



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 11th January 2010 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  
“ L.A. Beeley  
“ M.A. Bird  
“ C. Bott  
“ P. Bott  
“ R. Carpenter  
“ B. Cassidy  
“ K. Chambers  
“ J. R. Cook  
“ 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  
“ 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  
“ K. Phillips  
“ D.J. 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  
“ R.A. Walker  
“ G. Wilkes  
“ V.G. Woodruff  
“ M. Yasin  
“ P.A. Young  
“ Zahid Ali

62. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Barton, E.E. Pitt and Underhill.

63. **Minutes**

**Resolved**

That the minutes of the meeting held on 9th November, 2009, copies having been sent to each member of the Council, be approved as a correct record and signed.

64. **Declarations of interest**

There were no declarations of interest.

65. **Mayor's announcements - New Year Honours**

The Mayor, on behalf of the Council, congratulated the following persons who had received honours in the New Year list 2010:

- Patricia Davies M.B.E. – for voluntary service to young people
- Maureen Woodcock M.B.E. – for services to health care
- Pauline Pilkington M.B.E. – for services to local government

66. **Petition**

Councillor Sanders submitted a petition with regard support for a medical centre on Park Hall.

67. **Questions by members of the Council**

(1) **Green Rivers Community Association**

Councillor Phillips asked the following question of Councillor Bird:

“What has been the cost (including legal costs) to this Council as the accountable body, and what has been the loss to the wider community in terms of public, regeneration and lottery funds (including the Green Rivers Community Association), so far in the ongoing disputes over the various developments on the Abbott Street land?”

Councillor Bird replied that the Cabinet reached a decision in September 2009 not to proceed with the Green Rivers Project on the basis of having to identify a further £943,580 of its own resources to match fund the project, and not being satisfied that the project had a sustainable business plan- placing the Council at risk from grant clawback of £1.287 million if the project failed in future years.

He said that the abortive cost of not proceeding with the project was £141,680. These costs were associated with the project's development and included professional fees paid to the design team to prepare the scheme to tender stage and a payment of initial legal fees procured in an attempt to satisfactorily resolve the land arrangements. The costs were necessary to fulfil the conditions of the myplace grant and to try and secure further external match funding (which was unsuccessful on the basis of the determined unviable business case).

The Council had secured the funding from the MyPlace programme of £1,287,183 towards the project: Green Rivers Community Association had secured the following funding towards the project:

Sport England	£120,000
Community Sustainable Energy Programme (CSEP)	£30,000
Low Carbon Building Programme (LCBP)	£32,393

The total funding secured was £1,469,576 (of the required £2.853 million project costs). The above abortive costs relate specifically to the Green Rivers Community Centre project incurred up until September 2009.

Councillor Bird said that the costs entailed to undertake the legal proceedings relate to the Abbotts Street development and the Tenants at Will negotiations. These costs to date total £5,636 and it was estimated that to proceed with these legal proceedings could cost up to £40,000 in total. Original funding ie WHG, New Horizons and the Council were of the same view regarding the viability and sustainability of the original project, but nevertheless all partners remained committed to identifying a viable project.

Councillor Phillips asked the following supplementary question:

“What is now planned for youth provision in my area especially on Lower Farm and what is now the future for the Pleck Boxing club once again being promised and losing another new home?”

Councillor Bird replied that the Council was still committed to finding premises for Pleck Boxing Club. Two sites had been looked at, but they needed money spending on them. With regard to youth provision in the Little Bloxwich area, he said that the Council was still hoping to negotiate with Green Rivers Community Association, although it would be difficult to continue to provide a replacement facility on the site and was subject to a business plan being produced by the Community Association.

(2) **Outsourcing legal work**

Councillor Young asked the following question of Councillor Towe:

“What has been the cost of outsourcing legal work to external solicitors in the last 12 months split into costs relating to planning, employment and other issues?”

Councillor Towe replied that the Council retained external legal firms on a variety of matters. They were engaged when either there was a lack of capacity in the internal team or where it would not be cost efficient to retain that level of specialism on infrequently occurring issues.

The firms were retained by the Council’s legal services or by client departments directly who were then billed direct. In addition to the costs for those firms retained by legal services we have attempted to establish the spend incurred directly by service areas, but not all areas were able to provide the information requested and the cost not always coded to legal expenses in their budgets by the service areas.

A search against the more commonly used firms resulted in there being no spend on planning, £302,170 being spent on employment and £245,678 on other issues.

(3) **Supporting people grant**

Councillor Sarohi asked the following question of Councillor McCracken:

“I am sure you appreciate the welcome money allocated to this borough by our Labour Government of £7 million in the form of the Supporting People Grant. How much of this grant was initially mis-allocated by Walsall Council this last year, to which organisations and programmes - and what programmes were therefore subsequently cancelled as a result of these errors ?”

