



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 14 September, 2009, at 6.00 p.m.** at the Council House.

Present

Councillor J.G. O'Hare (Mayor) in the Chair

Councillor A.G. Clarke (Deputy Mayor)

" K. Aftab
" A.J.A. Andrew
" T.G. Ansell
" D.A. Anson
" C.M. Ault
" J.M. Barton
" M.A. Bird
" C. Bott
" P. Bott
" R. Carpenter
" K. Chambers
" S.P. Coughlan
" C.U. Creaney
" B.A. Douglas-Maul
" M. D. Flower
" A.E. Griffiths
" A.D. Harris
" L.A. Harrison
" E.F. Hughes
" P.F. Hughes
" A.D. Johnson
" M. Longhi
" S.W. Madeley
" Ms, R.A. Martin

Councillor Mrs. B.V. McCracken

" M. Munir
" Mushtaq Ahmed
" M. Nazir
" T.S.Oliver
" A.J. Paul
" G. Perry
" D.J. Pitt
" Mrs. E.E. Pitt
" M.G. Pitt
" I.C. Robertson
" J. Rochelle
" B. Sanders
" H.S. Sarohi
" K. Sears
" Mrs. D.A. Shires
" I. Shires
" P.E. Smith
" C.D.D. Towe
" D.J. Turner
" A. Underhill
" R.A. Walker
" G. Wilkes
" V.G. Woodruff
" M. Yasin
" Zahid Ali

39. **Apologies**

Apologies for non attendance were submitted on behalf of Councillors Arif, Beeley, Cassidy, Cook, Khan, Phillips, Tweddle and Young.

Meeting adjourned at 6.01 p.m.

During the adjournment the Assistant Director of Legal and Constitutional Services briefly outlined the operation of the new sound and vision system recently installed in the Council Chamber.

The meeting re-convened at 6.19 p.m.

40. **Minutes**

Resolved (Councillor Oliver voting against)

That the minutes of the meeting held on 6th July, 2009, copies having been sent to each member of the Council, be approved as a correct record and signed, subject to the number of parking tickets issued in the question relating to Civil parking enforcement being amended to read 7,756 and that the first line of paragraph 2 on page 7 be amended by deleting the words "Peter Francis" and inserting the words "the individual named to which Councillor Robertson referred".

41. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Oliver	(1) Employee of Palfrey Community Association (2) European Regional Development Fund
Councillor Robertson	European Regional Development Fund and European Social Fund – Director of Carpenters Shop (ERDF money); Director of new Deal for Communities and Director of "Highs 'n' Lows

42. Petitions

The following petitions were submitted:

- (1) Councillor Coughlan – The Manor Club – objection to licence application.
- (2) Councillor Sears – St. Marks Road and Adams Road, Brownhills – no waiting zone.
- (3) Councillor Wilkes – Cost Cutter store, Blockall Road, Darlaston – parking outside the store.
- (4) Councillor Yasin – Resiting of 401/404/405 bus stop in Walsall Town Centre from the Cenotaph to Bradford Street.

43. Questions from members of the Council

(1) Disabled Facilities Grant budget

Councillor Smith asked the following question of Councillor Andrew:

“With regard to Walsall Council’s Disabled Facilities Grant (DFG) budget for each of the financial years 2006/7, 2007/8, 2008/9 and 2009/10 would the appropriate portfolio holder give me, the Council and the public a breakdown of (a) the amount contributed by the government and (b) the amount of “top up” to the DFG budget by Walsall Council, for each of these years?”

Councillor Andrew replied that from 2006 to the current year the Council had spent £10,338,460 of its own budget on DFG and related aids and adaptations works supported by £2,650,000 of Government grants. During this time the Council had provided major adaptations to over 720 homes.

In last financial year alone 250 major adaptations were provided and a further 149 households were helped with minor adaptations, those costing less than £1,000.

He said that the spend in each year was as follows:

	Government Grant	Council capital
2006/07	£ 520,000	£5,108,389
2007/08	£ 915,000	£2,792,614
2008/09	£ 1,215,000	£2,437,457

and the expected spend in 2009/10 was:

Government Grant	Council capital
£ 1,215,000	£1,000,000

Councillor Andrew said that part way through the 2008/09 financial year the Government removed the requirement for Councils to provide the direct allocation and made it discretionary. Walsall Council had continued to fund DFG and related work as it recognised the high priority that these works were for the borough.

