



# Walsall Council

Dear Councillor,

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **THURSDAY 27TH day of FEBRUARY, 2014 at 6.00 p.m.** at the Council House, Walsall.

Dated this 19th day of February, 2014.

Yours sincerely,

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 meetings of the Council held on 13th and 30th January 2014.
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. There are no items to be considered in private session.
6. Mayor's announcements.
7. To receive any petitions.

## 8. Coroner Service:

- (a) Councillor Ditta submitted the following petition to Council on 13th January 2014:

We the undersigned, being residents of Walsall, express our deep regret on the re-structuring of the Coroner's service (merging it with other Black Country authorities), agreed to by the Cabinet, which has resulted in delays in releasing bodies for expedient and quick burials causing distress to the families of the deceased.

We ask the Council to re-visit this decision with a view that a full service is provided with a Coroner and Deputy Coroner based permanently in Walsall to meet the needs of Walsall's community to effect expedient and quick burials.

- (b) Report reproduced in the reports booklet for this meeting

(Note: The Council's petitions scheme states:

**"Council debate** - If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issue raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet. The petition organiser will receive written confirmation of this decision and this will be published on our website.")

## 9. To answer any questions in accordance with Council procedure rules:

- (a) From the public

### **Mr. M. Lynch, Bentley Lane, Walsall – Government support grant**

"What steps are the Council taking to lobby and campaign against the massive cuts in the government support grant, cuts which are leading to the proposals to make a potentially devastating reduction in Council services in this and subsequent years?"

(b) From members of the Council

**(1) Councillor Worrall – Staffordshire hoard**

“At the last Council meeting, I asked Councillor Harris the following question:

*At a Council meeting some 18 months ago, Mr. Doug Birch, MBE, of Brownhills, in a supplementary question concerning the Anglo-Saxon hoard unearthed near Brownhills, asked whether you would be prepared to liaise with neighbouring authorities and other interested parties with a view to establishing a permanent marker or memorial adjacent to the site of the discovery.*

Your reply was an emphatic and enthusiastic 'yes.' My question therefore is; could you advise me of the outcome of these discussions and of the progress made.'

As Councillor Harris's response bore no relation whatsoever to the question I put (he repeated instead how he was unwilling to support getting an exhibition of Hoard artefacts in the New Art Gallery), would he now answer the original question as set out above, and, further, advise Mr. Birch of progress made?"

**(2) Councillor Smith – “Bedroom tax” – rent arrears**

“Would the Portfolio holder inform me, the Council and the public of the amount of rent arrears now owed to Walsall’s biggest social landlord, WHG, as a result of the introduction of spare room subsidy legislation, more commonly known as the “bedroom tax” since its implementation over 10 months ago?"

**(3) Councillor Worrall – Cycle stand – Council House forecourt**

“At a previous Council meeting, I asked Councillor Adrian Andrew whether the cycle stand which had been removed from its position to the right of the Council House entrance in the course of the resurfacing of the forecourt would be reinstated in its previous prominent location. Councillor Andrew mistakenly said that it had been repositioned to the left of the entrance: in fact, the one remaining cycle stand, in a fairly insecure position next to St. Matthew's Hall, has been in situ for many years and predates the much more recent stand that has now been removed and not resited. Could Councillor Andrew explain what has happened to the missing stand, and where it is, and whether the intention is to return it to a prominent position on the Council House forecourt, in line with the Council's allegedly cycle-friendly policies?"

#### **(4) Councillor Smith – “Bedroom tax” - Refunds**

“Given that a recently discovered loophole in the law means that if a Council/Social landlord tenant was resident in their present property in 1996 and has continued to live there as a tenant since and since 1996 has been in continuous receipt of housing benefit (without a break of no more than 4 weeks) then they should not have been charged "bedroom tax", can the Portfolio holder inform me, this Council and the public, how many Walsall Borough residents will now be entitled to a refund and how many of these residents have so far been identified and informed of such?”

#### **(5) Councillor Worrall – Demolition of public toilets in Rushall**

“Some months ago, I, along with the other Rushall-Shelfield Ward Councillors, was notified of the Council's intention to demolish the public toilets adjacent to Rushall Library in Pelsall Lane. We were told that the intention was to provide a public car park for the library. Mindful of the Council's difficult financial position, and of its avowed policy of selling off redundant property as part of its 'working smarter' policies, I contacted the officer concerned to say that I was interested in purchasing the building, view to converting it either to a dwelling, or to an office facility for my use. The officer promised to look into my request, and she came back to say that the Council was unwilling to consider a sale, and that, in any case, any prospective purchaser would need to be aware that there might be an issue with asbestos removal - in other words, even if the Council were willing to sell, I would be ill-advised to buy the building.

