



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Thursday 23rd February 2012 at 6.00 p.m.** at the Council House.

## Present

### Councillor G. Perry (Mayor) in the Chair

#### Councillor G.E. Wilkes (Deputy Mayor)

“ A.J.A. Andrew  
“ R.E. Andrew  
“ T.G. Ansell  
“ D.A. Anson  
“ M. Arif  
“ I. Azam  
“ D.J. Barker  
“ O.D. Bennett  
“ M.A. Bird  
“ P. Bott  
“ R. Burley  
“ R. Carpenter  
“ 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

#### Councillor K. Hussain

“ G. Illmann-Walker  
“ D. James  
“ L.D. Jeavons  
“ T.J. Jukes  
“ M. Longhi  
“ S.W. Madeley  
“ Ms. R.A. Martin  
“ Mrs. B.V. McCracken  
“ M. Munir  
“ J. Murray  
“ M. Nazir  
“ T.S. Oliver  
“ A.J. Paul  
“ K. Phillips  
“ L.J. Rattigan  
“ I.C. Robertson  
“ J. Rochelle  
“ H.S. Sarohi  
“ K. Sears  
“ Mrs. D.A. Shires  
“ I. Shires  
“ R.M. Thomas  
“ C.D.D. Towe  
“ F.J. Westley  
“ V.G. Woodruff  
“ A. Young  
“ Zahid Ali

93. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Fletcher-Hall, Russell and Turner.

94. **Minutes**

**Resolved**

That the minutes of the meeting held on 9th January 2012 copies having been sent to each member of the Council, be approved as a correct record and signed.

95. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Oliver	Employee, Palfrey Community Association
Councillor S. Coughlan	WATMOS Community Homes
Councillor Ditta	Palfrey Community Association

96. **Petitions**

The following petitions were submitted:

- (1) Councillor S. Fitzpatrick – Parking issues in Lancaster Place, Bloxwich.
- (2) Councillor A. Andrew – Support High Court action against Waverley Avenue phone mast.

97. **Recommendations of Cabinet**

(1) **Corporate Budget Plan and Treasury Management and Investment Strategy 2012/13**

The report to Cabinet was submitted.

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

(i) **Revenue**

- (a) That 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 as set out in Annex 4, be approved.
- (b) That the final net levies below for outside bodies be noted.

<b>DRAFT LEVY</b>	<b>AMOUNT (£)</b>
West Midlands Passenger Transport Authority	<b>14,271,461</b>
Environment agency	<b>80,532</b>

- (c) That approval be given to an opening working balance for 2012/13 set at a prudent level in line with the council's medium term financial strategy.
- (d) That the following statutory determinations be noted and approved (references are to the Local Government Finance Act, 1992, as amended by the Localism Act 2011):
- I. **£661,820,063** 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. **£552,574,459** being the aggregate income which the council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
  - III. **£109,245,604** being the amount, by which the aggregate at (d) (I) above exceeds the aggregate at (d) (II), calculated by the council in accordance with Section 31A(4) of the Act, as its council tax requirement for the year.
  - IV. **£1,384.64** being the amount at (d) (III) above, divided by the council tax base of **78,898.20**, 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 (d) (IV) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Finance Act 1992, is applicable to dwellings listed in valuation band D, calculated by the council in accordance with Section 30 and 36 of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£923.09	£1,076.94	£1,230.79	£1,384.64
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,692.34	£2,000.04	£2,307.73	£2,769.28

- (e) That the final precepts from the Fire & Civil Defence Authority and the Police Authority, 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 be noted

<b>PRECEPTING AUTHORITY</b>	<b>VALUATION BANDS</b>			
<b>Police</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£66.30	£77.35	£88.40	£99.45
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£121.54	£143.64	£165.74	£198.89
<b>Fire &amp; Civil Defence</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	£31.89	£37.20	£42.52	£47.83
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£58.46	£69.09	£79.72	£95.66

- (f) That having calculated the aggregate in each case of the amounts at (d) (V) and (e) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2012/13 for each of the categories of dwellings shown below. This represents no change in council tax levels approved in 2011/12.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
£1,021.28	£1,191.49	£1,361.71	£1,531.92
<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£1,872.34	£2,212.77	£2,553.19	£3,063.83

- (g) 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.
- (h) 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.
- (i) That the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes be approved.

