



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 6th July, 2009, at 6.00 p.m.** at the Council House.

## Present

### Councillor J.G. O'Hare (Mayor) in the Chair

#### Councillor A.G. Clarke (Deputy Mayor)

" K. Aftab  
" A.J.A. Andrew  
" T.G. Ansell  
" D.A. Anson  
" M. Arif  
" C.M. Ault  
" J.M. Barton  
" L.A. Beeley  
" M.A. Bird  
" C. Bott  
" P. Bott  
" R. Carpenter  
" B. Cassidy  
" K. Chambers  
" S.P. Coughlan  
" C.U. Creaney  
" B.A. Douglas-Maul  
" M. D. Flower  
" A.E. Griffiths  
" A.D. Harris  
" L.A. Harrison  
" E.F. Hughes  
" P.F. Hughes  
" A.D. Johnson  
" H. Khan  
" M. Longhi  
" S.W. Madeley

#### Councillor Ms. R.A. Martin

" Mrs. B.V. McCracken  
" M. Munir  
" Mushtaq Ahmed  
" M. Nazir  
" T.S. Oliver  
" A.J. Paul  
" G. Perry  
" D.J. Pitt  
" Mrs. E.E. Pitt  
" M.G. Pitt  
" I.C. Robertson  
" J. Rochelle  
" B. Sanders  
" H.S. Sarohi  
" K. Sears  
" Mrs. D.A. Shires  
" I. Shires  
" P.E. Smith  
" C.D.D. Towe  
" D.J. Turner  
" W.T. Tweddle  
" A. Underhill  
" G. Wilkes  
" M. Yasin  
" P.A. Young  
" Zahid Ali

**22. Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Cook, Phillips, Walker and Woodruff.

**23. Minutes**

**Resolved**

That the minutes of the annual meeting held on 18th May 2009, copies having been sent to each member of the Council, be approved as a correct record and signed.

**24. Declarations of interest**

Councillor Robertson declared a personal interest in his own question regarding European Regional Development Fund and European Social Fund – Director of Carpenters Shop (ERDF money); Director of new Deal for Communities and Director of “Highs ‘n’ Lows”.

**25. Mayor’s announcements**

The Mayor reminded members of the unreasonable behaviour exhibited at the last meeting and urged members to observe accepted protocols on behaviour.

**26. Petitions**

The following petitions were submitted:

- (1) Councillor Coughlan – parking restrictions Wood Street, Willenhall.
- (2) Councillor Yasin – removal of double yellow lines between Lord Street and Cobden Street.
- (3) Councillor D. Pitt – Furness Close, Mossley Estate – off street parking provision.

**27. Questions from members of the public**

**Exhibition at the New Art Gallery**

As Mr. K. Watkins was not in attendance at the meeting the Mayor decided that the question would not be dealt with.

## **28. Questions from members of the Council**

### **(1) Advertisements on roundabouts in Walsall**

Councillor Robertson asked the following question of Councillor Ansell:

“How can advertisements be placed by Leisure Services on a number of roundabouts in Walsall without planning permission when most similar adverts on lamp posts to make up the shortfall in the lighting contract were refused, so costing the Council taxpayers of Walsall £7m in lost revenue?

Councillor Ansell replied that the Council has been looking at ways to increase sponsorship and business income and has sought the advice of a sponsorship specialist. This is a corporate project and is being managed through Leisure, Culture and Lifelong Learning, but is not confined to leisure activities. One of the opportunities is the sponsorship of roundabouts, which happens in many local authority areas around the country. A specialist company called Marketing Force was introduced to help with this who bring a lot of experience in this field. So far they have attracted around £25,000 of new funding.

Unlike the advertising on lamp posts the Council does not require advertisement consent to display the sponsorship signs so long as they comply with the requirements of deemed consent set out in the Town and Country (Control of Advertisements) Regulations 1992 as amended. The signs are currently being adapted to comply with these requirements which include naming the traffic junction/roundabout as part of the function of the sign.

Currently there are a total of 63 illuminated advertisement consents for the display of signs on lighting columns across the borough plus 65 additional banner sign consents. Of these 31 illuminated signs and all banner signs have been installed. As Councillor Robertson knows from earlier Council questions, unfortunately due to the current economic climate the commercial demand to display advertising on lighting columns has declined, despite our best efforts to promote these opportunities, and this is contributing to the lack of revenue for the lighting project.