Would the portfolio holder advise me of the total cost of this project, to include: demolition works (specifying what was spent on asbestos removal, if anything); the provision of the new car park; the building of a substantial length of high brick built wall between the car park and the dwelling next door; and the estimated value of capital receipt foregone?”

10. To confirm the following recommendations of **Cabinet**:

#### **(1) Corporate Budget Plan and Treasury Management and Investment Strategy 2014/15**

**NOTE: In accordance with new regulations that come into force on 25th February 2014 a recorded vote will need to be taken on the budget and any amendments thereto.**

That Cabinet approve and recommend the following to Council, subject to receipt of final precepts and levies, receipt of the final settlement, technical/legislative guidance and final specific grant allocations (*substitute figures and resolution to be provided to Council to take into account these changes*) and subject to the following amendment:

- (i) That the proposal to close the Walsall Museum building with a saving of £70,000 (Annex 10c, page 147) be removed from the budget for 2014/15 whilst the service reviews all options available. The removal of £70,000 to be funded as a one-off in 2014/15 from reserves.

(ii) **Revenue**

- (a) The recommendations of the Chief Financial Officer (CFO) 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 reserves of not less than £11.2m, as set out in Annex 3.
- (b) 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 27 February 2014. (An estimate has been used within this report based on informal notification from the authorities).

LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	<b>13,598,024</b>
Environment agency	<b>72,406</b>

- (c) 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 the final settlement, technical/legislative guidance and final specific grant allocations, and Cabinet approve that these will be substituted at the Council meeting on 27 February 2014 for the final figures:
- I. **£635,201,842** 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. **£548,437,965** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
  - III. **£86,763,877** being the amount, by which the aggregate at (c) (I) above exceeds the aggregate at (c) (II), calculated by the council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year.
  - IV. **£1,410.26** being the amount at (c) (III) above, divided by the council tax base of **61,523.32**, 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 (c) (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.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£940.17	£1,096.87	£1,253.56	£1,410.26
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,723.65	£2,037.04	£2,350.43	£2,820.51

- (d) The precept from the Fire and Rescue Authority and the precept for 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 27 February 2014.

<b>PRECEPTING AUTHORITY</b>	<b>VALUATION BANDS</b>			
<b>Police And Crime Commissioner</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£68.29	£79.67	£91.05	£102.43
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Fire &amp; Rescue</b>	£125.19	£147.95	£170.72	£204.86
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£35.21	£41.08	£46.95	£52.82
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£64.55	£76.29	£88.03	£105.63

- (e) That having calculated the aggregate in each case of the amounts at (c) (v) and (d) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2014/15 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 27 February 2014.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£1,043.67	£1,217.62	£1,391.56	£1,565.51
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,913.39	£2,261.28	£2,609.18	£3,131.00

- (f) That notice be given of the Council tax within twenty one days of it being set by publishing details of the same in the "Walsall Advertiser" newspaper circulating in the Authority's area.

- (g) That the Chief Financial 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, the giving of notices and the taking of necessary steps to ensure collection thereof.
- (h) The approval of the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes.
- (i) 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.

(iii) **Capital**

That the draft capital programme set out in the following tables be approved bearing in mind the principle that unless affordable from within current resources, specific projects funded by unsupported borrowing will not be commenced until a payback agreement is in place. Schemes funded from grant will commence when final allocations are published. Reserve list items will only commence should funding become available during the financial year.

<b>CAPITAL PROGRAMME 2014/15</b>	
<b>MAINSTREAM (COUNCIL FUNDED) SCHEMES</b>	<b>ESTIMATED VALUE £</b>
<b><i>Prior Year Approvals</i></b>	
Walsall Arboretum – Illuminated Park	108,000
Willenhall Memorial Park	60,000
Primark / Coop Development	5,527,113
<b><i>New Capital Bids</i></b>	
ICT Essential Maintenance – Virtual Server infrastructure	74,000
Increase Council Internet Security	14,500
ICT Essential Software License changes	46,000
Improvements to ICT security (Protection of council information)	18,000
ICT requirements to cater for blending transitioned services	445,680
Social IT Systems Review & Enhancement	550,000
Replenish Smarter Workplaces capital pot	152,200
New Car Park Provision – Lucknow Road	168,000
Highway Maintenance Programme	1,700,000
Public Lighting ‘Invest to save’ for replacement LED lighting	250,000
Traffic signals infrastructure – conversion to LED signals	45,000
Aids & Adaptations – statutory element	400,000
Supporting Independence & Preventative adaptations	500,000
Health through warmth and related retro-fit schemes	500,000
Shop Maintenance	120,000
Replacement Development Management, Building Control & Land Charge ICT system	98,700

Replace the heating & ventilation system within the First Stop Shop	100,000
Replace the existing heating & ventilation system in link block	100,000
Solar PV Panels for Civic Centre	425,000
Walsall Market – permanent relocation	250,000
Retained Housing Land Inspection/Maintenance of LSVT sites	50,000
Remodelling of Rushall Primary School and Education Development Centre	3,000,000
Memorial Safety Management in Walsall cemeteries	80,000
Libraries Universal Digital Offer – a 21 <sup>st</sup> century Public Library service	67,540
Broadway West Playing Fields	75,000
Forest Arts Centre – Renovation of Sports Hall	198,800
<b>Capital Investment Earmarked Reserves</b>	
Funding to support essential works including Health & Safety, and other projects that cannot be guaranteed at start of year	1,000,000
Capital Contingency – provision to manage unforeseen expenditure	669,413
Provision for match funded external schemes	250,000
<b>Total</b>	<b>17,042,946</b>

<b>NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM EXTERNAL SOURCES 2014/15</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Basic Need	1,160,396
Devolved Formula Capital	564,917
Capital Maintenance	2,784,688
Universal Infant Free School Meals Capital	697,816
Highways Maintenance / Additional Local Funding	184,000
LTP Highway Maintenance Programme	1,832,000
A461 Corridor Highway Improvement Scheme / Major Transport Schemes Programme	155,000
Disabled Facilities Grant	1,632,000
Integrated Transport Block / Local Transport Plan 2014/15	2,119,000
Black Country Business Property Investment Programme	4,562,173
Darlaston Strategic Development Area Access	7,144,000
Community Capital Capacity Grant	797,000
<b>Total</b>	<b>23,632,990</b>

<b>LEASING PROGRAMME 2014/15</b>	
<b>PORTFOLIO</b>	<b>EXPENDITURE £</b>
Environment portfolio	3,653,104
<b>Total</b>	<b>3,653,104</b>



<b>CAPITAL PROGRAMME RESERVE LIST ITEMS 2014/15</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Aids & Adaptations	600,000
Supporting Independence & Preventative Adaptations	500,000
Health Through Warmth & Related Retro-Fit Schemes	500,000
Traffic Signals Infrastructure – replace obsolete control equipment	200,000
Promotion of Community Health & Safety	240,000
Retained Housing Land Inspection & Maintenance of LSVT sites	50,000
Residential Parking – Construction of new residential parking facilities (verge parking)	250,000
Carbon Management Programme	280,000
Open Space associated with retained housing land	25,000
Enable the Local History Centre & New Art Gallery to develop their collections	63,000
Funding to support essential works including Health & Safety, and other projects that cannot be guaranteed at start of year	500,000
<b>Total</b>	<b>3,208,000</b>

(iv) **Treasury Management**

- (a) That the 2014/15 treasury management and investment strategy document set out in Section 2, including the council's borrowing requirement and the adoption of the prudential indicators set out in Annex 6, be approved.
- (b) That decisions to effect movements between conventional borrowing and other long term liabilities, such as leases, be delegated to the Chief Finance Officer.
- (c) That decisions to use capital receipts or unsupported borrowing within the framework of approved prudential indicators be delegated to the Chief Finance Officer.

(Note: Report to Cabinet on 5th February 2014 reproduced in the reports booklet for this meeting.)

(2) **Housing Renewal Assistance Policy 2014-2018**

- (1) That the Housing Renewal Assistance Policy 2014-2018 as contained in Appendix A of this report with the commencement dates as listed in the Policy document, be adopted and published.
- (2) That funds returned to the Council through the land charging process for all grants and loans continue to be made available for future private sector housing renewal assistance.

(Note: Report to Cabinet on 5th February 2014 reproduced in the reports booklet for this meeting.)

**11. Appointment of independent members on Audit Committee.** Report reproduced in the reports booklet for this meeting.

**12. Pay policy 2014/15.** Report reproduced in the reports booklet for this meeting.

**13. To consider the following motion, notice of which has been duly given by Councillors Oliver, S. Coughlan, Westley, Chambers, Jeavons and Burley:**

This Council notes:

- the trade union campaign to highlight the scandalous practice of “blacklisting” used by some companies to keep out union and health and safety activists;
- that the Information Commissioner’s Office seized a database in 2009 of 3,213 workers used by 44 companies to vet new recruits;
- that a number (but not all) of these companies have now accepted responsibility for this unlawful blacklisting and are taking appropriate steps to apologise and make due compensation.

This Council resolves:

- that blacklisting is a deplorable unlawful act and an unacceptable practice which cannot be condoned;
- to make clear to companies bidding for Council contracts that a clause within the Council’s contract prohibits the unlawful practice of blacklisting
- to instruct the Council to conduct a review of its suppliers to identify if they have been previously been found to have blacklisted and if so, to seek details of what measures they have put in place to remedy that situation and to also prevent any future unlawful blacklisting by the supplier.
- that it supports the Information Commissioner’s Office’s ongoing detailed investigation into this activity, and whenever it becomes aware of any of its suppliers maintaining an unlawful blacklist, officers shall report it to the Information Commissioner’s Office.

(Note: Report reproduced in the reports booklet for this meeting.)

14. To consider the following motion, notice of which has been duly given by **Councillors Illmann-Walker, Oliver, Burley, Worrall, Westley and Chambers**:

“(1) Council notes the prevalence of Fixed Odds Betting Terminals (FOBTs) in many betting shops across the borough of Walsall, dubbed in the media as the “crack cocaine of gambling”.

(2) Council also notes that, unlike fruit machines in pubs, bingo halls and amusement arcades where cash stakes are limited to £2, gamblers can bet on debit cards up to £100 every 20 seconds on FOBTs to win a jackpot of £500 – more than 4 times as fast as the rate of play in casinos.

(3) Council further notes that nationally 80% of turnover in betting shops is from FOBTs with only 20% being from over-the-counter betting on sports and racing and across the 3 Walsall parliamentary constituencies there are currently 35 betting shops with 129 FOBTs and that in 2012 a gross amount of £138m was gambled in these betting shops, broken down as follows:

- Aldridge Brownhills – 9 betting shops - 33 FOBTs - £51.2m gross amount gambled
- Walsall North – 13 betting shops - 48 FOBTs - £51.2m gross amount gambled
- Walsall South – 13 betting shops - 48 FOBTs - £35.4m gross amount gambled

(4) Council further notes the recent economic analysis undertaken by Landman Economics commissioned by the Campaign for Fairer Gambling to assess the impact of the growth in FOBT spending on local economies and across the wider consumer economy. This report highlights that an extra £1b FOTB spend produces a net reduction of 13,000 jobs and that the projected doubling of FOBT revenue by 2023 could destroy 23,000 jobs. The report also highlights the negative impact of the increase in new betting shops and relocation of betting shops on to primary retail sites is having on the wider retail economy.

(5) Council notes with concern the lack of action by central government to address the issues caused by FOBTs and the announcement made by Maria Miller MP, Secretary of State for Culture, Media and Sport on 10 October 2013 in the Triennial Review on Gambling not to introduce regulations to reduce maximum stakes, speed of play and maximum jackpots. Council notes in contrast the position in the Republic of Ireland where the Government has introduced legislation to outlaw FOBTs in betting shops.

(6) Council also notes, however, in the absence of Government action, the innovative work some local authorities are doing to reduce the impact of FOBTs on communities, which includes, for example:

- the London Borough of Barking and Dagenham consulting on a draft Supplementary Planning Document and Article 4 Direction to withdraw permitted development rights for change of use of A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) to betting offices (class A2 use) in order to create or maintain mixed communities and to protect local amenity and the wellbeing of the area.

- 14 councils led by the London Borough of Hackney putting together a proposal under the Sustainable Communities Act for betting shops to have a separate and specific user class to ensure that every planning application will be subject to the local authority's individual planning policy to allow local circumstances to be taken into account.
- The London Borough of Lambeth considering introducing local a local bye-law to reduce maximum stakes to £2 per spin and reduce speed of play.

(7) Council believes that the increase in FOBTs is causing significant problems in the borough of Walsall and believes that the Government should introduce legislation to outlaw FOBTs in betting shops or at the very least give local authorities the powers to protect the local amenity and wellbeing of communities by (1) stopping the proliferation of betting shops and (2) reducing maximum stakes and slowing down the speed of play of FOBTs.

(8) Council therefore requests that:

- The Chief Executive write to the Secretary of State for Culture, Media and Sport to outline the terms of this motion and demand urgent action against FOBTs by the Government.
- While recognising that interventions taken by other local authorities may or may not be applicable and/or the most desirable routes to address the situation in the borough of Walsall and that there may be other measures that can be explored, the Cabinet Member responsible for Regeneration report back within three months on appropriate joined-up steps that could be taken within existing powers available to the authority to reduce the problems caused by FOBTs in the borough in the absence of further Government action."

(Note: Report reproduced in the reports booklet for this meeting.)