Councillor Smith asked the following supplementary question:

Does Councillor Andrew agree that in this latest financial year 2009/10 that the Government had increased its spending on DFG, the Council would need to reduce its share?

Councillor Andrew agreed and stated that in comparative years the Council had provided a lot more than the Government.

(2) Reorganisation of management structures

Councillor Robertson asked the following question of Councillor Towe:

"What has been the total cost during the last twelve months of the re-organisation of the management structures in this Council (this figure to include moving and refurnishing offices with associated costs), and what are the projected costs for the next twelve months?"

Councillor Towe said that the twelve months had seen financial uncertainty, with the resultant effect being felt in both the public and private sectors and Walsall Council was in no different position to others. He was sure that members would agree that controlling costs, whilst protecting frontline services was a priority and the senior management reorganisation was an intricate part of a process put in place to reduce the overall costs of running the authority.

The costs in the last year for this process were nil, as all costs were being absorbed in the year 2009/2010 which were included in the budget agreed by the Council on 23 February 2009, this amounted to £600,000.

Councillor Towe was pleased to advise the Council that the resultant savings over the next three years would total £2.5 million and an on-going saving of £1.2 million every year from 2011.

Councillor Robertson asked the following supplementary question:

"What will be the final cost of upgrading the Council Chamber to include on-going maintenance costs and how can you justify that level of expenditure at a time when budget restraints threaten services for residents?"

Councillor Towe said that this was a one-off capital cost and revenue costs were ongoing. Councillor Towe felt that the question was not relevant to the original question and response.

(3) Councillor Creaney – Upgrading of offices (Councillor Towe)

Councillor Creaney asked the following question of Councillor Towe:

“In light of reports that this Council must save money over the coming years, could you please tell me and this Council what has been the overall cost of upgrading the offices of the Deputy Leader of Walsall Council and other facilities such as the new Cabinet room?”

Councillor Towe informed Councillor Creaney that this was not an upgrade of the office for the Deputy Leader, as there had never been such an office, neither was it a new facility, such as a new Cabinet Room. The upgrading of offices 34, 43 and 44 was part of the process to make better use of the existing space and would be occupied by the Council administration, whichever party that might be.

As members would be aware, an on-going review had been taking place over the past 12 months within the Civic Centre and Tameway Tower and the move for the controlling group to take over Rooms 43 and 44, the former Communications Room, was part of that review. The existing Conservative Group Room had for some time not been “fit for purpose” and this was an opportunity to deal with the issue and bring Room 34 into a better use. It should be noted that when the existing group room was originally allocated it was to accommodate the then Conservative Group of 15 members, and the group was now 34.

He said that the estimated cost for the conversion of Rooms 43 and 44 was just over £11,000 and the anticipated cost for the works to Room 34 was £25,000.

Councillor Towe said he had the detailed costs available and would be more than happy to forward them to Councillor Creaney.

(4) Councillor Anson – Price of dropped kerbs (Councillor Ansell)

Councillor Anson asked the following question of Councillor Ansell:

“Could the portfolio holder tell me why the price of this Council dropping kerbs over the last year has gone up in one case in my ward by over 50% even though my constituent decreased the width from four to three kerbs I already know this is not the only case of big price rises?”

Councillor Ansell replied that each application to the Council for providing a domestic vehicular crossing requiring a dropped kerb was treated individually and priced accordingly depending on location and complexity of work. The quotation remained valid for a period of 6 months. A dropped kerb did not have to be provided by the Council, a suitably qualified private contractor could carry out the construction, but a road opening permit at a cost of £250 was required.

In the particular case to which Councillor Anson referred there was a significant increase from the initial quotation which was given in January 2008. The resident chose not to have the works carried out within the six months. In August 2009 the resident reapplied for a dropped kerb. The quotation was approximately 50% more than that given 18 months previously. As Councillor

Anson was aware in May 2009 Tarmac were appointed as the Council's partner to provide the highway maintenance delivery service. Tarmac provided the current quote in this instance. Within the new contractual arrangements some rates for work had increased and also, following consideration of current road safety requirements, an increased element of traffic management had been included which had increased the price.

Councillor Ansell added that since Tarmac were commissioned the Council had had 310 applications for dropped kerbs and only 4 of these had subsequently been constructed by private contractors. He believed that this demonstrated general resident satisfaction with both the cost and service that the Council provided through Tarmac.

Councillor Anson asked the following supplementary question:

“As we have so many cars on the highway causing so many problems and dropped kerbs would solve the problems, does the Council have any plans to reduce the costs in order to assist residents?”

Councillor Ansell stated that it was unlikely that the costs would decrease unless subsidies were received by the Council. One of the most complex aspects of dropping kerbs related to the services belonging to the statutory undertakers and the liability that residents would face if work was carried out by a contractor who was not on the Council's approved list.

(5) Government green paper “Shaping the Future of Care Together”

Councillor Smith asked the following question of Councillor McCracken:

“With regard to the Government's Green Paper entitled “Shaping the Future of Care Together” on which consultation commenced on 14 July 2009 and will continue until 13 November 2009 and given that this could lead to the scrapping of Attendance Allowances and even possibly Disability Living Allowances (DLA) and bearing in mind that in Walsall there are approximately 8,000 in receipt of Attendance Allowances and approximately 16,000 residents in receipt of Disability Living Allowances, would the appropriate portfolio holder or Chair of Committee, inform me, this Council and the public: (a) whether Walsall Council intends to make any response to the Green Paper as part of the consultation process and (b) if so, what the details of such a response are likely to be?”

Councillor McCracken replied that it was Government legislation and could change the way services were funded and a completely different way of charging would result.

She welcomed Councillor Smith's involvement and hoped he would come along to the workshops and briefing sessions so that his comments could be taken on board and feedback from his communities would be included in the Council's response to Government.

Councillor McCracken said that the Council wanted this response to be as inclusive as possible and wanted all members of the Council to have every opportunity to attend workshops and sessions that would inform their ideas. She said that she would pass on a synopsis of the document to Councillor Smith and Councillor Oliver.

Councillor Smith thanked Councillor McCracken for the fair response to the question and was thankful that she shared his concerns in terms of what could happen as a result of the consultation. He asked if Councillor McCracken was aware that when she referred to the original meetings with the Government office dealing with the Green Paper were initiating across the country, when he checked out when meetings were in the West Midlands all had taken place before the end of July. Consultation was 14 July, the beginning of MPs 12 week holiday, was she aware that, in terms of meetings in the West Midlands, all had taken place before the end of July.

Councillor McCracken replied that in a number of meetings that had taken place, she was not aware how much had gone on before the date in July, but she knew that there were further meetings planned.

(6) Walsall Academy

Councillor Smith asked the following question of Councillor Walker:

“With regard to Year 7 intake at the Walsall Academy for September 2009, would you give me, this Council and the public details of (a) the number of applications for a place at the Walsall Academy from those residing in the Blakenall ward and (b) the number of those who succeeded in their application for a place at the Walsall Academy from those residing in the Blakenall ward?”

Councillor Walker said that 98 applications had been received from those residing in Blakenall ward. Fifteen places were offered, one to an applicant resident in the catchment area and fourteen living outside the catchment area.

Councillor Smith asked the following supplementary question:

“Do you not agree that the slight and rhetoric churned out in the last few years regarding academies being set up in areas of need and deprivation are far from reality? Do you agree that these academies are cherry picking and those least likely to get a place in the academy are children who need it most, those from lower income and educational backgrounds?”

Councillor Walker replied that academies set up under the previous system did not achieve the improvements to educational achievements in targeted areas. She was confident that the new academies provided the opportunities for improvements to educational achievement. In addition, of the 168 places offered at the Academy, 105 places were allocated to children living in the Blakenall/Bloxwich area.

44. **Changes in membership – Social Care and Inclusion Scrutiny and Performance Panel**

Resolved

That the following changes in membership of the Social Care and Inclusion Scrutiny and Performance Panel for the remainder of the municipal year be noted:

Councillor Douglas-Maul in place of Councillor Turner
Councillor Clarke in place of Councillor E. Hughes.

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

(a) **Birmingham Airport Holdings Limited Board**

Resolved

That Councillor Bird be appointed to Birmingham Airport Holdings Limited Board for the balance of the period expiring in June 2010, in place of Councillor O'Hare.

(b) **Pelsall (Staffs) Mining Accident Fund**

Resolved

That Councillors Ault and Perry be appointed Trustees of the Pelsall (Staffs) Mining Accident Fund for a period of 5 years.

(c) **Catherine Walker Charity**

Resolved

That Councillor Cassidy and Mrs. D. Sylvester be appointed Trustees of the Catherine Walker Charity for a period of 4 years.

46. **Notice of motion – European funding**

A report was submitted.

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

This Council notes with concern the recent report to Cabinet on the audit of past payments made under the European Regional Development Fund and European Social Fund programmes.

- Council calls for a full and accurate public disclosure of the financial consequences to the Council Tax payers of Walsall and this to be tabled at a future meeting of the Audit Committee.
- This full investigation to show how the management and records for this programme were not to the standard required to justify the payments, and how the risk assessment did not uncover this potential serious loss for the Council, as warned by a previous employee of this Council, two weeks after taking up post.
- Council also requires referral to Audit Committee of a further report detailing the action plan to prevent any such losses occurring in current and future projects.

Councillor Martin said that the information requested would be provided by the relevant officers at Audit Committee

She was assured that officers had procedures in place to ensure that the Council as the custodians of the public purse monitor and rigorously audit the accounts.

Councillor Martin said that she had assurances from the Leader of the Council, Councillor Bird and the portfolio holder for Finance, Councillor Towe, and that once she was in receipt of the relevant information it would be brought to the Council.

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

Resolved

This Council notes with concern the recent report to Cabinet on the audit of past payments made under the European Regional Development Fund and European Social Fund programmes.

- Council calls for a full and accurate public disclosure of the financial consequences to the Council Tax payers of Walsall and this to be tabled at a future meeting of the Audit Committee.
- This full investigation to show how the management and records for this programme were not to the standard required to justify the payments, and how the risk assessment did not uncover this potential serious loss for the Council, as warned by a previous employee of this Council, two weeks after taking up post.
- Council also requires referral to Audit Committee of a further report detailing the action plan to prevent any such losses occurring in current and future projects.

47. Notice of motion – Saving local pubs

A report was submitted.

The following motion, notice of which had been duly given, was **moved** by Councillor I. Shires and seconded by Councillor P. Hughes:

That government take the necessary steps to pass a new law to enable community pubs to trade on a level playing field by prohibiting irresponsible promotion of alcohol as a loss leader.

Also, the government take the necessary steps to pass as new law prohibit restrictive covenants that prevent any future use of a property as a “local service” as defined by the Sustainable Communities Act.”

On being put to the vote the motion was declared lost.

48. Notice of motion – Lichfield and Hatherton canals

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

This Council welcomes the news that the Lichfield and Hatherton Canals Restoration Trust now has a phased, costed programme which will lead to the restoration of the Borough's waterway links to the northern canal network by relinking the canal at Brownhills Ogle Junction with Huddlesford Junction at Lichfield.

It notes in particular:

- (a) the significant regeneration benefits this will bring to Brownhills as a gateway to the Borough, and to the whole of Walsall Borough and
- (b) the recent launch of a Phase One funding appeal headed up by the Trust's high profile President, David Suchet.

The Council expresses its full support for the project to restore the eight miles of canal in question, and asks that officers enter into discussion with the officers of the LHCRT with a view to reporting to Cabinet at an early date setting out ways in which the Council can provide meaningful support to the efforts of the Trust in bringing this major project to fruition."

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

Resolved (unanimously)

This Council welcomes the news that the Lichfield and Hatherton Canals Restoration Trust now has a phased, costed programme which will lead to the restoration of the Borough's waterway links to the northern canal network by relinking the canal at Brownhills Ogley Junction with Huddlesford Junction at Lichfield.

It notes in particular:

- (a) the significant regeneration benefits this will bring to Brownhills as a gateway to the Borough, and to the whole of Walsall Borough and
- (b) the recent launch of a Phase One funding appeal headed up by the Trust's high profile President, David Suchet.

The Council expresses its full support for the project to restore the eight miles of canal in question, and asks that officers enter into discussion with the officers of the LHCRT with a view to reporting to Cabinet at an early date setting out ways in which the Council can provide meaningful support to the efforts of the Trust in bringing this major project to fruition."

The meeting terminated at 8.10 p.m.