



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 13th September 2010 at 6.00 p.m.** at the Council House.

Present

Councillor A.G. Clarke (Mayor) in the Chair

Councillor G. Perry (Deputy Mayor)

“ A.J.A. Andrew
“ R.E. Andrew
“ T.G. Ansell
“ D.A. Anson
“ M. Arif
“ I. Azam
“ J.M. Barton
“ L.A. Beeley
“ O.D. Bennett
“ M.A. Bird
“ C. Bott
“ P. Bott
“ R. Carpenter
“ B. Cassidy
“ K. Chambers
“ J. R. Cook
“ D. Coughlan
“ S.P. Coughlan
“ C.U. Creaney
“ M. D. Flower
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ P.F. Hughes
“ L.D. Jeavons

Councillor M. Longhi

“ S.W. Madeley
“ Ms. R.A. Martin
“ Mrs. B.V. McCracken
“ M. Munir
“ Mushtaq Ahmed
“ M. Nazir
“ T.S.Oliver
“ A.J. Paul
“ K. Phillips
“ I.C. Robertson
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ P.E. Smith
“ R.M. Thomas
“ C.D.D. Towe
“ D.J. Turner
“ W.T. Tweddle
“ F.J. Westley
“ G. Wilkes
“ V.G. Woodruff
“ M. Yasin

47. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Burley, E.E. Pitt, Rochelle, Zahid Ali and Douglas-Maul.

48. **Minutes**

Resolved

That the minutes of the meeting held on 19th July 2010, copies having been sent to each member of the Council, be approved as a correct record and signed, subject to an apology being recorded for Councillor Beeley.

49. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Oliver	NHS reorganisation - Non-Executive Director of NHS Walsall (personal and prejudicial)
Councillor Perry	Notice of motion – Health White Paper (personal and prejudicial)
Councillor Woodruff	Notice of motion – GP consortium (personal and prejudicial)
Councillor A. Andrew	Notice of motion – GP consortium (personal and prejudicial)
Councillor R. Andrew	Notice of motion – GP consortium (personal and prejudicial)

50. **Mayor's announcements**

(1) **Councillor Tweddle**

The Mayor on behalf of the Council extended a welcome to Councillor Tweddle following his surgery. Councillor Tweddle thanked everyone for their good wishes.

(2) **Death of Councillor A.E. Griffiths**

The Mayor referred to the recent death of Councillor A.E. Griffiths and paid tribute to his services to Walsall and the Council over a period of many years. Councillors Bird, R. Andrew, I. Shires and Madeley also paid tribute to Councillor Griffiths following which it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council expresses its regret at the death of Councillor A.E. Griffiths a member of this Council from May 2004 and places on record their appreciation of his services to the town and people throughout the Borough and extends its condolences to his family at this sad time.

(3) **Death of Professor Sam Ramiah**

The Mayor referred to the sudden death of Professor Sam Ramiah, Director of Public Health at NHS Walsall. Councillors Oliver, Bird, Robertson and I. Shires paid tribute to his service and commitment to the health service in Walsall over a number of years, following which it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council expresses its regret at the sudden death of Professor S. Ramiah, Director of Public Health at NHS Walsall and places on record their appreciation of service and commitment to the health service in Walsall and extends its condolences to his family at this sad time.

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

51. **Petitions**

The following petitions were submitted:

- (1) Councillor Sanders – proposed football pitches on cricket ground rear of The Crescent/Broadway North.
- (2) Councillor Yasin – refuse collections in Thelma Street.
- (3) Councillor Westley:
 - (a) Residents of Glastonbury Crescent calling on the Council to take action against football club to clear up site.
 - (b) Broad Lane and Kempthorne Gardens - resurfacing of footpaths.

52. Question by members

(1) Consultancy fees

Councillor Roberston asked the following question of Councillor Towe:

“What has been the cost of consultancy fees to this Council for the last financial year for each directorate with the reasons for resorting to use of consultants instead of in-house advice?”

Councillor Towe replied that the amounts paid by each directorate to external consultants for the year 2009/10 was as follows:

Social Care and Inclusion	£253,470
Children & Young People	£131,846
Neighbourhood Services	£374,544
Regeneration	£464,242
Resources	£196,213

The total amount across all directorates was £1,420,315.

He said that the most common reason for the use of consultants was to provide some specialist technical or other expertise that the Council did not retain in-house and it would not make sense for the Council to retain in-house because it did not have a permanent need for the expertise required.

Councillor Robertson asked the following supplementary question:

“Are consultancy fees published as items on the website?”

Councillor Towe said that he would expect that they would be published on the website.

(2) Butlers Passage

Councillor Anson asked the following question of Councillor Harris:

“When will Butlers Passage be cleaned up noting the current disgraceful appearance and what has been the total cost to Walsall Council tax payers of the attempted restoration to date?”

Councillor Harris replied that the Council carried out routine cleansing of the passage as part of the Gold Standard town centre cleansing. This entailed the passageway being cleaned and litter picked three times per day. It was scrubbed and washed each week and staff removed graffiti fortnightly, where necessary. The passageway had recently been inspected and small amounts of graffiti removed.

In relation to the overall costs of the scheme, Councillor Harris said that the restoration project was submitted for funding in 2003. The works included entrance features, paving to the passageway itself and the paving and decorative railings adjacent to the bus station. The overall cost was £525,366 of which Advantage West Midlands contributed £486,386, European Regional Development Fund £21,756 and CENTRO £17,224. There was no capital contribution from the Council.

Councillor Harris said that he had walked down Butlers Passage earlier, there was no litter but graffiti removal had done serious damage to the appearance of the passage as the quality of the removal was poor in the area heading to the bus station. Action would be taken as soon as possible to cost remedial works to improve the appearance of the passage.

Councillor Anson asked the following supplementary question:

“He noted the attempt to clear the graffiti – do you think we should look at improving the open work to make it more pristine going into the town? He also referred to the look of the arcade which was privately owned.

Councillor Harris agreed.

(3) Green Rivers Community Association

Councillor Phillips asked the following question of Councillor Bird:

“What has been the legal costs so far in attempting to resolve the dispute between this Council and Green Rivers and what arbitration measures can be put into place to resolve immediately this issue in the interests of the community, the Council and the public purse?”

Councillor Bird replied that the background to this matter was that the Council through its officers had been working with the Green Rivers Community Association (the GRCA) since 2007 with a view to providing a long term provision to improve the community facilities. Despite efforts by officers to develop a sustainable and viable project with the GRCA, it proved to be a challenge and actions to try and resolve this situation and attract match funding had proved fruitless. In September 2009, Cabinet resolved not to continue with the project funded by the myplace government funding.

Negotiations over the land upon which improved community facilities would be provided were making some progress but no agreement could be reached. The GRCA made claims over the land owned by the Council, some part of which was required for the Stan Ball development. The objections raised by the GRCA endangered the project. After detailed negotiations and the threat of legal proceedings for an injunction, the GRCA withdrew its objections in respect of the land required for the Stan Ball development so that the project was able to proceed; albeit after considerable unnecessary expense had been incurred.

He said that part of the myplace project agreement reached with the GRCA was that the Council would enter into negotiations with it for the grant of a long lease. One of the requirements was that the GRCA should provide a detailed business plan. While this plan was being prepared, the Council offered to enter into a short term agreement with the GRCA regarding their occupation of the land. It was unfortunate that no suitable business plan was shown to the Council and the GRCA had not agreed to any short term agreement. As such, no new lease could be granted and this led to the breaking off of negotiations with the GRCA .

Thereafter, the GRCA had objected to the Council's analysis of the legal basis upon which the GRCA occupied the land. Despite strenuous efforts to resolve matters by negotiation those negotiations failed. The Council holds the land on behalf of the inhabitants of the Borough and was under a duty to resolve the issues between it and the GRCA so that it can be known exactly on what basis the GRCA holds the land. The only method now open to the Council to move the matter forward and resolve the issue was by the bringing of legal proceedings. Notices were served on the GRCA in late September 2009. A resolution was reached in October 2009 in respect of the land now occupied by the Stan Ball Centre. Unfortunately, subsequent negotiations had failed.

Councillor Bird stated the current proceedings related to the remainder of the Council's land occupied by the GRCA. The legal proceedings were now under way. At the request of the Council, a provision requiring the parties to seek to resolve matters by mediation was put before the Court. That requirement to consider mediation was accepted by the GRCA and approved by the Court. It was thus open to the parties to seek to resolve the issues by mediation whilst the legal proceedings continued.

The costs incurred so far by the Council in engaging external services for the current proceedings to resolve the issues surrounding the remainder of the Council land were in the region of £5,100 (incl. VAT). If the Council was successful in its action, a request will be made to the court for these costs to be paid by the GRCA.

There was no avenue open to the parties requiring them to enter into binding arbitration to resolve the issues between them. It would seem that there are substantial legal issues which will need to be resolved. If that was the case then the obvious forum for deciding those issues was the County Court where the proceedings had been brought.

Councillor Bird said it was regrettable that proceedings had to be commenced. However, the Council had a duty to protect its land in the interest of the local community.