(ii) **Capital**

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

<b>DRAFT CAPITAL PROGRAMME 2012/13</b>	
<b>MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
<b>Prior Year Approvals</b>	
Council wide IT planned rolling replacement and upgrade	929,175
Headstone safety in Cemeteries	80,000
Shop maintenance	120,000
Aids and adaptations	1,500,000
General reactive / planned property maintenance	450,000
Demolition of redundant buildings to save on rates	200,000
Fire risk assessment	200,000
ICT support to Smarter Workplaces programme	400,000
Supporting independent living – transformation of Social Care	236,200
Preventative adaptations – transformation of Social Care	1,000,000
Hatherton multi storey car park – safeguarding income	200,000
Health through warmth and related Retro-fit schemes	1,000,000
Highways maintenance	1,200,000
Greenspace improvement plan	150,000
Refurbishment of Leckie building in Walsall Arboretum	10,000
Capital insurance reserves – Risk management	100,000
Capital insurance reserves – Uninsured property damage	200,000
Capital insurance reserves – Asbestos removal	155,000
Capital insurance reserves – Control of legionella	275,000
Capital insurance reserves – Statutory testing of buildings	300,000
Capital insurance reserves – Lighting invest to save	250,000
<b>New Bids</b>	
Refurbishment of Stroud Avenue Family Centre (net of expected capital receipt from sale of Dale Street)	525,000
Children's Services - IT investment in mobile working	79,000
Regenerating Walsall	380,000
Improving the customer experience on visit to Council House	330,000
Enabling works to office development (Gigaport)	650,000
New Bentley Community facility (funded from capital receipts of associated sites)	0
Restoration and renovation of Broadway West Playing Fields	410,000
Retained housing land	100,000
ICT – replace essential Wide Area Networks	92,400
ICT – network internet and external security essential upgrade	33,000
ICT – upgrade or new mapping software package	29,700
<b>Total</b>	<b>11,584,475</b>

<b>NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM GRANT 2012/13</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
Basic need	2,097,621

Devolved formula capital	684,079
Capital maintenance	3,530,556
Academies	8,120,156
Walsall arboretum restoration programme	2,215,911
Walsall arboretum restoration programme – illuminated park	100,000
Willenhall townscape heritage initiative - HLF	350,000
Willenhall townscape heritage initiative - VIEW	175,000
Disabled facilities grant	1,215,000
Black country property investment programme	2,250,000
Innovative alternative to residential care and service redesign	749,829
Local transport plan	2,000,000
Red routes	3,000,000
<b>Total</b>	<b>26,488,152</b>

<b>LEASING PROGRAMME 2012/13</b>	
<b>PORTFOLIO</b>	<b>TOTAL BUDGET £</b>
Environment portfolio	4,441,250
<b>Total</b>	<b>4,441,250</b>

(iii) **Treasury Management**

- (a) That the 2012/13 treasury management and investment strategy document set out in Section 2, and the adoption of the prudential indicators set out in Annex 7 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 Oliver and seconded by Councillor S. Coughlan:

In receiving these budget proposals it is noted that the Conservative and Liberal Democrat coalition government has imposed on Walsall Council budget cuts in excess of 30% of our revenue budget over a three year period (to a cumulative total of over £84 million to date and rising, a figure which would be in excess of £100 million if the current floor damping formula had not been applied). We believe that these budget cuts go too far and too fast, and furthermore to be disproportionate to local government as a whole and to our borough in particular.

This Council instructs that the following policy priorities and principles should underpin the implementation of budget decisions:

- To protect the needs of the most vulnerable client or communities
- To protect services within the most disadvantaged neighbourhoods.

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 -  
26 members**

Cllr: Oliver  
Anson  
P. Bott  
Burley  
Cassidy  
Chambers  
D. Coughlan  
S. Coughlan  
Creaney  
Ditta  
J. Fitzpatrick  
S. Fitzpatrick  
Hussain  
Illmann-Walker  
James  
Jeavons  
Jukes  
Madeley  
Nazir  
Phillips  
Robertson  
Sarohi  
Thomas  
Westley  
Wilkes  
Young

**Against the amendment -  
31 members**

Cllr: Bird  
I. Shires  
A. Andrew  
R. Andrew  
Ansell  
Arif  
Azam  
Barker  
Bennett  
Carpenter  
Clarke  
Cook  
Douglas-Maul  
Flower  
Harris  
Harrison  
E. Hughes  
Longhi  
Martin  
McCracken  
Munir  
Murray  
Paul  
Perry  
Rattigan  
Rochelle  
Sears  
D.A. Shires  
Towe  
Woodruff  
Zahid

With regard to the provision of a free community alarm service to all residents over 80 years of age resident in the Borough and to investigate the possible extension of this service to other vulnerable adults, the following **amendment** was moved by Councillor S. Coughlan and duly seconded:

That the statutory determinations for both gross expenditure and gross income be increased by £811,860 to cover the cost of this in 2012/13.

(The total cost of the amendment to be funded from general reserves in 2012/13. Ongoing funding to be determined and identified as part of the 2013/14 exercise.)

The Chief Executive informed the Council that the Chief Finance Officer was content that all the amendments were within financial limits.

At the 7.05 p.m. the meeting adjourned for 30 minutes.

The meeting reconvened at 7.35 p.m.

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

**Amendment** moved by Councillor I. Shires and seconded by Councillor D. Shires:

That the statutory determinations for both gross expenditure and gross income be increased by £721,829 in 2012/13, resulting in an unchanged Council tax requirement and Band D Council tax.

(This will require release of £721,829 from general reserves to fund the one-off cost of investments as follows:

- £250,000 to provide additional support to carers (Welfare Rights visiting service and careers direct payments)
- £190,905 of pump priming investment with potential to attract match funding from partner agencies (youth ASB intervention model, youth activity programme and Myplace youth enterprise)
- £280,924 to extend the pilot in the Benefits service to support tenants following changes in housing benefit regulations and to process the significant increase in discretionary housing payment applications.)

On being put to the vote the amendment was declared carried – 31 members voting in favour.

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

### **Resolved**

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

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



**For the motion -  
31 members**

Cllr: Bird  
I. Shires  
A. Andrew  
R. Andrew  
Ansell  
Arif  
Azam  
Barker  
Bennett  
Carpenter  
Clarke  
Cook  
Douglas-Maul  
Flower  
Harris  
Harrison  
E. Hughes  
Longhi  
Martin  
McCracken  
Munir  
Murray  
Paul  
Perry  
Rattigan  
Rochelle  
Sears  
D.A. Shires  
Towe  
Woodruff  
Zahid

**Neutral –  
26 members**

Cllr: Oliver  
Anson  
Bott  
Burley  
Cassidy  
Chambers  
D. Coughlan  
S. Coughlan  
Creaney  
Ditta  
J. Fitzpatrick  
S. Fitzpatrick  
Hussain  
Illmann-Walker  
James  
Jeavons  
Jukes  
Madeley  
Nazir  
Phillips  
Robertson  
Sarohi  
Thomas  
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and it was:

**Resolved**

**(i) Revenue**

- (a) That 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 as set out in Annex 4, be approved.
- (b) That the final net levies below for outside bodies be noted.

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V Valuation bands

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- (e) That the final precepts from the Fire & Civil Defence Authority and the Police Authority, 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 be noted

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- (f) That having calculated the aggregate in each case of the amounts at (d) (V) and (e) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts of council tax for 2012/13 for each of the categories of dwellings shown below. This represents no change in council tax levels approved in 2011/12.

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- (g) 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.
- (h) 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.
- (i) That the budget plan, including the opening cash limits, savings and investment proposals set out in the annexes be approved.

(ii) **Capital**

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

<b>DRAFT CAPITAL PROGRAMME 2012/13</b>	
<b>MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
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ICT – network internet and external security essential upgrade	33,000
ICT – upgrade or new mapping software package	29,700
<b>Total</b>	<b>11,584,475</b>

<b>NON-MAINSTREAM CAPITAL PROGRAMME – SCHEMES FUNDED FROM GRANT 2012/13</b>	
<b>NON MAINSTREAM SCHEMES</b>	<b>ESTIMATED VALUE £</b>
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Devolved formula capital	684,079
Capital maintenance	3,530,556
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Walsall arboretum restoration programme	2,215,911
Walsall arboretum restoration programme – illuminated park	100,000
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Willenhall townscape heritage initiative - VIEW	175,000
Disabled facilities grant	1,215,000
Black country property investment programme	2,250,000
Innovative alternative to residential care and service redesign	749,829
Local transport plan	2,000,000
Red routes	3,000,000
<b>Total</b>	<b>26,488,152</b>

<b>LEASING PROGRAMME 2012/13</b>	
<b>PORTFOLIO</b>	<b>TOTAL BUDGET £</b>
Environment portfolio	4,441,250
<b>Total</b>	<b>4,441,250</b>

(iii) **Treasury Management**

- (a) That the 2012/13 treasury management and investment strategy document set out in Section 2, and the adoption of the prudential indicators set out in Annex 7 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) **Group funding to prevent homelessness**

The report to Cabinet was submitted.

It was **moved** by Councillor A. Andrew, duly seconded and:

**Resolved**

That approval be given for Walsall Council to be Accountable Body for the West Midlands and Warwickshire grouping.

98. **Recommendation of Audit Committee**

**Regulation of Investigatory Powers Act (RIPA) Policy and Procedures 2012**

A report was submitted.

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

**Resolved**

- (1) That the Corporate Policy and Procedures on the Regulation of Investigatory Powers Act (RIPA) 2000, attached as Appendix 1, be approved;
- (2) That the Executive Director – Neighbourhood Services be granted delegated authority to make minor amendments to the RIPA Policy and Procedures, as required, in consultation with the Head of Legal and Democratic Services.

99. **Recommendation of Appointments Board**

**Grading appeals**

A report was submitted.

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

**Resolved**

That the delegations and remit of Employment Appeals Committees A and B be amended by deleting reference to “grading appeals.”

100. **Scrap metal working group**

The report of the Environment Scrutiny and Performance Panel was submitted.

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

**Resolved**

- (1) That the report and recommendations of the Scrap Metal Working Group be noted
- (2) That the report be submitted to the next meeting of Cabinet for consideration.

101. **Walsall Housing Group – board composition and membership**

Following discussion the item was withdrawn for further clarification.

102. **WATMOS Community Homes – proposed changes to rules**

A report was submitted.

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

**Resolved**

That the request of WATMOS Community Homes to amend the current objects and powers as set out in the Appendix to this report, be approved.

**103. Portfolio holder briefing**

Councillor R. Andrew, portfolio holder for Children's services gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Andrew. With regard to looked after children and child poverty rates, Councillor Andrew said that she would provide relevant information to all members of the Council.

**104. Membership of Committees**

**Resolved**

That the following changes in membership of Committees for the remainder of the current municipal year in place of the late Councillor Barton be noted:

- Licensing and Safety Committee – Councillor Hussain
- Children and Young People Scrutiny and Performance Panel – Councillor Jukes.

**105. Appointment to Black Country Cluster Board (NHS)**

**Resolved**

That Councillor Longhi be appointed to serve on the Black Country Cluster Board (NHS).

**106. Notice of motion – Derelict buildings**

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

This Council instructs appropriate officers to prepare a report detailing options to enable a more effective and pro-active approach to combat the blight caused in all areas of the Borough by derelict buildings, and in particular vacant public houses (pubs).

Furthermore, to investigate when planning permission is granted at these sites, as to whether conditions could be added to ensure that the area must be cleared, maintained and not left to become unsightly.

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

## **Resolved**

This Council instructs appropriate officers to prepare a report detailing options to enable a more effective and pro-active approach to combat the blight caused in all areas of the Borough by derelict buildings, and in particular vacant public houses (pubs).

Furthermore, to investigate when planning permission is granted at these sites, as to whether conditions could be added to ensure that the area must be cleared, maintained and not left to become unsightly.

The meeting terminated at 9.40 p.m.

Mayor:

Date: