



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 6th November, 2006, at 6.00 p.m.** at the Council House.

Present

Councillor Mrs. B.V. McCracken (Mayor) in the Chair

Councillor M.G. Pitt (Deputy Mayor)

“ A.J.A. Andrew
“ T.G. Ansell
“ D.A. Anson
“ M. Arif
“ A. Aslam
“ C.M. Ault
“ J.M. Barton
“ A.G. Bentley
“ Mrs. J. Beilby
“ M.A. Bird
“ P. Bott
“ M.R. Burley
“ B. Cassidy
“ K. Chambers
“ A.G. Clarke
“ J. R. Cook
“ S.P. Coughlan
“ C.U. Creaney
“ B.A. Douglas-Maul
“ A.E. Griffiths
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ A.D. Johnson

Councillor M. Longhi

“ S.W. Madeley
“ Ms. R.A. Martin
“ Mrs. C. Micklewright
“ J.G. O'Hare
“ T.S. Oliver
“ A.J. Paul
“ G. Perry
“ J.D. Phillips
“ D.J. Pitt
“ I.C. Robertson
“ R.S. Robinson
“ J. Rochelle
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ C.D.D. Towe
“ D.J. Turner
“ W.T. Twedde
“ A. Underhill
“ R.A. Walker
“ G. Wilkes
“ M. Yasin
“ Zahid Ali

52. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Woodruff, E.E. Pitt, Young, K. Phillips, Khan, Nazir and Beeley.

53. **Minutes**

Resolved

That the minutes of the meeting held on 11th September 2006 copies having been sent to each member of the Council be approved as a correct record and signed.

54. **Declarations of interest**

The following members declared an interest in the items indicated:-

Councillor Andrew	Notice of motion – Neighbourhood Warden Service (personal)
Councillor Sears	Acorn Home Care (personal)
Councillor Arif	Notice of motion – Neighbourhood Warden Service (personal)

55. **Mayor's announcements**

(1) **Mr. John Cufley**

The Mayor referred to the recent death of Mr. J. Cufley, a long serving officer of the Council who was Chief Recreation and Amenities Officer from 1976 until his retirement in 1988.

It was **moved** by the Mayor, duly seconded and:

Resolved

That this Council have heard with regret of the death of Mr. J. Cufley, Chief Recreation and Amenities Officer to Walsall Council from 1976 to 1988 and place on record their appreciation of his services to the town over a period of many years and extend to his family their sincere sympathy in their bereavement.

(2) **Councillor Madeley**

The Mayor congratulated Councillor Madeley on his recently awarded MBE. The Mayor went on to say that this was a fitting award which recognised the years of long service to the Council given by Councillor Madeley.

(3) **Constitution**

The Mayor informed the members that copies of the new Constitution were available for them to collect at the end of the meeting from the foyer of the Council Chamber.

(4) **Drinks – Mayor’s Parlour**

The Mayor invited members to join her for a drink in the Mayor’s Parlour at the conclusion of the meeting as this was the last meeting to be held in this year.

56. **Petitions**

The following petitions were submitted:

- (1) Councillor M. Pitt – traffic calming in Noose Lane, Willenhall
- (2) Councillor Clarke – traffic calming in Lowlands Avenue, Streetly.
- (3) Councillor Rochelle – residents of Birmingham Road, Aldridge – asking the Government to bring forward legislation to give stronger protection to gardens in planning law and allow Councillors to have greater discretion to protect local neighbourhoods.

57. **Questions by member of the public**

Funding of Day Care Services

Mr. P.E. Smith of 65 Harden Road, Leamore, asked the following question of Councillor Paul:

If, with regard to the future funding arrangements of Day Care Centres, the Social Care and Inclusion section of Walsall MBC is required to direct their resources to deliver to the most vulnerable and socially excluded members of our older population and therefore will not be in a position to provide support via funding, any services that fall outside of existing contractual arrangements from the new financial year, 1st April 2007, can you assure this Council and the people of the Borough of Walsall that this will not result in closures of any Day Care Centres and/or less elderly and disabled people attending Day Care Centres and /or increased charges (beyond inflation rate increases) for those who do attend Day Care Centres in the financial year 2007/8?

