



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 24th September 2012 at 6.00 p.m.** at the Council House.

Present

Councillor D.A. Anson (Mayor) in the Chair

Councillor M. Nazir (Deputy Mayor)

“ A.J.A. Andrew
“ R.E. Andrew
“ T.G. Ansell
“ 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
“ M. Longhi
“ Ms. 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
“ P.E. Smith
“ R.M. Thomas
“ C.D.D. Towe
“ A. Underhill
“ D.J. Turner
“ S. Wade
“ F.J. Westley
“ V. Whyte
“ R.V. Worrall
“ A. Young
“ Zahid Ali

38. **Apology**

An apology for non-attendance was submitted on behalf of Councillor Woodruff.

39. **Minutes**

Resolved

That the minutes of the meetings held on 25th June and 9th July 2012 copies having been sent to each member of the Council, be approved as correct records and signed.

40. **Declarations of interest**

There were no declarations of interest.

41. **Mayor's announcements**

(1) **Death of Mrs. M. Moorman**

The Mayor referred to the recent death of Mrs. Margaret Moorman, Mayoress in 1993/94. The Mayor and Councillor Bird paid tribute to Mrs. Moorman, following which it was **moved**, duly seconded and:

Resolved

This Council expresses its regret at the death of Mrs. M. Moorman, Mayoress of Walsall Metropolitan Borough Council in 1993/94 and places on record their appreciation of her services to the town and extends its condolences to her family at this sad time.

Members and officers stood in silence as a mark of respect.

(2) **Ellie Simmonds**

The Mayor referred to Ellie Simmonds great success at the Paralympics and on behalf of the Council congratulated her on her achievements.

42. **Petitions**

The following petitions were submitted:

- (1) Councillor Harris - Re-instatement of Bus No. 33 Arriva to Walsall from Anchor Bridge, Brownhills along Lindon Road to Robson Close, then onto Clayhanger Lane
- (2) Councillor Russell - Lime Street/Selbourne Street alleyway safety measures

43. **Petition re: Maintenance of graves of Walsall Muslim Organisation**

The Mayor informed the Council that the Walsall Muslim Organisation had withdrawn their petition.

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

(1) **Ofsted inspection of children's services**

Councillor Hughes asked the following question of Councillor R. Andrew:

“Following the report of the outcome of the Ofsted inspection for Children's services, I would like to ask the portfolio holder, Councillor Rachel Andrew, what actions have been taken to address the issues raised in that report?”

Councillor R. Andrew replied that Ofsted had concluded that the actions of the Council might leave some children at risk of harm because the process was not robust. Immediate steps had been taken to improve the areas of concern identified in the Ofsted report, which included initial focus on the following key issues:

- Improvement in decision making and management oversight at the point of contact with children's social care (Initial Response Service). Looking at decisions around access, whether they were right and the necessary judgements to risk assess access were taken.
- Action to improve and monitor the involvement of police officers and all other relevant professionals in strategy discussions and meetings and securing appropriate police involvement in Section 47 investigations.
- Started monitoring arrangements to ensure that assessments were of a satisfactory quality before being signed off by managers. A new format and training had been put in place to ensure that child protection plans were focused on risk and identified clearly what needed to change, and how the change would be supported.
- Arrangements to ensure that core groups meet regularly and children were visited with a frequency linked to the level of their need.

- Arrangements to add capacity through additional support and experienced practitioners into the domestic abuse referral team (DART) to ensure it was appropriately staffed and resourced and to provide a consistent and good quality response to assessing the risk to children of domestic abuse.
- A comprehensive case file audit by a highly reputable independent agency to audit a number of priority cases to identify necessary actions, gaps and risks to enable the service to move forward.

She said that an Improvement Board had been established, which would be independently chaired. The first meeting was on 17 September. An experienced independent chair had been appointed and the Department for Education would be represented on the Board. The Board would monitor and direct the Improvement Plan and hold partners to account for impact and outcomes, this would include representatives from the Labour party and all other agencies involved in safeguarding in Walsall.

Councillor Andrew continued that changes had taken place in leadership with the appointment of an Interim Director of Children's Services, Rose Collinson and a recruitment process for an assistant director for children's social care. The member appointment panel would have met on 17 September and hopefully an appointment made at Assistant Director level. Work on the draft action plan had been undertaken and the Improvement Notice would take the service forward. The key messages included that we do the work required, that it was done right every time and that change was embedded to make children's services as effective as it needed to be.