(4) Employee expenses

Councillor Robertson asked the following question of Councillor Towe:

“What has been the cost of expenses paid to employees over the last 12 months who claim accommodation and travel costs because they do not live near Walsall or are seconded to work for Walsall Council for example through Serco?”

Councillor Towe confirmed that payroll records had been checked and it was found that no such costs had been incurred under these circumstances by Walsall employees or secondments into the Council over the last 12 months. He asked that if Councillor Robertson had a more specific instance in mind, he would provide details and happily to look into it.

Councillor Robertson asked the following supplementary question:

“What period do you think is reasonable to accept a senior employee of the Council to move house after attaining the post so that they can attend meetings and engage with residents of the Borough?”

Councillor Towe replied that it was a personal matter, but there were no records of any payments to staff in the last 12 months. He asked Councillor Robertson to supply any instances so he could respond.

53. **Annual report of Audit Committee 2009/10**

The report was submitted.

Councillor Turner presented the annual report which summarised the Audit Committee’s activity for 2009/10.

Resolved

That the presentation and report be noted.

54. **Petitions Scheme**

The report was submitted.

Resolved

- (1) That the petition scheme as set out in the Appendix to this report be approved.
- (2) That the petition scheme be incorporated into the Council’s Constitution and that consequential amendments be made accordingly.

55. Amendments to Constitution – Compensation payments

The report was submitted.

Resolved

That the Constitution, Part 3.5 – Scheme of Delegation of functions to officers of non-executive functions (Chief Executive) be amended to read as follows:

- 12.5 To settle complaints prior to the involvement of the Local Government Ombudsman in accordance with the remedies guidance published by the Commission for Local Administration in England (LGO 307 (01/06).
- 12.6 To make compensatory payments up to a limit of £20,000 on an individual claim basis arising from reports/recommendations from the Ombudsman.

56. Portfolio holder briefings

(a) Councillor Arif, Business support

Councillor Arif circulated a copy of his briefing note and highlighted the main points contained therein.

Councillor Smith, Robertson and I. Shires made comments which were responded to by Councillor Arif.

(b) Councillor Towe, Finance and personnel

Councillor Towe gave a presentation of the overview of work being carried out within his portfolio. He highlighted the in year savings of £8 million that were approved in July and the changes that were necessary to bring procedures up to date and modernise systems. A programme of visits were being arranged to the highest performing best value authorities with a view to Walsall improving its position over the next four years.

Councillors Smith, Robertson, Oliver and Chambers made comments which were responded to by Councillor Towe.

57. Membership of Committees

(a) Employment Appeals Committee B

The Council noted that Councillor Paul had replaced the late Councillor Griffiths on the Committee for the remainder of the municipal year.

Resolved

That Councillor Paul be appointed Chairman of Employment Appeals B for the remainder of the municipal year.

(b) **Environment Scrutiny and Performance Panel**

The Council noted that Councillor Westley had replaced Councillor Chambers on the Panel for the remainder of the municipal year.

Resolved

That Councillor Westley be appointed Vice-Chairman of the Environment Scrutiny and Performance Panel for the remainder of the municipal year.

(c) **Health Scrutiny and Performance Panel**

The Council noted that Councillor Longhi had replaced Councillor Bennett on the Panel for the remainder of the municipal year

58. **Appointments to Charities**

(a) **Shelfield Playing Fields Charity**

Resolved

That Councillor Carpenter be appointed a trustee of the Shelfield Playing Fields Charity for the balance of the 4 year period expiring on 18th December 2012, in place of the late Councillor Griffiths.

(b) **Blanch Woollaston Charity**

Resolved

That Councillor Harrison be appointed a trustee of the Blanch Woollaston Charity for the balance of the 3 year period expiring on 13th September 2011, in place of ex-Councillor Aftab.

59. **Notice of motion – Replacement bin charges**

The report was submitted.

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

This Council requests the portfolio holder for Leisure, Culture and Environment, through discussions with one of its partners, namely WHG, to resolve the issue of responsibility in the situation where a new tenant/s moves into a WHG property only to discover that there is no grey, green or brown bin and where requests for such bins by the new tenant/s are met by WHG and Walsall Council both denying that they have any responsibility to provide bins under these circumstances.

On being put to the vote the motion was declared **lost** – 25 Members voting in favour and 27 against.

60. **Notice of motion – GP Consortia**

Councillors A. Andrew, R. Andrew, Oliver, Perry and Woodruff left the meeting during consideration of this item.

The report was submitted.

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

“This Council notes :

- the proposals by the Secretary of State for Health to create “shadow” GP consortia by April, 2011, with the intention to phase out current Primary Care Trusts.
- the major and unique public health and health inequality issues facing our Borough
- ongoing discussions amongst GP colleagues as to the best way forward

and therefore supports proposals to create a single GP consortium for our Borough.

We believe that this would give the best opportunity within the emerging policy framework to enable joined-up and consistent work between the local NHS, Walsall Council and other agencies, and thus the best chance for health outcomes for the people of the Borough of Walsall.”

Amendment moved by Councillor I. Shires and duly seconded:

This Council notes :

- the proposals by the Secretary of State for Health to create “shadow” GP consortia by April, 2011, with the intention to phase out current Primary Care Trusts by enhancing the role for elected local Councillors and local authorities as a more effective way to boost local democratic engagement,

- ongoing discussions amongst GP colleagues as to the best way forward and supports proposals to create a single GP consortium,
- the major and unique public health and health inequality issues facing our Borough and that proposals contained within the White Paper go far beyond that of the health agenda with implications for housing, planning, education, communities and the environment.

We believe that this would give the best opportunity within the emerging policy framework to enable joined-up and consistent work between the local NHS, Walsall Council and other agencies, and thus the best chance for health outcomes for the people of the Borough of Walsall and calls on this Council, as a matter of urgency, to convene a special Council “in Committee” meeting to allow the once in a lifetime opportunity to address those long standing public health and health inequality issues the widest possible debate.

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

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

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

Resolved

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

Councillor Nazir said that the Labour Group would accept the amendment moved by Councillor Shires as the original motion. The motion, as amended, was put to the vote and declared **lost** .

Amendment moved by Councillor McCracken and duly seconded:

This Council notes:

- The proposals by the Secretary of State for Health to create “shadow” GP consortia by April 2011 with the intention to phase out current Primary Care Trusts.
- Welcomes the opportunity of ongoing consultation amongst GP colleagues as to the best way forward.

Continue to work with the public, private and voluntary sector to deliver the best possible standards of care for the people of Walsall and that this matter be referred to the relevant Scrutiny Committee for consideration and response.

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

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

Resolved

This Council notes:

- The proposals by the Secretary of State for Health to create “shadow” GP consortia by April 2011 with the intention to phase out current Primary Care Trusts.
- Welcomes the opportunity of ongoing consultation amongst GP colleagues as to the best way forward.

Continue to work with the public, private and voluntary sector to deliver the best possible standards of care for the people of Walsall and that this matter be referred to the relevant Scrutiny Committee for consideration and response.

61. Notice of motion – Electoral Registration

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

This Council is committed to ensuring that all of our residents who are eligible to vote are registered to vote. The electoral register is the foundation stone of our democracy and we have a duty to ensure that it is both accurate and complete - helping to empower citizens and increase public engagement in the democratic process.

This Council believes that the council should take every effort to ensure that the 2010 electoral register in the Borough of Walsall is as complete and accurate as possible, so as to provide a proper basis for any revision to electoral boundaries. In addition this Council notes that the Electoral Commission currently believe that approx 3.5 million people are missing from the register in England and Wales alone and that this trend is especially stark amongst many specific social groups.

This Council therefore directs:

- (1) the Electoral Registration Officer and his/her staff to conduct door-to-door inquiries at all households where no-one responds to a letter requiring registration, with at least two personal calls on all non-responding households.
- (2) that an effective advertising campaign is launched now to encourage people to register, targeted at social groups among whom under-registration is known to be a problem and targeted at residents in those neighbourhoods where the electoral register is believed to have the lowest levels of completeness.

- (3) the Chief Executive to ensure a joined-up approach across all parts of the Council to encourage residents to register to vote;
- (4) the Electoral Registration Officer to ensure that in the absence of any evidence that a particular household is empty or that the electors have moved or died, that the names in all such non-responding households should be carried over.

On being put to the vote the motion was declared **lost** on the Mayor's casting vote – the voting at the request of several Members of the Council being recorded as follows:

**For the motion -
25 members**

Cllr: Oliver
I. Shires
Anson
Barton
C. Bott
P. Bott
Cassidy
Chambers
Cook
D. Coughlan
S. Coughlan
Creaney
P. Hughes
Jeavons
Madeley
Nazir
Phillips
Robertson
Sarohi
D.A. Shires
Smith
Thomas
Westley
Wilkes
Woodruff

**Against the motion -
25 members**

Cllr: Bird
Ahmed
A. Andrew
R. Andrew
Ansell
Arif
Azam
Beeley
Bennett
Carpenter
Clarke
Flower
Harris
E. Hughes
Martin
McCracken
Munir
Paul
Perry
Sanders
Sears
Towe
Turner
Tweddle
Yasin

The meeting terminated at 9.10 p.m.