### **(2) Illegal car washes**

Councillor Creaney asked the following question of Councillor Andrew:

“We read with great interest in the Express & Star (12.6.09) that the Council will force illegal car washes across the borough of Walsall with legal action for setting up these operations without planning permission:

- how many illegal car washes have been closed to date across the borough of Walsall;
- how many car washes have continued to operate after they have had planning permission refused;
- and how will the Council enforce these future actions in light of the Council making redundant enforcement officers in Public Protection and other highly important officers in relevant departments?”

Councillor Andrew replied that the Council's planning enforcement team are aware of 23 such operations.

He said that in total we are aware of 6 sites that are currently operating following the refusal of planning permission and these are the subject of planning appeals or planning enforcement action in order to close them down. Remaining sites are either the subject of planning applications or are at various stages in the enforcement process.

Conscious of the role of planning enforcement to the authority and contrary to the suggestion in the question the Council is not planning to reduce the resources available to this service. Currently the Council had two planning officers plus two enforcement officers and a technical support officer dedicated to delivering this service which compares favourably with other Councils nationally. A proposed restructure of the planning service seeks to retain this staffing level and increase the wider support of the enforcement service within the planning department.

**(3) Building Schools for the Future**

Councillor Robertson asked the following question of Councillor Walker:

“What consultation occurred with both Governors and Head Teachers of primary schools before a decision was taken by the Schools Forum to remove funds from their school budget to contribute towards the Building Schools for the Future agenda and what effect will this have on each individual school?”

In the absence of Councillor Walker, Councillor Bird replied to the question. Councillor Bird said that Walsall's Schools Forum used its powers to support the local authority's proposal to support Building Schools for the Future and Primary Capital Programme set-up costs. This was a strategic school funding decision that took into account the future educational outcomes for Walsall, the potential to regenerate the borough and the securing of significant capital investment in our schools and wider community facilities. The money from schools has been supplemented by circa £3m of Council funding at this stage of the project.

All Headteacher colleagues received a letter about the proposed BSF/ PCP contributions in January 2009. In addition, a special presentation was provided for primary Headteachers on 26 February 2009, prior to the final Schools Forum meeting on 3 March 2009.

The effect of the actual contribution required on individual schools was given careful consideration. Schools Forum looked at a number of options, before deciding that a flat rate percentage per school of 0.063% should apply. This methodology, that applied a contribution of just over half a percent, was also acceptable to the Department of Children, Schools and Families.

Councillor Robertson asked the following supplementary question:

Do you realise that in schools such as Edgar Stammers in my ward this will mean a cut of 7 teaching assistants which will jeopardise their superb work in raising standards in that school?

Councillor Bird replied that this was a matter for budget and control in individual schools.

**(4) Civil parking enforcement**

Councillor Creaney asked the following question of Councillor Ansell:

“We welcomed Civil Parking Enforcement in the borough of Walsall, but along with many residents would query the lack of common sense shown in its initial implementation. I would therefore ask:

- since Civil Parking Enforcement came in force in Walsall borough this year how many parking tickets have been issued to date;
- how many appeals have been lodged where parking tickets have been issued;
- how many appeals have been won;
- how many appeals are pending or in the system;
- how much is the annual income target set for our parking enforcement officers (traffic wardens)?”

Councillor Ansell replied that 756 parking tickets have been issued. This is the total figure issued for the contravention of off-street car park and on-street parking restrictions (on-street 5546, off-street 2210) and that 1716 appeals have been lodged.

He said that 801 appeals have been accepted, demonstrating that the process is fair and allows for the motorist to retrospectively indicate valid reasons why the council should cancel the parking ticket and 111 appeals are still being determined

So far this had been a success, the disabled can now get into bays. The teething problems are being addressed. The Police used to control this, but did not do a very good job. Now the new legislation will be enforced.

The aim of Civil Parking Enforcement is to encourage parking compliance, manage congestion and improve road safety. Its function is not to generate revenue and therefore there are no income targets.

Councillor Creaney asked the following supplementary question:

Why do the markings on the road not tie in with the signs?

Councillor Ansell said that phone calls had been received from aggrieved members of the public and he had been advised that there were two appeals outstanding. Councillor Ansell went on to say that the situation was under constant review and that the new system would soon settle down.

**(5) Community Association buildings and resource centres**

Councillor Robertson asked the following question of Councillor Andrew:

“When will a condition survey be funded on community association buildings and resource centres to allow the implementation of a fair lease system to these organisations who can then have much greater opportunity to apply for external funds?”