Councillor Hughes asked the following supplementary question:

“How many members of the Council had received corporate parenting training?”

Councillor Andrew replied that less than a third of members had undergone corporate parenting training and this would be a key action.

(2) **Ofsted report “Inspection of safeguarding and looked after children’s services”**

Councillor Smith asked the following question of Councillor Cassidy:

“Following the recent damning OFSTED Report “Inspection of safeguarding and looked after children’s services” can you, in your capacity as Chair of the Children and Young People Scrutiny and Performance Panel, give me, this Council and the public any evidence, other than minuted evidence that it was resolved in all cases that the Reports be noted, which demonstrates that your Panel has asked searching questions and /or conducted demonstrable robust scrutiny when considering Reports such as; "Safeguarding Services" on 19th July 2011, the Report on New Operating Model for Children’s Services on 20th

September 2011, the Review of Safeguarding Services for disabled children Report on 8th March 2012 or any other Report that has come before your Panel in the last 12 months, covering subjects and areas that have subsequently been reported on in the above-mentioned OFSTED Inspection?”

Councillor Cassidy thanked Councillor Smith for the question, a good serious question that merited a good serious response. Although it was interestingly worded in that it only sought to query what had happened in relation to scrutiny of children’s services in the last 12 months.

It was also important to make the point that Councillor Smith knew all too well that minuted evidence was rarely if ever a verbatim account of what was said at meetings. Knowing this she failed to see how she was expected to produce evidence that members asked searching and pertinent questions of officers during Children and Young People scrutiny meetings. She said if Councillor Smith had attended a meeting he would have been impressed with the tenacity with which members set about their task.

Councillor Cassidy stated in relation to the safeguarding services report on 19th July, the information was presented in a “scorecard” format to the panel. This gave members an overview of how social work teams were performing in terms of seeing children who were known to be at risk of harm within the accepted timescales, how many cases were unallocated to social workers, the number of cases allocated to social workers and how much supervision social workers were receiving, recognised as one of the cornerstones of good practice. She recollected that members questioned the relevance of producing information in this way as it was too general in its manner and used jargon too frequently. There was also a discussion around why supervision levels were inadequate within some teams. The officer acknowledged the panel’s concerns regarding the scorecard format and assured members information would not be received in this way in future. A lengthy discussion also took place regarding the lack of a stable workforce within specialist services as the Council was still too reliant at that point upon agency staff which meant that in some areas management supervision was low. The Council will recall the notice of motion which the labour group presented over 18 months ago which called for an overhaul of Walsall’s recruitment and retention policy to attempt to rectify this problem.

The purpose of the report was to present quantitative performance data, something which was wholly unrelated to the way in which Ofsted inspectors were guided by their framework to carry out inspections.

The new operating model report dated 20th September related solely to service delivery. She said that Councillor Hughes chaired that particular panel and that it sparked a great deal of enthusiastic and searching discussion from amongst members as it so clearly indicated a positive move across the borough in terms of engaging with children and families in a new way. Ofsted acknowledged in their report that this is a positive move but was still at an early stage of development and she knew that members recognised that too at that point.

Councillor Cassidy said the focus of the report into safeguarding children with disabilities was on legislation, the process of allocation of short breaks, future plans and client consultation. It should be noted that members had concerns regarding funding and the fact that an outside body (SERCO) was providing services so specifically set up a target group which allowed them to spend time with the parents of disabled children discussing the difficulties they faced. Members also undertook visits to the borough's children's homes which catered for disabled children so that first hand scrutiny in relation to the quality of services on offer could take place.

Following the period of information gathering the panel highlighted the need for appropriate consultation with parents and children. The importance of this was clearly echoed and reaffirmed within Ofsted's report.

Furthermore Scrutiny received a report in July this year relating to the findings of the peer review which took place in March 2012 none of which were negative and none of which concurred with the findings of the Ofsted review.

Finally, she directed Councillor Smith, the Council and the people of this borough to point 57 of the Ofsted report:

“Elected members appropriately champion the needs of children and young people and are responsive to their needs such as responding promptly to secure resources and rebuild a special school for children with complex needs. However, as a result of not being provided with accurate qualitative information they have not been able to fully hold officers to account for poor service provision. Young people, such as those who have been involved with the youth offending team, regularly attend scrutiny panels and share their experiences. Members have acted responsively to the needs of disabled children as, after visiting a special school, they closed the poor quality building and promptly had a new school rebuilt.”

