



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 5th November, 2007, at 6.00 p.m.** at the Council House.

## Present

### Councillor M.G. Pitt (Mayor) in the Chair

Councillor T.G. Ansell (Deputy Mayor)

“ A.J.A. Andrew  
“ D.A. Anson  
“ M. Arif  
“ C.M. Ault  
“ M.A. Bird  
“ C. Bott  
“ P. Bott  
“ B. Cassidy  
“ K. Chambers  
“ A.G. Clarke  
“ J. R. Cook  
“ 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  
“ A.D. Johnson  
“ H. Khan  
“ S.W. Madeley  
“ Ms. R.A. Martin  
“ Mrs. C. Micklewright

Councillor Mrs. B.V. McCracken

“ Mushtaq Ahmed  
“ M. Nazir  
“ J.G. O'Hare  
“ T.S. Oliver  
“ A.J. Paul  
“ G. Perry  
“ J.D. Phillips  
“ D.J. Pitt  
“ Mrs. E.E. Pitt  
“ I.C. Robertson  
“ J. Rochelle  
“ H.S. Sarohi  
“ K. Sears  
“ Mrs. D.A. Shires  
“ I. Shires  
“ P.E. Smith  
“ C.D.D. Towe  
“ D.J. Turner  
“ W.T. Tweddle  
“ A. Underhill  
“ R.A. Walker  
“ G. Wilkes  
“ M. Yasin  
“ P.A. Young  
“ Zahid Ali

**62. Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Barton, Beeley, Beilby, P. Hughes, Longhi, K. Phillips, Sanders and Woodruff.

**63. Minutes**

**Resolved**

That the minutes of the meetings held on 10th and 27th September 2007, copies having been sent to each member of the Council be approved as correct records and signed, subject to Minute No. 49(2) – Weekly bin collection policy being amended as follows

- (1) First line of the supplementary question the word resound be replaced by the word response;
- (2) That the following be substituted as Councillor Walker's reply:

In response Councillor Walker stated that the decision would have been the same despite Councillor Smith's petition as it was based on the outcome of the consultation which provided evidence of almost 80% of consultees wishing to maintain the weekly collection. This concurred with my personal preference for future collections. No prior decision had been made to implement fortnightly collections and therefore the decision to continue with weekly collections was not a U turn.

**64. Declarations of interest**

The following items declared their interest in the items indicated:

Councillor Oliver	Item 16 – employee of Palfrey Community Association (personal and prejudicial)
Councillor Flower	Item 9 – Trustee of Walsall Wood Allotment Charity (personal)
Councillor Sears	(1) Acorn Home Care (personal) (2) Trustee of Walsall Wood Allotment Charity (personal)
Councillor Paul	Item 9 – Trustee of Walsall Wood Allotment Charity (personal)

65. **Mayor's announcements**

(1) **Death of Mrs. J. Winn**

The Mayor referred to the recent death of Mrs. J. Winn, Mayoress in 1976/77. Councillors Oliver and Bird paid tribute to the services of Mrs. Winn, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council have heard with deep regret of the death of Mrs. J. Winn, Mayoress of the Walsall Metropolitan Borough Council in 1976/77 and place on record their appreciation of her services to the borough over a period of many years and extend to the members of her family their sincere sympathy in their bereavement.

(2) **Mr. M.T. Barton**

The Mayor informed the Council that former Councillor Malcolm Barton had recently undergone surgery and expressed his wishes for a speedy recovery and those wishes were echoed by several members of the Council. It was **moved** by the Mayor, duly seconded and:

**Resolved**

That the Chief Executive write to Mr. M.T. Barton wishing him a speedy recovery.

(3) **New Chief Executive – Mr. Paul Sheehan**

The Mayor introduced Mr. Sheehan and informed members that he would be joining the Council on 7th January.