Councillor Andrew replied that a budget has been identified to undertake condition surveys on a number of community association buildings without leases in the current financial year. These surveys will be carried out by mid August. The buildings to be surveyed are:

- (a) Brownhills Community Association for properties at Brownhills Activity Centre and Green Dragons, Clayhanger
- (b) Old Hall People Partnership for properties at Bentley Youth and Community Centre in Wilkes Avenue, Bentley and the Peoples Partnership Centre in Wing Close, Bentley.

**(6) European Regional Development Fund and European Social Fund**

Councillor Robertson asked the following question of Councillor Bird:

“What problems face this Council from the lack of an audit trail in our submissions for the European regional development fund and the European Social fund claims, as warned by Peter Francis, where we are the accountable body and how much are the potential losses to Walsall Council Tax payers?”

Councillor Bird replied this is an historic problem going back to the European Regional Development Fund programme between 2000 and 2006 and the way it was commissioned and managed. This situation is not unique to Walsall. As the accountable body, we are seeking to reduce the amount of claw back by reviewing audit trails of organisations that received grants during this period whilst also ensuring that a more robust approach to keeping paper work up to date is adopted by organisations who receive grants to prevent this occurring again.

The reference to an earlier warning by an ex-Council employee is not something we are aware of and did not prompt the work that has been on-going for the last 2 years.

It is not possible to estimate at present the potential financial risk to the Council as work is being concluded to submit our final claim for ERDF grant to Government Office for the West Midlands. There is no record that any individual did anything wrong. However, members will be interested to know that I have agreed with Councillor Martin that the Audit Committee will receive a report on this matter at its next meeting. This will be an opportunity for members to understand how this situation has come about. Officers will be in a better position then to brief members on the level of any financial loss, this is to ensure that the Council's financial position as the accountable body for these funds is safeguarded.

Councillor Bird said that Peter Francis was Head of Programme Management for some of this time and lead on development and management of efficient systems for the management of external funds to ensure that the Council's position was safeguarded. At this point Councillor Bird read out parts of the job description of the Head of Programme Management.

Councillor Robertson asked the following supplementary question:

Do you recall stating in Regeneration scrutiny meeting in December 2007 that you recommended that those officers who were found to be guilty of mismanagement should be disciplined, and will you now as Leader pursue your promise?

Councillor Bird replied that he was not aware of mismanagement. Processes at the time were supported by Government Office West Midlands (GOWM). This is not unique to this authority, this is happening to other Councils. Nine years further on from this date, we are being asked to submit audit trails which GOWM accepted nine years ago.

It is unfair to say where mismanagement occurred in the past, however, if this was the case those people responsible may no longer be employed by this Council.

## 29. **Amendments to Constitution**

The report was submitted:

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

### **Resolved**

- (1) That approval be given to the membership of the Appointments Board as set out in Part 3.2, paragraph 9 of the Constitution to be amended to read:

7 members of the authority as notified to the Chief Executive for each meeting by the group leaders of the Council.

- (2) That approval be given to the amendment of paragraph 24 of the Council procedure rules set out in Part 4.1 of the Constitution to read as follows:

“All of the Council rules of procedure apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only rules 4.2, 4.3, 5-9, 11, 14-16, 18-22 (but not rule 21.1) apply to meetings of Committees and Sub-Committees.”

- (3) That approval be given to the deletion of strategic housing matters from the remit of the Social Care and Inclusion Scrutiny and Performance Panel and its inclusion in the remit of the Regeneration Scrutiny and Performance Panel.

### 30. **Cabinet portfolio responsibilities**

An amended schedule of portfolio holder responsibilities was circulated on green paper.

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

That the portfolio responsibilities as set out in the amended green paper be agreed, subject to the responsibility for equality and diversity being transferred from the Business Support Services to the Finance and Personnel portfolio.

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

#### **Resolved**

That the following portfolio responsibilities be approved for the municipal year 2009/2010:

| <b>Description of portfolio</b>  | <b>Name of portfolio holder</b> |
|--|---------------------------------|
| 1. <b>Leader of the Council</b> - overall responsibility for Council strategy, the corporate plan, communications and public relations, city region agenda, government relations and liaison with local MPs and West Midlands leaders. Local Area Agreement and Local Strategic Partnership. | Councillor Bird                 |
| 2. <b>Business support services</b> - performance management, strategic procurement, information technology.   | Councillor Arif                 |