Councillor Smith asked the following supplementary question:

“Do you think in future that scrutiny panel minutes should contain more detail in order that, when looking back, it could be evidenced that robust questions were put to scrutiny panels?”

Councillor Cassidy confirmed that this issue had been raised with the Chief Executive and Constitutional Services.

(3) **Highways maintenance programme**

Councillor Oliver asked the following question of Councillor Ansell:

“Could the portfolio holder for transport please confirm the criteria used in determining the priority order for the re-surfacing of roads/highways maintenance programme across the borough?”

Councillor Ansell advised that the Council prepared and approved a three year highways maintenance programme in accordance with the approved and published Council's Highways Maintenance Strategy 2012/15. This is now on the website.

For all classes of road, the priority had been established from annual surveys carried out across the West Midlands using the technical and economic data provided by the Council's pavement management system. This is supplemented with information gathered from service and safety inspections, complaints records, members' enquiries, public enquiries, and public liability claims. Inspections were carried out which then determined the type and extent of work required and the appropriate time scale.

Works were programmed based on this information at this early stage, but it was only an indicative programme. Works were subject to many factors and we had to remain flexible in order to respond to issues such as how quickly the condition of the road was deteriorating, the importance of the road in the overall hierarchy, the impact on the road network, utility works due to take place, environmental considerations, school holidays and availability of specialist contractors. All of these could have an impact on the actual timing of the works.

Councillor Oliver asked the following supplementary question:

The proposals drawn up by the Liberal Democrat/Conservatives which would be included in the 2012/13 band at the end of the year, was this a political deal or alternatively would these roads have been in the programme regardless of any potential deal, could these call into question the claims made in the leaflet?

Councillor Ansell said that Wood Lane and Lichfield Road were in the programme, but it made sense to bring these forward while we were doing Pooles Lane as these three were all connected and it was the most efficient and cost effective in terms of traffic management and contractor costs and minimised the impact on the public due to disruption.

(4) Benefits call centre

Councillor D. Coughlan asked the following question of Councillor Towe:

"As previously stated by this Council local jobs for local people are a priority. So can the portfolio holder confirm if our Benefits Call Centre is based in Walsall and if it is staffed by local people please?"

Councillor Towe replied that the Council had operated a housing benefits call centre since February 2010 which was based in Coventry. This call centre was operated by Capita on behalf of the Council.

He said he was passionate about the Council spending public money in Walsall wherever possible and in supporting local jobs, at the Council and through other employers.

As part of the “Help me with my money, my home, my job” working smarter review, a review of the current arrangements was well underway. He expected the findings to be reported to him shortly, which would tell how well the current arrangements were meeting the needs of Walsall residents and businesses.

The original reasons for outsourcing the call centre were the volume of work outstanding, difficulties with recruiting appropriately experienced staff and an increased demand for benefits arising from the economic downturn.

Councillor Towe reported on the current position and said that the current contract ended in December 2012. The whole of the telephony process was being reviewed using the Vanguard systems thinking approach. He said that the Council would be in a position to draw conclusions from this review before the current contract ended and would then be in a position to decide on future service delivery, based on a thorough understanding of the needs of Walsall residents and businesses.

Councillor D. Coughlan asked the following supplementary question:

“What did calls to the call centre cost?”

Councillor Towe said that this was a concern and would look into this.

(5) **Bin collection service**

Councillor Smith asked the following question of Councillor Ansell:

“As the budget process gathers speed towards the date (21st February 2013) when the Council is expected to set a budget for 2013 to 2014, can the Portfolio Holder for Transport and Environment give me, this Council and the public, an assurance now that the weekly bin service (grey bin) and the fortnightly bin service for the recyclable waste (green bin) as well as the fortnightly bin service for garden waste (brown bin) are safe and will continue for the next financial year and beyond?”

Councillor Ansell replied that the Council was about to embark on a three month budget exercise which would involve the Cabinet reviewing how money was spent and examining a wide range of options in an effort to ensure what the Council did to continue to be effective and efficient.

In the current economic climate it was essential that the Council carefully examined and questioned every item of expenditure in order to make the necessary savings over the coming years and it was therefore essential that the Council thoroughly reviewed what it did to ensure the best possible value for money for Council tax payers.

He said that once the options had been considered wide consultation would take place with residents, local business and the Council’s Scrutiny and Performance Panels before the Council set the budget in February.