Councillor McCracken replied that these programmes were funded generally on a one year basis, time limited and were not normally extended, but the calculation was that there was a certain amount of money available, and it was unlikely that was not the case.

Twelve bids were approved with a total expenditure that would have been £541,481. On 10 June 2009, the Supporting People Programme Team was advised of a mistake in the calculation of the budgets and she was immediately called to a meeting to discuss this. She said that if the 12 programmes had been continued with there would have been a significant overspend in the social care budget.

The Supporting People Programme Team then contacted the twelve providers to find out whether any financial commitment had already been made. Only four of those had made a financial commitment, eight had not.

Those providers who said “no” were advised of the mistake in the calculation of the budgets and also advised that no commitment to new contracts could be given.

A letter was sent by the accountable officer on 18 June 2009 apologising for the inconvenience this error had caused and reaffirming the continued commitment of the partnership to delivering services to vulnerable people.

Councillor McCracken said that where the provider had made financial commitments and commenced work, the contract was honoured and these services would remain in place until the 12 month period of the contract was complete. The total cost of these four services was £183,846 and these costs had since been incorporated into the overall £7 million programme. The funding would not be renewed when the 12 months was up.

**(4) Looked after children**

As Councillor Barton was not in attendance at the meeting the question lapsed.

**(5) Potholes and other highway defects**

Councillor Creaney asked the following question of Councillor Ansell:

“How many complaints and what costs paid out and how many claims are pending, as a result of liability to damage both to people and vehicles from potholes and other highway defects both on pavements and roads over the borough in the last 12 months and can this be split into wards?”

Councillor Ansell confirmed that between December 2008 and December 2009 the Council received 366 claims relating to highway defects due to potholes, raised kerbs, bollards, damaged guardrails and footways. Of these the Council had assessed and settled 123 claims to the value of £18,309. Over the last 10 years the Council had paid out on average £400,000 per year in settlement of claims.

He said that claims above £5,000 and all personal injury claims were referred to the Council's Insurers where an assessment was made of the potential value of a claim should the Council be found liable and therefore had to pay compensation. The Council had an excess for each claim to the value of £100,000.

The Council received approximately 300 claims per year related to highways matters and on average 55% of these were successfully repudiated. This was largely due to the Council having a robust highways inspection regime. This had on 16 occasions over recent years enabled the Council successfully to defend claims against it which had gone to Court, saving the authority a potential £380,000 in claim payments and costs. Members would be pleased to note that the number of claims the Council received per kilometre of highway and the cost of these, was significantly lower than the average for metropolitan Councils.

Councillor Ansell said that data on insurance claims was not routinely broken down into wards, but the approximate percentage of defects in each ward was as follows:

Ward	%	Ward	%
Aldridge Central & South	7	Palfrey	2
Aldridge North & Walsall Wood	1	Pelsall	1
Bentley & Darlaston North	14	Pheasey Park Farm	24
Birchills Leamore	2	Pleck	4
Blakenall	3	Rushall Shelfield	1
Bloxwich East	2	Short Heath	2
Bloxwich West	2	St. Matthews	14
Brownhills	1	Streetly	4
Darlaston South	2	Willenhall North	2
Paddock	4	Willenhall South	8

## 68 **Mayoralty 2010/2011**

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

That Councillor A.G. Clarke be nominated as Mayor and Councillor G. Perry be nominated as Deputy Mayor of the Walsall Metropolitan Borough Council for the municipal year 2010/2011.

**Amendment** moved by Councillor Smith:

That the Council reverts to the policy adopted before 1981 that the longest serving member of the Council be nominated as Mayor irrespective of political affiliation.

The amendment was not seconded.

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

## **Resolved**

That Councillor A.G. Clarke be nominated as Mayor and Councillor G. Perry be nominated as Deputy Mayor of the Walsall Metropolitan Borough Council for the municipal year 2010/2011.

### **69 Freedom of the Borough**

It was **moved** by Councillor Bird, seconded by Councillor Oliver and

## **Resolved**

That, in principle, and subject to further detailed consideration of the matter, the honour of Freedom of the Borough be conferred on Councillor S.W. Madeley and Mr. C.R. Beilby on a date to be determined.

### **70. Recommendations of Cabinet**

#### **(1) Black Country Core Strategy**

The report to Cabinet on 18th November 2009 was submitted.

## **Resolved**

That the Black Country Joint Core Strategy be approved and submitted to the Secretary of State.

#### **(2) Agreed Syllabus for Religious Education**

The report to Cabinet on 16th December 2009 was submitted.

## **Resolved**

That the Agreed Syllabus for Religious Education be approved for implementation in Walsall from 1 September 2010.

#### **(3) Housing Renewal Assistance Policy**

The report to Cabinet on 16th December 2009 was submitted.

## **Resolved**

That the Housing Renewal Assistance Policy 2009-2011 as contained in Appendix A of this report, be approved and published with the commencement dates as listed in the policy document.

(4) **Public Rights of Way Gating Orders policy**

The report to Cabinet on 16th December 2009 was submitted.

**Resolved**

That the Public Rights of Way Gating Order Policy be approved.

71. **Recommendation of Community Services Scrutiny and Performance Panel**

**Resolved**

That Councillor E.F. Hughes be appointed a non voting co-opted member on the Crime and Disorder Panel for the remainder of the municipal year.

72. **Local Admission Forum**

A report was submitted.

**Resolved**

(1) That the following be appointed as members of the Walsall Admission Forum for a four year term of office (subject to their continuing eligibility) from 1 February 2010:

- Colin Hopkins (the Church of England),
- Kate Edwards (the Catholic Church),
- Samantha Fallon (parent, secondary sector),
- John Murray (voluntary aided schools, primary sector).

(2) That a further report be received following receipt of further nominations.

73. **Appointment on Walsall Community Transport**

The following nominations were made:

Councillors Martin and Wilkes

Following the nominations being put to the vote it was:

**Resolved**

That Councillor Martin be appointed to the Board of Trustees of Walsall Community Transport for the remainder of the current municipal year in place of Councillor Towe.

74. **Notice of motion – Walsall Domestic Violence Forum**

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

This Council recognises:

- The enormously valuable work done in the Borough since 1992 by the Walsall Domestic Violence Forum (WDVF) working with those caught up in violence between partners or within families with 4826 people accessing this service in the last 12 months.
- Recognises that over 10,000 volunteer hours were contributed to this service during 2007/8 year.
- Acknowledges the considerable contribution made by WDVF to this Council by assisting us to exceed our stretch targets. An example is highlighted in the Crisis Intervention Service where repeat incidents in this year were reduced by an additional 12%.

Council expresses concern that the Forum has been subject to a £77k funding cut this year and has been notified of even greater cuts next year. Council resolves to work closely with the WDVF to enable full restoration of that funding and an expansion of this vital service in Walsall.

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

**For the motion -  
22 members**

Cllr: Oliver  
I. Shires  
Anson  
C. Bott  
P. Bott  
Cassidy  
Chambers  
Cook  
Coughlan  
Creaney  
P. Hughes  
Khan  
Madeley  
Nazir  
Phillips  
Robertson  
Sarohi  
D.A. Shires  
Smith  
Wilkes  
Woodruff  
Young

**Against the motion -  
34 members**

Cllr: Bird  
Aftab  
Ahmed  
Andrew  
Ansell  
Arif  
Ault  
Beeley  
Carpenter  
Clarke  
Douglas-Maul  
Flower  
Griffiths  
Harris  
Harrison  
E. Hughes  
Longhi  
Martin  
McCracken  
Munir  
O'Hare  
Paul

Perry  
D.J. Pitt  
M.G. Pitt  
Rochelle  
Sanders  
Sears  
Towe  
Turner  
Tweddle  
Walker  
Yasin  
Zahid

75. **Notice of motion- Government grant allocation**

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

This Council condemns the Labour Government's policy of "floor damping" when allocating the formula grant which has seen this Council's grant funding slashed by the following amounts:

2008/9	£7.30 million
2009/10	£6.13 million
2010/11	£5.03 million

This equates reduction in grant to a total of £18.46 million over the three year period.

This Council calls upon this Government, and any incoming Government, to review this policy with a view to abolishing this unfair tax on the citizens of Walsall at the earliest possible date.

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

That the following be added to the motion:

In so doing, this Council notes that this situation reflects an historical imbalance which has transcended Thatcherism, Majorism and Blairism, and further that - even with "floor damping" – the Conservative-led Councils of Surrey and Wandsworth alone have benefited to the amount of £265 million over the same period.

This Council further notes those costs which have been incurred by Walsall Council over recent years in terms of pay-outs to former employees, repayments to the European Union, the overspend on our new ring road, liabilities arising from our street lighting contract – which alone total well over £18.5 million with the consequent impact on our levels of Council Tax.

On being put to the vote the amendment was declared lost - 17 members voting in favour and more against.

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

**Resolved**

This Council condemns the Labour Government's policy of "floor damping" when allocating the formula grant which has seen this Council's grant funding slashed by the following amounts:

2008/9	£7.30 million
2009/10	£6.13 million
2010/11	£5.03 million

This equates reduction in grant to a total of £18.46 million over the three year period.

This Council calls upon this Government, and any incoming Government, to review this policy with a view to abolishing this unfair tax on the citizens of Walsall at the earliest possible date.

The meeting terminated at 7.55 p.m.