- |    |   |                    |
|----|---|--------------------|
| 3. | <b>Children's services</b> - education services, including relationship with Education Walsall, social services for children, safeguarding and promoting welfare of children, looked after children and corporate parenting, care leavers, interagency cooperation, involvement of children and young people, youth parliament, children's trust arrangements, youth offending services, youth service, school meals.   | Councillor Walker  |
| 4. | <b>Communities and partnerships</b> – local neighbourhood partnerships, community engagement and consultation, community associations, community safety, Safer Walsall Partnership, voluntary and community sectors, customer contact, public protection.   | Councillor Perry   |
| 5. | <b>Environment</b> - waste management, clean and green agenda, sustainability, pollution control, street cleansing, grounds maintenance and cemeteries and crematoria.  | Councillor Flower  |
| 6. | <b>Finance and personnel</b> - strategic and operational financial management, insurance, risk management and policy led budgeting. Financial regulations, audit, legal services, constitutional services; Mayor's office. Human resources and organisational development (including Member development) and equality and diversity.  | Councillor Towe    |
| 7. | <b>Leisure and culture</b> - parks, leisure and culture services including the New Art Gallery, libraries, adult learning, sports, museums and twinning.  | Councillor Sanders |
| 8. | <b>Regeneration</b> - economic development, urban regeneration company (URC), physical development, environmental regeneration, markets, property, New Deal for Communities (NDC), Black Country Consortium, West Midlands regeneration issues. Town and district centres. Planning policy and local development framework. Building Schools for the Future. Strategic housing role, housing partnerships, private sector housing, homelessness, and relationship with Walsall Housing Group (WHG). | Councillor Andrew  |

9. **Social care and health** - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership and the public health agenda, community meals and supporting people. Councillor McCracken
10. **Transport** – traffic and transportation, car parks, gateways and corridors, strategic transport and highways Councillor Ansell

31. **Appointment of independent members on Standards Committees**

The report was submitted:

Councillor Mrs. E.E. Pitt asked the Monitoring Officer for a definition of the term “independent member”. The Monitoring Officer replied that he would provide a full written answer to the question.

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

**Resolved**

That Mr. R. Meller and Mr. L. Bates be appointed as independent members to the Standards Committee for a period of 3 years until the end of the municipal year 2011/2012.

32. **Children and Young People’s Plan 2009-2012**

The report was submitted:

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

**Resolved**

That the Children and Young People’s plan 2009/10 to 2011/12 be approved.

33. **Walsall Partnership Constitution**

The report was submitted:

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

## **Resolved**

That the Council approve and adopt the Walsall Partnership Constitution and Accountable Body Agreement.

### **34. Anti-Social behaviour scrutiny review**

The report was submitted:

It was **moved** by Councillor Creaney, seconded by Councillor Robertson and:

## **Resolved**

That the Council welcomes and thanks the Anti-Social Behaviour Working Group and the Neighbourhood Scrutiny and Performance Panel for the work undertaken and requests the Cabinet to consider the findings contained in the report.

### **35. Changes in membership of Committees**

## **Resolved**

That the following changes in the membership for the municipal year 2009/10 be noted:

- (a) **Development Control Committee:** Conservative Group has appointed Councillor McCracken in place of Councillor Arif on the Committee for the remainder of the municipal year.
- (b) **Audit Committee:** Conservative Group has appointed Councillor Ault in place of Councillor Aftab on the Committee for the remainder of the municipal year.
- (c) **Health Scrutiny and Performance Panel:** Conservative Group has appointed Councillor Aftab in place of Councillor Martin on the Panel for the remainder of the municipal year.

### **36. Appointment to Fishley Charity**

## **Resolved**

That Councillor Martin be appointed a trustee of the Fishley Charity for a period of 5 years expiring on 6th July 2014.

### 37. Notice of motion – School uniforms

The report was submitted.

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

#### **Resolved**

This Council notes the new school admissions code that states with regard to school uniform and other related items that:

- Costs should be limited and uniforms available in high street shops and a range of retail outlets.
- No family should feel unable to apply for admissions on account of high costs of uniform, sports kit and any other specialist equipment.
- Schemes helping with costs should be widely publicised and administered discreetly.

This Council furthermore notes the Citizen Advice Bureau's campaign "Adding up" (a campaign on education costs) and its key objectives:

- to encourage schools to adopt the best practice initiatives on uniforms, specialist equipment and school trips as outlined in government guidance.
- to lobby local and central government for the widespread availability of school uniform grants so that financial assistance is made available and effectively promoted to those in need
- to press for the guidance and good practice that exists to be made enforceable through law and effectively regulated by the appropriate body.

In noting both the new school admissions code and the Citizen's Advice Bureau's "Adding Up" campaign, this Council pledges to:

- (a) Request all Walsall schools to consider adopting the best practice initiatives on uniforms, specialist equipment and school trips as outlined in government guidance.
- (b) Request central government to make provision for the widespread availability of school uniform grants, together with the full funding for such, so that financial assistance is effectively promoted and made available to those in need.
- (c) Call on the Government to ensure that the guidance and good practice that exists be made enforceable by law and effectively regulated by the appropriate body.

### 38. Notice of motion – Rail network

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

(1) The Council welcomes the findings of the Association of Train Operating Companies' (ATOC) report "Connecting Communities: Expanding Access to the Rail Network" which appraised 70 English communities of over 15,000 population who are unconnected by rail and identified nine areas ripe for reconnection – two of which were Aldridge, and Pelsall, Brownhills.

(2) The Council notes:

- (a) that the Benefit Cost Ratio (BCR) score for these two rail restorations exceeds The Department for Transport (DfT) pass mark for new schemes;
- (b) that ATOC's analysis indicates a strong positive business case for each scheme;
- (c) that the focus of the ATOC report is on "opportunities to connect communities which could be delivered relatively quickly", and assumes a decision to proceed by 2014.

(3) The Council confirms its unequivocal commitment to the earliest possible development and implementation of these two schemes, and its wish to work with the necessary urgency to achieve this end with all parties, in particular ATOC, Centro, interested local authorities and the DfT. It accordingly instructs that:

- (a) a positive response be made to ATOC by the 31st July consultation deadline in the first instance; and
- (b) expresses its commitment to work thereafter with ATOC and all interested parties on developing these two schemes to the point of decision at the earliest possible date..

Councillor I. Shires requested that the following be inserted as paragraph (3)(c) as an alteration to the motion in accordance with Council procedure rule 15.7(b):

"an extra criteria should be added in developing the business case to recognise ongoing regeneration projects and that in considering other potential link lines – Stourbridge-Walsall connecting Worcester-Birmingham Snow Hill to Stetchford-Bescot-Wolverhampton, recognising the need for stations at:

- (1) Willenhall to serve Willenhall Regeneration Area
- (2) James Bridge to serve the Darlaston Strategic Development Area."

Councillor Cassidy as the seconder of the motion agreed to the additional paragraph.

**Amendment** moved by Councillor Longhi and duly seconded:

That the motion be amended by the addition of the following paragraph:

- (4) That all the above be subject to:
  - (a) consultation with local people that may be affected by the developments;
  - (b) agreement on a plan to remedy any loss of amenity and/or blight;
  - (c) said schemes' business case are proven and their benefit cost ratios remain positive; and
  - (d) alignment with regional transport strategies.

On being out to the vote the amendment was declared carried.

The substantive motion was put to the vote and declared carried and it was:

**Resolved**

(1) The Council welcomes the findings of the Association of Train Operating Companies' (ATOC) report "Connecting Communities: Expanding Access to the Rail Network" which appraised 70 English communities of over 15,000 population who are unconnected by rail and identified nine areas ripe for reconnection - two of which were Aldridge, and Pelsall, Brownhills.

(2) The Council notes:

- (a) that the Benefit Cost Ratio (BCR) score for these two rail restorations exceeds The Department for Transport (DfT) pass mark for new schemes;
- (b) that ATOC's analysis indicates a strong positive business case for each scheme;
- (c) that the focus of the ATOC report is on "opportunities to connect communities which could be delivered relatively quickly", and assumes a decision to proceed by 2014.

(3) The Council confirms its unequivocal commitment to the earliest possible development and implementation of these two schemes, and its wish to work with the necessary urgency to achieve this end with all parties, in particular ATOC, Centro, interested local authorities and the DfT. It accordingly instructs that:

- (a) a positive response be made to ATOC by the 31st July consultation deadline in the first instance;
- (b) expresses its commitment to work thereafter with ATOC and all interested parties on developing these two schemes to the point of decision at the earliest possible date;
- (c) an extra criteria should be added in developing the business case to recognise ongoing regeneration projects and that in considering other potential link lines – Stourbridge-Walsall connecting Worcester-Birmingham Snow Hill to Stetchford-Bescot-Wolverhampton, recognising the need for stations at:
  - (1) Willenhall to serve Willenhall Regeneration Area
  - (2) James Bridge to serve the Darlaston Strategic Development Area.

(4) That all the above be subject to:

- (a) consultation with local people that may be affected by the developments;
- (b) agreement on a plan to remedy any loss of amenity and/or blight;
- (c) said schemes' business case are proven and their benefit cost ratios remain positive; and
- (d) alignment with regional transport strategies.

The meeting terminated at 8.00 p.m.