Councillor Paul said that day care services in Walsall were currently undergoing a process of development/modernisation as part of a larger service redesign programme for older people. Work therefore was continuing to improve development of day opportunities. The strategy also identified that the demand for day services was likely to increase significantly over the next 10 years and there was no intention at present to reduce the overall number of day opportunities. However, given the growing demand, if services are to be efficient and represent value for money, they must be targeted at those most in need. The strategy recommends the development of a pricing structure that was fair and equitable, but any issues as to charges would be dealt with in the budget setting process for 2007/8.

Councillor Paul said that it was intended to tender out day services in 2007/8. The Social Care and Inclusion Service were working with providers to ensure that they are in a position to tender, but cannot predict which ones will or will not be successful. It was therefore not possible at this time to anticipate whether there would be any closure or change of use in respect of existing provision. Should, however, existing services need to change, close or redevelop, a programme of work would be put in place to work closely with and support providers as part of the overall re-provision programme. However, there was no intention for closure or reduction of service of any day centres at present.

Mr. Smith asked the following supplementary question:

Could you re-assure us that you will not be responsible as portfolio holder for any tightening of the criteria to categorise people which would result in the provision of services to less users?

Councillor Paul replied that there would be no backdoor tactics of any kind.

58. Questions by members of the Council

(1) Employment Tribunals

Councillor Robertson asked the following question of Councillor Ansell:

What progress has happened into starting an in-depth investigation into the recent circumstances surrounding a number of Employment Tribunals, some following whistle blowing by past employees of this Council. We feel that this matter must be resolved as soon as possible to satisfy both members and the general public.

Councillor Ansell replied that at the Council meeting on 24 May of this year, I gave an assurance to the Council that a independent inquiry, in addition to one being conducted by the District Auditor, would be held. Further I stated that I would consult with the leaders of the opposition groups as to an appropriate person to conduct the inquiry.

Since then I have held a number of meetings with the group leaders and in the last few weeks we were able to reach an agreement on an appropriate person. I also discussed with them the terms of reference for the inquiry.

Mr. Bradbury had commenced work on the inquiry and had been at the Council's offices last week reviewing papers and interviewing witnesses. It was hoped that he would be able to complete the inquiry with due diligence and report to the Council.

Both this and the District Auditor's report were expected to be finalised and issued shortly. I acknowledge that there was interest in the reports and also the matters that lead to the commissioning of the report in the first place. Those matters continue to be the subject of requests for information by members and are diverting limited officer resources from their ongoing responsibilities. I would ask that if members have queries or wish to have access to further information that they wait until these reports are produced and see if the matters they wish to enquire about are dealt with in the reports.

Councillor Robertson asked the following supplementary question:

Thanks for your response and I would ask you if the inquiry will be extensive enough including what will be your answer in explaining how under your Conservative leadership, according to press reports, officers sat down trying to spend £800,000 in March 2004 of our public money designed to tackle inequalities in wards like mine in 14 days or lose it back to national government and to hide the process from the District Auditor.

Councillor Ansell said that he had no wish to speculate on newspaper reports and that when the inquiry was completed and reported upon, there would be an opportunity to ask questions at that time.

(2) **Access to housing at Castle Close, Brownhills**

Councillor Cassidy asked the following question of Councillor Walker:

Could the responsible Cabinet member please provide the Labour Group with an update on progress made to date regarding the provision of improved access to housing at Castle Close, Brownhills, with particular reference to the rights of disabled residents.

Given that this matter has been raised at the highest level some time ago and no response has been received to date, what confidence can the responsible member give us that the rights of disabled residents are being met in full as prescribed by The Disability Discrimination Act?

Councillor Walker said that this issue had arisen in relation to "retained housing land" which did not form part of the adopted highway, but did not transfer over to Walsall Housing Group when the housing transfer took place so remained the responsibility of this Council. It was unfortunate that this leaves residents in the position that only responsive maintenance (repairs following a complaint), takes place on these areas of land.

The position in relation to Castle Close is as follows: firstly the path in question was inspected immediately after the problem was reported, secondly the three areas were identified as in need of immediate action and were repaired in two weeks and thirdly the remainder of the path is considered to be in a reasonable position given its age and meets a minimum standard and is not considered to be in a dangerous state.

The rights of disabled residents as prescribed by the Disability Discrimination Act, means that the Council must not either fail to, or refuse to, provide a service that is offered to others. This is not the case here. There are many similar parcels across the borough in a similar state of repair accessed by a variety of residents. The Council has a duty to take account of a disabled persons disability when offering services, in this case I have arranged for regular inspections above and beyond those normally carried out at this location to take place at Castle Close in order to ensure that whilst we continue to work on the legal and maintenance issues that surround areas of maintained land, the pavement here is maintained to the minimum standard and does not degrade into a dangerous condition.

(3) **Friends of Parks**

Councillor Coughlan asked the following question of Councillor Harrison:

What role do you see for Friends of Parks under your portfolio?

Councillor Harrison said that the friends groups are a very important part of the provision of parks and green spaces in Walsall. They are also effectively the eyes and ears of the communities that use our parks and can keep parks managers aware of what is happening and where problems and issues exist. The friends groups are now working closely with the Council's own member parks champion to ensure that there is a closer link with the authority. The Council is most grateful for the practical work which is carried out by the "friends"

Councillor Coughlan asked the following supplementary question:

Why has the £40,000 which was allocated to the parks events team been withdrawn?

Councillor Harrison replied that she would contact Councillor Coughlan once she had the answer.

59. **Gambling Act 2005**

The report was submitted.

Resolved

- (1) That the draft Statement of Principles be adopted;
- (2) That the Licensing and Safety Committee be delegated to exercise the powers contained in the Gambling Act 2005.

60. **Changes in membership of Committees**

Resolved

That the following changes for the remainder of the municipal year be noted:

Development Control Committee

- Councillor Harris has replaced the late Councillor Collins
- Councillor Arif has replaced Councillor Khan
- Councillor Bird has been appointed Chairman

Neighbourhood Scrutiny and Performance Panel

- Councillor Griffiths has replaced Councillor Aslam.

61. **Birmingham International Airport Board**

Resolved

That it be noted that Councillor Ansell has replaced the late Councillor Collins as the Council's representative on the Airport Board for the remainder of the municipal year.

62. **Notice of motion – Neighbourhood policing**

The following motion, notice of which has been duly given was **moved** by Councillor Oliver. The meeting accepted that the notice had been slightly amended following legal advice:

We note the rise in anti-social behaviour across the borough, including Willenhall, Bloxwich, Beechdale, Brownhills, Darlaston and highlighted recently in Pelsall, where residents have had to introduce midnight patrols to help combat the massive rise. We therefore call on the Council to engage with its partners more proactively to support the Government's initiative of Neighbourhood Policing, which includes PCSOs, to seek that the Neighbourhood Warden Service is not only maintained at current levels, but returned to the levels of 2004/05 when the borough saw a massive reduction in anti social behaviour”

The motion was duly seconded.

Amendment moved by Councillor Perry and duly seconded:

We note the rise in anti-social behaviour across the borough, including Willenhall, Bloxwich, Beechdale, Brownhills, Darlaston and highlighted recently in Pelsall. We therefore support the Council's efforts to engage with its partners to support the Government's initiative of neighbourhood policing, providing it is properly resourced, and by encouraging the Safer Stronger Communities Partnership to continue the Neighbourhood Wardens Service for the next financial year. This will enable a full evaluation to be carried out of the added value of wardens, particularly bearing in mind the increased number of Police Community Support Officers. The Council urges the partnership to ensure, through its commissioning arrangements, that wardens are clearly focused on delivering LAA targets. This could include more responsibility for tackling environmental crime and issuing fixed penalty notices.

On being put to the vote the amendment was declared carried – 27 members voting in favour and less than 27 against.

The amendment was put as the substantive motion and declared carried – 28 members voting in favour and less against and it was:

Resolved

That we note the rise in anti-social behaviour across the borough, including Willenhall, Bloxwich, Beechdale, Brownhills, Darlaston and highlighted recently in Pelsall. We therefore support the Council's efforts to engage with its partners to support the Government's initiative of neighbourhood policing, providing it is properly resourced, and by encouraging the Safer Stronger Communities Partnership to continue the Neighbourhood Wardens Service for the next financial year. This will enable a full evaluation to be carried out of the added value of wardens, particularly bearing in mind the increased number of Police Community Support Officers. The Council urges the partnership to ensure, through its commissioning arrangements, that wardens are clearly focused on delivering LAA targets. This could include more responsibility for tackling environmental crime and issuing fixed penalty notices.

63. Notice of motion – Welfare Rights Service

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

This Council recognises the valuable work which has been carried out by our Welfare Rights Service, which has resulted in an additional £70 million being paid out to the people of Walsall over the past decade. We also recognise the important role of this work on the levels of Revenue Support Grant funding received from central government by Walsall Council, along with the potential impact on health (Primary Care Trust) and Police funding within the Borough.

This Council therefore supports the longstanding and widely accepted principle that our Welfare Rights Service would be best placed as an independent trust. This would enable the service to attract significant additional external funding and to increase the remit to work on a broader anti-poverty front. This model would be underpinned from the current Council budget and would bring a more pro-active approach to best utilise and add value to current resources.

This Council therefore tasks the scrutiny process to review options to enable this process to be in place by April 2007 and make recommendations in order to maximise the positive impacts for the citizens of Walsall.

Councillor Bird suggested to Councillor Oliver that his motion be slightly amended in order to make it clear that the scrutiny panel could make an independent assessment rather than being led.

Councillor Oliver accepted the amendments to his notice of motion to read as follows:

This Council recognises the valuable work which has been carried out by our Welfare Rights Service, which has resulted in an additional £70 million being paid out to the people of Walsall over the past decade. We also recognise the important role of this work on the levels of Revenue Support Grant funding received from central government by Walsall Council, along with the potential impact on health (Primary Care Trust) and Police funding within the Borough.

This Council therefore supports the longstanding and widely accepted principle that our Welfare Rights Service could be best placed as an independent trust. This would enable the service to attract significant additional external funding and to increase the remit to work on a broader anti-poverty front. This model should be underpinned from the current Council budget and could bring a more pro-active approach to best utilise and add value to current resources.

This Council therefore tasks the scrutiny process to review options to establish whether this would be beneficial to this Council and to the citizens of Walsall and if so that all endeavours are undertaken to effect this change of status to be in place by April 2007, and make recommendations in order to maximise the positive impacts for the citizens of Walsall.

On being put to the vote the motion was agreed unanimously and it was:

Resolved

This Council recognises the valuable work which has been carried out by our Welfare Rights Service, which has resulted in an additional £70 million being paid out to the people of Walsall over the past decade. We also recognise the important role of this work on the levels of Revenue Support Grant funding received from central government by Walsall Council, along with the potential impact on health (Primary Care Trust) and Police funding within the Borough.

This Council therefore supports the longstanding and widely accepted principle that our Welfare Rights Service could be best placed as an independent trust. This would enable the service to attract significant additional external funding and to increase the remit to work on a broader anti-poverty front. This model should be underpinned from the current Council budget and could bring a more proactive approach to best utilise and add value to current resources.

This Council therefore tasks the scrutiny process to review options to establish whether this would be beneficial to this Council and to the citizens of Walsall and if so that all endeavours are undertaken to effect this change of status to be in place by April 2007, and make recommendations in order to maximise the positive impacts for the citizens of Walsall.

The meeting terminated at 7.35 p.m.