Councillor Smith asked the following supplementary question:

“Will Councillor Ansell use his influence in his portfolio to ensure that there will be no action to re-introduce a two-weekly refuse collection or to reduce the teams of workers?”

Councillor Ansell stated that the budget process was ongoing and all areas would be included.

45. **Recommendation of Cabinet – Fair society, healthy lives: Applying the findings of the Marmot review**

The report to Cabinet was submitted.

It was **moved** by Councillor Bird, seconded by Councillor I. Shires and:

Resolved

That a set of core priority objectives be included within the Corporate Plan for 2011-12 to 2014-15 that reflect the key objectives of the Marmot Review in addressing deprivation and health inequalities within the borough. These are as follows:

- Give every child the best start in life
- Enable all children, young people and adults to maximise their capabilities and have control over their lives
- Create fair employment and good work for all
- Ensure a healthy standard of living for all
- Create and develop healthy and sustainable communities
- Strengthen the role and impact of ill-health prevention

This is consistent with the learning from Working Smarter Reviews to date. Going forward, Working Smarter Reviews will help to ensure that the Marmot Principles are at the heart of the Council’s work.

46. **Recommendation of Audit Committee – Independent members**

The report to Audit Committee was submitted.

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

Resolved

That the number of independent members (non-voting) on the Audit Committee be increased, up to a maximum of three, and that the Constitution be amended accordingly.

47. **Recommendation of Community Services and Environment Scrutiny and Performance Panel – Co-opted member**

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

Resolved

That Mr. Philip Holmes JP be appointed a non-voting co-opted member on the Community Services and Environment Scrutiny and Performance Panel until the 22nd November 2012.

48. **Derelict buildings**

The report was submitted.

It was **moved** by Councillor A. Andrew, seconded by Councillor I. Shires and

Resolved

- (1) That Council notes the range of powers and tools available to the Council to address derelict properties in the Borough.
- (2) That Council notes the pro-active steps that are now being taken through positive action to reduce the number of derelict properties in the Borough and that increased emphasis be put on undertaking further positive action, co-ordinated through the Borough's void property group.
- (3) That Council notes that current Government guidance advises that attaching planning conditions to new planning permissions to deal with the consequences of future poor maintenance of properties is not the most effective approach and that other legislation is more effective and appropriate in dealing with this issue.
- (4) That representation be made in conjunction with the Local Government Association to the Department for Communities and Local Government to review the effectiveness of existing powers with respect to dealing with derelict buildings and to consider any other ways to assist and financially support Local Authorities to positively address the blight of privately owned derelict buildings.

49. **Portfolio holder briefings**

(a) **Business support**

Councillor Arif, portfolio holder for Business support gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Arif.

(b) **Finance and personnel**

Councillor Towe, portfolio holder for Finance and personnel gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Towe.

50. **Appointments on outside bodies and charities**

(a) **Walsall Wood Allotment Charity**

Resolved

That Councillor Bird be appointed a trustee of Walsall Wood Allotment Charity for a period of 4 years expiring on 21 September 2016.

(b) **Black Country Partnership NHS Foundation Trust**

Resolved

That Councillor Ditta be appointed to serve on the Black Country NHS Partnership NHS Foundation Trust in place of Councillor Nazir.

51. **Notice of motion – Mercian Regiment**

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

That this Council, after hearing the announcement made by the Defence Secretary in July that the Government's plans to create a smaller more flexible and agile Army would result in 3 Mercian (Staffords) Battalion being withdrawn as part of the reorganisation of the Army, requests the Defence Secretary to ensure that the Ministry of Defence will keep the name and identity of the Staffords with a serving regular battalion of the Mercian Regiment when the reorganisation becomes effective.

Amendment moved by Councillor Westley and duly seconded:

That this Council, after hearing the announcement made by the Defence Secretary in July that the Government's plans to create a smaller more flexible and agile Army would result in 3 Mercian (Staffords) Battalion being withdrawn as part of the reorganisation of the Army, requests the

Defence Secretary to ensure that the Ministry of Defence will keep the name and identity of the Staffords, including the Staffordshire Knot as part of the badge, with a serving regular battalion of the Mercian Regiment when the reorganisation becomes effective.

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

Resolved (unanimous)

That this Council, after hearing the announcement made by the Defence Secretary in July that the Government's plans to create a smaller more flexible and agile Army would result in 3 Mercian (Staffords) Battalion being withdrawn as part of the reorganisation of the Army, requests the Defence Secretary to ensure that the Ministry of Defence will keep the name and identity of the Staffords, including the Staffordshire Knot as part of the badge, with a serving regular battalion of the Mercian Regiment when the reorganisation becomes effective.

52. **Notice of motion – Ofsted inspection of Safeguarding children service**

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

This Council notes that the recent Ofsted inspection of Walsall Council's Safeguarding Children Service has given both the service and its prospects for improvement the lowest rating of "inadequate".

This Council therefore resolves:

- To call upon the political leadership and the portfolio holder for Children's Services to apologise to vulnerable young people and their families and to the wider community in our borough for presiding over this unacceptable state of affairs.
- To fully support the work of the new Children's Improvement Board, to find out why the service has failed so badly and to initiate the necessary improvements, and to directly intervene and affect change in all areas including funding, staff recruitment, retention and training and partnership working with other agencies.
- To build partnerships with other local authorities where child care is rated excellent or good – such as Liverpool, Oldham and Newcastle-on-Tyne which face similar economic and social problems as our borough."

Amendment moved by Councillor Smith and seconded by Councillor P. Bott:

This Council notes that the recent Ofsted inspection of Walsall Council's Safeguarding Children Service has given both this service and its prospects for improvement the lowest rating of "inadequate".

This Council therefore resolves:

- To welcome the collective apology to the vulnerable young people, their families and the wider community made on behalf of the Council by its Leader, Councillor Bird on the BBC Midlands Today news on Tuesday, 31 July, 2012; and Councillor Rachel Andrew on Radio WM on July 31 on the Breakfast Show and later in the press.
- To fully support the work of the new Children's Improvement Board, to find out why the service has failed so badly and to initiate the necessary improvements, and to directly intervene and affect change in all areas including funding, staff recruitment, retention and training and partnership working with other agencies.
- To liaise with other authorities that have similar socio-economic profiles to Walsall, on areas of "good practice" where safeguarding services for children and young people are rated as excellent or good.

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

Resolved

This Council notes that the recent Ofsted inspection of Walsall Council's Safeguarding Children Service has given both this service and its prospects for improvement the lowest rating of "inadequate".

This Council therefore resolves:

- To welcome the collective apology to the vulnerable young people, their families and the wider community made on behalf of the Council by its Leader, Councillor Bird on the BBC Midlands Today news on Tuesday, 31 July, 2012; and Councillor Rachel Andrew on Radio WM on July 31 on the Breakfast Show and later in the press.

- To fully support the work of the new Children’s Improvement Board, to find out why the service has failed so badly and to initiate the necessary improvements, and to directly intervene and affect change in all areas including funding, staff recruitment, retention and training and partnership working with other agencies.
- To liaise with other authorities that have similar socio-economic profiles to Walsall, on areas of “good practice” where safeguarding services for children and young people are rated as excellent or good.

53. **Notice of motion – Police services**

It was **moved** by Councillor Nazir and seconded by Councillor S. Coughlan:

This Council notes:

- Recent proposals considered by the West Midlands Police Authority for a multi-million pound contract to outsource a wide range of Police services.
- The voting record of the then representative from Walsall Council to support these moves.
- The major concerns raised by staff and public as to the impact of these proposals on frontline policing.
- The failure of G4S to provide adequate and agreed security arrangements as contracted for the London Olympics, necessitating emergency arrangements to be put in place at short notice through our public services.
- The decision of the Police Authority to postpone any decision on this matter until after the election of a new Police and Crime Commissioner on 15 November 2012.

This Council therefore calls on all candidates for the post of Police and Crime Commissioner to make clear their opposition to the wholesale transfer of a wide range of Police services to the private sector.

Councillor Phillips moved that the vote be put.

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

Resolved

This Council notes:

- Recent proposals considered by the West Midlands Police Authority for a multi-million pound contract to outsource a wide range of Police services.
- The voting record of the then representative from Walsall Council to support these moves.

- The major concerns raised by staff and public as to the impact of these proposals on frontline policing.
- The failure of G4S to provide adequate and agreed security arrangements as contracted for the London Olympics, necessitating emergency arrangements to be put in place at short notice through our public services.
- The decision of the Police Authority to postpone any decision on this matter until after the election of a new Police and Crime Commissioner on 15 November 2012.

This Council therefore calls on all candidates for the post of Police and Crime Commissioner to make clear their opposition to the wholesale transfer of a wide range of Police services to the private sector.

The meeting terminated at 9.10 p.m.

Mayor:

Date: