



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 27th February 2014 at 6.00 p.m.** at the Council House.

Present

Councillor M. Nazir (Mayor) in the Chair

Councillor P.E. Smith (Deputy Mayor)

" Z. Ali
" A.J.A. Andrew
" R.E. Andrew
" D.A. Anson
" M. Arif
" I. Azam
" D.J. Barker
" O.D. Bennett
" M.A. Bird
" C. Bott
" P. Bott
" R. Burley
" B. Cassidy
" K. Chambers
" A.G. Clarke
" J. R. Cook
" D. Coughlan
" S.P. Coughlan
" C.U. Creaney
" A. Ditta
" B.A. Douglas-Maul
" J. Fitzpatrick
" S.F. Fitzpatrick
" M. D. Flower
" A.D. Harris
" L.A. Harrison
" E.F. Hughes
" K. Hussain

Councillor G. Illmann-Walker

" D. James
" L.D. Jeavons
" T.J. Jukes
" P. Lane
" M. Longhi
" Mrs. R.A. Martin
" Mrs. B.V. McCracken
" J. Murray
" T.S. Oliver
" G. Perry
" K. Phillips
" L.J. Rattigan
" J. Rochelle
" E.B. Russell
" H.S. Sarohi
" K. Sears
" Mrs. D.A. Shires
" I. Shires
" R.M. Thomas
" C.D.D. Towe
" A. Underhill
" D.J. Turner
" S. Wade
" F.J. Westley
" V. Whyte
" T.S. Wilson
" V.G. Woodruff
" R.V. Worrall
" A. Young

95. **Minutes**

Resolved

That the minutes of the meetings held on 13th and 30th January 2014 copies having been sent to each member of the Council, be approved as correct records and signed, subject to Councillor Russell being added to the list of those present at the meeting on 30th January.

96. **Declarations of interest**

The following members declared an interest in the items indicated:

Councillor Harrison	Item 14 – Notice of motion – Fixed odds betting terminals – holder of Gaming Board licence.
Councillor Oliver	Item 10(1) Corporate budget plan – employee of Palfrey Community Association.

97. **Local Government (Access to information) Act 1985**

There were no items to be considered in private session.

98. **Petitions**

The following petitions were submitted:

- (1) Councillor Harrison – Objection to waste materials recycling facility Willenhall Lane planning application 13/1712/WA
- (2) Councillor Jukes – Objection to waste materials recycling facility on Willenhall Lane
- (3) Councillor R. Andrew – Parking issues in Bakewell Close, Bloxwich
- (4) Councillor Underhill – Residents of Heath View Bentley – change of address and postcode
- (5) Councillor Phillips – improvement of road safety in Blakenall Heath area, especially Valley Road, Ryle Street and Ingram Road

99. **Coroner service**

A report was submitted.

Mr. Shafique Ahmed, the petition organiser, presented the petition to the Council.

It was **moved** by Councillor Oliver and seconded by Councillor Hussain:

(1) This Council notes:

- the issues raised by the petitioners to the Coroner service
- that a number of families have approached Councillors in confidence with concerns from their personal experiences, which they have agreed to be included in any investigation on an anonymised basis
- that the current Coroner, Robin Balmain, has announced his retirement as from September 2014.

(2) This Council resolves to:

- instigate an investigation as to the above cases, and as to whether there were delays not required due to relevant legal requirements.
- invite other families across the borough who may have similar concerns to share the same with the investigation on a confidential basis.
- instruct that officers provide a report for Cabinet summarising these findings, and if it is the conclusion of the above investigation that there were delays not required due to relevant legal requirements, this report should further present options which may help mitigate against any future similar circumstances.

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

Resolved

(1) This Council notes:

- the issues raised by the petitioners to the Coroner service
- that a number of families have approached Councillors in confidence with concerns from their personal experiences, which they have agreed to be included in any investigation on an anonymised basis
- that the current Coroner, Robin Balmain, has announced his retirement as from September 2014.

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- invite other families across the borough who may have similar concerns to share the same with the investigation on a confidential basis.

- instruct that officers provide a report for Cabinet summarising these findings, and if it is the conclusion of the above investigation that there were delays not required due to relevant legal requirements, this report should further present options which may help mitigate against any future similar circumstances.

100. Question from member of the public

Government support grant

Mr. M. Lynch of Bentley Lane, Walsall asked the following question of Councillor Bird:

"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?"

Councillor Bird replied that Walsall Council had and continued to take every opportunity to lobby the government on the impact the spending reviews had on the authority's finances and the consequent impact on the services it had to deliver. He said that he had written to and had meetings with Eric Pickles the Secretary of State for Communities and Local Government. In addition he had written to Brandon Lewis, Parliamentary Under-Secretary (Department for Communities and Local Government) expressing his concern and the need for a rethink in their policy.

Officers had responded to the budget consultation documents, produced by the department of Communities and Local Government. He said that rather than being a single voice, it was thought more effective if Walsall Council combined with other local authorities in supporting and providing information for national lobbying organisations such as the Local Government Association, and the Society of Interested Municipal Authorities.

Walsall Council would continue to make its concerns known and urged all members of the public to write to both their local MP and the Secretary of State to make their views known too.

Councillor Bird said that he took every opportunity to lobby the government and it was well known that he and the administration in total, along with the Labour group had consistently opposed the bedroom tax and that it had been discussed by the Council on three occasions and was unanimously opposed. He said he had often spoken out against government policy. The Council would not take this lying down, but the purse strings were held by other people.

Mr. Lynch said that this was the response he was looking for and asked the following supplementary question:

Would Councillor Bird join with Walsall against cuts and other organisations when calling on the Cameron government to reverse the cuts in local government funding which threaten local government?

Councillor Bird replied that the Council needed to make sure that the citizens of Walsall were getting the best deal from the money they got but if we continued as we are, in 5 years time this Council would offer very few services.

101. Questions from members of the Council

(1) Staffordshire hoard

Councillor Worrall asked the following question of Councillor Harris:

“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?"

Councillor Harris said he was a little surprised at Councillor Worrall's question. He had raised this matter at the last Council meeting and explained that he would have a response. The Executive Director was asked to write to Councillor Worrall and he was e-mailed on 17th January with the information he had requested. As he had appeared to miss the e-mail Councillor Harris repeated what it said:

“I can confirm that officers have been in contact with both Lichfield District Council and Hammerwich Parish Council with regard to this suggestion. Lichfield Council have no plans to mark the site and indeed, have pointed out the difficulties in obtaining permissions to do so, as the land is privately owned. Hammerwich Parish Council have considered the idea, but currently have no plans to progress it further.

Both Councils have said that they would support any enthusiastic group of local people from the area, willing to put in the hard work necessary to obtain the required permissions and fundraise for such a project. I am sure the Council would want to support such an initiative and we would be willing to provide advice and guidance, for example, in identifying possible sources of funding.”

Councillor Worrall asked the following supplementary question:

Given that we missed out on the opportunity for the Millennium Beacon can something be done in respect of the Brownhills hoard?

Councillor Harris replied that it would be wrong to suggest that Walsall would not want the hoard, however, the boundaries were out of the Council's control. Councillor Harris went on to say that he would pursue every opportunity, but that the two authorities mentioned in his original reply were not planning any action but that he would continue to speak to those authorities in respect of the hoard at every opportunity.

(2) **“Bedroom tax” – rent arrears**

Councillor Smith asked the following question of Councillor Towe:

“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?”

Councillor Towe said that WHG had stated that “Based on the information we have up to 9th February 2014 there is a sum of £240,181 outstanding purely related to bedroom tax on our current arrears”.

Councillor Smith asked the following supplementary question:

With regard to the notice of motion approved at Council 8 July 2013, which called on social landlords not to evict anyone solely on the grounds of arrears in respect of the “bedroom tax”, can you assure us that so far WHG have followed that request from Walsall Council?

Councillor Towe said that 11 Court orders had been obtained and that the benefits service was helping tenants with issues arising from the impact of the bedroom tax.

(3) **Cycle stand on Council House forecourt**

Councillor Worrall asked the following question of Councillor A. Andrew:

“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?”

Councillor A. Andrew said that this area was designed as a car park and there was no intention to provide additional spaces for bicycles.

Councillor Worrall asked the following supplementary question:

What actions have you taken to promote cycling?

Councillor Andrew replied that the Council had been supporting a cycle bid through the Black Country, but Walsall had not been successful.

(4) **“Bedroom tax” – refunds**

Councillor Smith asked the following question of Councillor Towe:

“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?”

Councillor Towe replied that as at 18th February 2014 111 residents had been identified who qualified for exemption from “bedroom tax”. The Council continued to review all of its records and those from all of the housing associations to seek to identify any other residents who might qualify, but this was a laborious and time consuming task. He said that although it was not possible to be definitive, it was currently estimated that the overall number of residents who might qualify for this exemption (and thereby a refund) would be around 250.

Councillor Towe said that it was worth noting that the government had taken swift action to revise the relevant legislation and with effect from 3rd March 2014, all of the residents who had received a refund would no longer be exempted, essentially the loophole had been closed and would be subject to the “bedroom tax” provisions.

Councillor Smith asked the following supplementary question:

In the light of the response, the estimated figure for Walsall is around 250 but only 111 residents have been identified, this leaves 139 not identified. What steps are the Council taking to ensure that the 139 residents are identified because if there are two bedrooms the refund would be £1,100 to £1,200, for one bedroom the refund would be £500?

Councillor Towe replied that 111 residents had received refunds of £61,500. We will continue to review all of our records and those from all of the housing associations to seek to identify any of the residents who may qualify, but this is a laborious and time-consuming task.

(5) Demolition of public toilets in Rushall

Councillor Worrall asked the following question of Councillor A. Andrew:

“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, with a 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?”

At this point, Councillor Bird asked for legal advice as to whether Councillor Worrall had breached the members' code of conduct in respect of a pecuniary interest in this matter.

Mr. Cox (Head of Legal and Democratic Services and the Council's Monitoring Officer) said that this was an issue for the member himself to determine. This is a question to Council and therefore proper business of the Council and this was a judgement that the Councillor had to make himself. He went on to say that in his opinion there does not appear to be a pecuniary interest or other interest based on the question before the Council this evening. He advised the Council that Section 173 of the Local Government Act 1972, requires the Council to achieve best value when disposing of assets. If a complaint is made to him in his role as Monitoring Officer he will investigate and refer to the Standards Committee, if necessary.

Councillor Andrew said that an e-mail had been sent to Councillor Worrall which contained some planning advice stating that the location and size of the site would not be suitable for a dwelling as there would not be enough garden space at either the front or rear and that any such development would not contribute to the street scene. Councillor Andrew said that on 9th August 2013, Councillor Worrall had been asked for his comments but he had not replied.

Councillor Andrew continued by saying that the work that had been carried out including demolition, ground clearance, resurfacing, building of the rear wall, drop kerb and other works came to a total cost of £15,000. This did not include the asbestos removal costs which were £2,400. It was considered a more beneficial option to utilise the space for parking for the library rather than sell land for a very small receipt.

102. Recommendations of Cabinet

(1) Corporate budget plan and Treasury Management and Investment Strategy 2014/15

The report to Cabinet was submitted.

It was **moved by** Councillor Towe and seconded by Councillor Bird:

That the following be approved:

1. 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, 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 levies below for outside bodies:

LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	13,601,528
Environment agency	71,853

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

- I. **£634,275,320** 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. **£547,511,699** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.

III. **£86,763,621** 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.

A	B	C	D
£940.17	£1,096.87	£1,253.56	£1,410.26
E	F	G	H
£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:

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	£69.65	£81.25	£92.86	£104.47
	E	F	G	H
	£127.69	£150.90	£174.12	£208.94
Fire & Rescue Authority	A	B	C	D
	£35.91	£41.90	£47.88	£53.87
	E	F	G	H
	£65.84	£77.81	£89.78	£107.73

- (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:

A	B	C	D
£1,045.73	£1,220.02	£1,394.30	£1,568.60
E	F	G	H
£1,917.18	£2,265.75	£2,614.33	£3,137.18

- (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) That the budget plan be approved, including the opening cash limits, savings and investment proposals set out in the annexes, subject to any changes within this recommendation and the amendment by Cabinet on 5 February 2014 as follows:

"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".
- (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.
- (j) That, pursuant to Section 52ZB and 52ZC of the Local Government Finance Act 1992, the relevant basic amount of council tax for both the Police and Crime Commissioners and the Fire and Rescue Authority is not excessive in relation to determining whether a referendum is required.

2. Capital

That the capital programme for 2014/15 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.

CAPITAL PROGRAMME 2014/15	
MAINSTREAM (COUNCIL FUNDED) SCHEMES	ESTIMATED VALUE £
<i>Prior Year Approvals</i>	
Walsall Arboretum – Illuminated Park	108,000
Willenhall Memorial Park	60,000
Primark / Coop Development	5,527,113
<i>New Capital Bids</i>	
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 st century Public Library service	67,540
Broadway West Playing Fields	75,000
Forest Arts Centre – Renovation of Sports Hall	198,800
Capital Investment Earmarked Reserves	
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
Total	17,042,946

NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM EXTERNAL SOURCES 2014/15	
NON MAINSTREAM SCHEMES	ESTIMATED VALUE £
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
Total	23,632,990

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

CAPITAL PROGRAMME RESERVE LIST ITEMS 2014/15	
MAINSTREAM (COUNCIL FUNDED) SCHEMES	ESTIMATED VALUE £
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
Total	3,208,000

3. 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.

Amendment moved by Councillor S. Coughlan and duly seconded:

That the Council tax for 2014/15 should be increased by 1.99% and that the resulting increase be allocated to social care, specifically to be invested in direct service provision.

Chief Finance Officer advice: Increasing the Council tax by 1.99% will generate an additional £1,726,857, however, the Council would no longer be eligible for the 2014/15 Council tax freeze grant of £1,131,129, assumed in the draft budget submitted by Cabinet to Council. The net effect is an overall increase in funding for 2014/15 of £595,728. This grant ceases after 2015/16.

The change in the council tax bands (Walsall element) is as follows:

Council Tax Band	Council Tax	Council Tax 1.99%	Annual Increase	Daily increase
A	940.17	958.88	18.71	0.05
B	1,096.87	1,118.70	21.83	0.06
C	1,253.56	1,278.51	24.95	0.07
D	1,410.26	1,438.32	28.06	0.08
E	1,723.65	1,757.95	34.30	0.09
F	2,037.04	2,077.58	40.54	0.11
G	2,350.43	2,397.21	46.78	0.13
H	2,820.51	2,876.65	56.14	0.15

At 7.45 p.m. the meeting adjourned to enable members to consider the amendment.

The meeting reconvened at 8.00 p.m.

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 -
28 members**

Cllr: Oliver
Anson
Burley
Cassidy
Chambers
D. Coughlan
S. Coughlan
Creaney

**Against the amendment –
32 members**

Cllr: Bird
I. Shires
Ali
A. Andrew
R. Andrew
Arif
Azam
Barker

Ditta	Bennett
J. Fitzpatrick	C. Bott
S. Fitzpatrick	P. Bott
Hussain	Clarke
Illmann-Walker	Cook
James	Douglas-Maul
Jeavons	Flower
Jukes	Harris
Lane	Harrison
Nazir	Hughes
Phillips	Longhi
Russell	Martin
Sarohi	McCracken
Thomas	Murray
Underhill	Perry
Wade	Rattigan
Westley	Rochelle
Whyte	Sears
Worrall	D.A. Shires
Young	Smith
	Towe
	Turner
	Wilson
	Woodruff

Amendment moved by Councillor Jeavons and duly seconded:

That in receiving the Cabinet's proposed Corporate Budget Plan 2013/14, this Council:

Condemns the policies of austerity of the current coalition Conservative and Liberal Democrat government which have impacted unfairly and disproportionately on local government and in particular on disadvantaged boroughs such as Walsall and the wider Black Country.

Notes the catastrophic impact in the current circumstances of this Council failing to set a legal and balanced budget.

Notes that the presentation of full and formal "alternative budgets" is very unusual in both national and local politics, and in particular that no "alternative budget" has been presented in Walsall in living political memory.

Notes that, as confirmed by the "Doncaster judgement", the budget in February in effect sets the Council tax cash limits for the following financial year and all other relevant revenue budget decisions can be changed under delegations through the Council Cabinet.

This Council further notes that a future Walsall Labour administration commits that it would:

Campaign against the iniquitous financial settlements imposed by current coalition Conservative and Liberal Democrat government, and in particular the fact that these policies impact unfairly and disproportionately on disadvantaged boroughs such as Walsall and the wider Black Country.

Work within a legal budget framework, acknowledging the difficulties and injustice imposed through the above imposed government financial policies.

Instigate an immediate “zero budget” review of all Council expenditure.

Develop proposals to review and reduce senior and middle management structures and costs so as best to protect frontline services, and also to reverse the increase in the Councillors’ Special Responsibility Allowances – as introduced by the current administration in January 2013 – and reduce this budget by 30%.

Strive within budget limits as imposed to prioritise and best protect vulnerable individuals, groups and communities wherever they exist within our borough.

Develop more flexible and devolved ways of working which would be more responsive to the needs of our local neighbourhoods.

Develop new and imaginative schemes of partnership working which would seek to mitigate the worst impact of government policies.

At 8.45 p.m. the meeting adjourned.

The meeting reconvened at 8.55 p.m.

The Chief Executive gave the following advice as to whether this amendment was valid in what it sought to amend in relation to the motion being considered by the Council this evening. He went on to say that the amendment only added words to the motion but did not go to the heart of the matter in that it did not amend the budget or the statutory determinations therefore his advice was that the amendment did not alter what was being debated, although it will form part of the record but not as a valid amendment.

At this point in the meeting, it was **moved** by Councillor Bird, duly seconded and:

Resolved

That Council procedure rules be suspended to enable the business of the meeting to be completed.

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

For the motion - 29 members

Cllr: Bird
I. Shires
Ali
A. Andrew
R. Andrew
Arif
Azam
Barker
Bennett
Clarke
Cook
Douglas-Maul
Flower
Harris
Harrison
Hughes
Longhi
Martin
McCracken
Murray
Perry
Rattigan
Rochelle
Sears
D.A. Shires
Towe
Turner
Wilson
Woodruff

Against the motion - 4 members

Cllr: Oliver
Phillips
Smith
Underhill

Abstained - 27 members

Cllr: Anson
C. Bott
P. Bott
Burley
Cassidy
Chambers
D. Coughlan
S. Coughlan
Creaney
Ditta
J. Fitzpatrick
S. Fitzpatrick
Hussain
Illmann-Walker
James
Jeavons
Jukes
Lane
Nazir
Russell
Sarohi
Thomas
Wade
Westley
Whyte
Worrall
Young

and it was:

Resolved

That the following be approved:

1. 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, 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 levies below for outside bodies:

LEVY	AMOUNT (£)
West Midlands Passenger Transport Authority	13,601,528
Environment agency	71,853

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

- I. **£634,275,320** 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. **£547,511,699** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
- III. **£86,763,621** 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.

A	B	C	D
£940.17	£1,096.87	£1,253.56	£1,410.26
E	F	G	H
£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:

PRECEPTING AUTHORITY	VALUATION BANDS			
Police And Crime Commissioner	A	B	C	D
	£69.65	£81.25	£92.86	£104.47
	E	F	G	H
	£127.69	£150.90	£174.12	£208.94
Fire & Rescue Authority	A	B	C	D
	£35.91	£41.90	£47.88	£53.87
	E	F	G	H
	£65.84	£77.81	£89.78	£107.73

- (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:

A	B	C	D
£1,045.73	£1,220.02	£1,394.30	£1,568.60
E	F	G	H
£1,917.18	£2,265.75	£2,614.33	£3,137.18

- (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) That the budget plan be approved, including the opening cash limits, savings and investment proposals set out in the annexes, subject to any changes within this recommendation and the amendment by Cabinet on 5 February 2014 as follows:
- "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".
- (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.
- (j) That, pursuant to Section 52ZB and 52ZC of the Local Government Finance Act 1992, the relevant basic amount of council tax for both the Police and Crime Commissioners and the Fire and Rescue Authority is not excessive in relation to determining whether a referendum is required.

2. Capital

That the capital programme for 2014/15 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.

CAPITAL PROGRAMME 2014/15	
MAINSTREAM (COUNCIL FUNDED) SCHEMES	ESTIMATED VALUE £
<i>Prior Year Approvals</i>	
Walsall Arboretum – Illuminated Park	108,000
Willenhall Memorial Park	60,000
Primark / Coop Development	5,527,113
<i>New Capital Bids</i>	
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 st century Public Library service	67,540
Broadway West Playing Fields	75,000
Forest Arts Centre – Renovation of Sports Hall	198,800

Capital Investment Earmarked Reserves	
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
Total	17,042,946

NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM EXTERNAL SOURCES 2014/15	
NON MAINSTREAM SCHEMES	ESTIMATED VALUE £
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
Total	23,632,990

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

CAPITAL PROGRAMME RESERVE LIST ITEMS 2014/15	
MAINSTREAM (COUNCIL FUNDED) SCHEMES	ESTIMATED VALUE £
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
Total	3,208,000

3. 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.

(2) Housing Renewal Assistance Policy 2014-2018

The report to Cabinet was submitted.

Resolved

- (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.

103. Appointment of independent members on Audit Committee

A report was submitted.

It was **moved** by Councillor Illmann-Walker, duly seconded and:

Resolved

That Mrs. P. Hepburn and Mr. F. Bell be appointed independent members on the Audit Committee with effect from the start of the 2014/15 municipal year and with a two year term of office.

104. **Pay policy 2014/15**

A report was submitted.

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

Resolved

- (1) That the Pay Policy 2014/15 and appendices attached to the report be agreed.
- (2) That the Council reaffirms the procedure for the appointment of Chief Officers as set out in the Constitution.

105. **Notice of motion – Blacklisting**

A report was submitted.

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

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.

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

Resolved

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.

106. Notice of motion – Fixed odds betting terminals

A report was submitted.

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

- (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.

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

Resolved

- (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:
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- (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:
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 - 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.

The meeting terminated at 9.50 p.m.

Mayor:

Date: