high quality designed homes for our ageing population.

The meeting terminated at 8.50 p.m.