Mr. Sheehan briefly spoke to the Council and informed them that he would be spending time until the 7th January speaking to partners. He went on to say that he was also setting time aside to complete ward walks, if members wished, and he invited members to make arrangements. He thanked members for supporting him at the meeting on 27th September and said that he was looking forward to working with the Council.

66. **Petitions**

There were no petitions presented.

67. **Questions from members of the Council**

The Mayor reminded members of Council procedure rule 11.8 restricting questions from members of the Council to 30 minutes after which time replies would be given in writing.

It was **moved** by Councillor Oliver and duly seconded:

That Council procedure rule 11.8 be suspended for the duration of the meeting.

On being put to the vote the motion was declared lost – 23 members voting in favour and 29 against.

(1) **Street cleaning/sweeping**

Councillor J. Phillips asked the following question of Councillor Walker:

“Could the responsible Cabinet member please tell me what percentage of streets have had their street cleaning/sweeping reduced in frequency since January 2006, both across the Borough as a whole, and on a ward by ward basis?”

Councillor Walker stated approximately 30% of the streets within the borough have had their cleansing frequencies reduced from weekly to fortnightly. However approximately 30% of streets within the borough have had their frequency of cleansing increased from fortnightly to weekly. This change has occurred following a thorough street cleansing review whereby resources have been directed into the areas of most need.

The Best Value Performance Indicator BVPI 199(a) shows that the Council’s street cleansing performance has improved from 23% of streets falling below a standard of grade B in 2005/06 to 13% of streets falling below the same standard in 2006/07, thereby justifying the changes made.

Monitoring of all areas will continue and frequency changes made on an ongoing basis to ensure the best use of resources are achieved.

(2) **Cost of employee grievance claims**

Councillor Smith asked the following question of Councillor Griffiths:

“Without of course identifying individual details, would the portfolio holder inform me, this Council and the public how many grievances and claims by Walsall MBC employees were settled in each year since April 2003, and what were the corresponding total costs in settlement amounts, legal costs and other quantifiable associated costs in each year of those same years?”

Councillor Griffiths replied that the Council has a workforce of over 11,000 employees with a staffing budget of approximately £250 million. At any one time there are approximately 20 to 25 grievance cases ongoing. These include minor issues that are resolved at first line management stage and this represents less than a quarter of one per cent of the workforce.

The Council does not settle internal grievances via financial settlements as most of these claims have no financial value.

Councillor Griffiths said that members will be aware from briefing and reports of the enormous difficulty, that most Councils are facing over equal pay claims. This was a national issue that had cost Councils tens if not hundreds of millions of pounds. These arise due to historical pay inequalities that have been around since the 1960's. There is no defence to these claims which are not of our making.

Between 2003 and 2006 Walsall Council had over 3000 such claims and had the claims gone forward to employment tribunal, the Council would have been faced with a bill of £87 million. However, the Council took a highly responsible approach and through skilled negotiations with trade unions settled all of these claims at a total cost of £4 million, less than 5% of their potential costs. By comparison, most other Councils are settling their claims at around 60% of their value.

Setting aside the equal pay cases, the Council has received 18 employment tribunal claims since 2003. Out of a workforce of 11,000 this represents 0.15% of the workforce. Because of confidentiality, Councils do not publish data on claims, but from officer knowledge I do know that this figure is well below the norm for Councils.

Worryingly since the recent high profile employment tribunal case, the litigation culture that is a blight on public services has increased in the area of employment matters in Walsall. Publicity surrounding the case has resulted in an increase in claims. Regardless of the merits of the claims these still have to be defended at great cost to the Council taxpayer. A typical employment tribunal case can cost at least £5,000 to defend and can rise to £20,000 if the case gets to hearing. It is rare for an employment tribunal to award costs to the Council.

He said that nationally, the number of discrimination cases has increased against Councils. For example, there had been an increase of between 100% and 155% of sex discrimination claims in the last 12 months. The litigation culture is a national problem.

Councillor Griffiths went on to say that whilst people continue to draw the public's attention to this case, the Council will continue to receive a higher number of claims. In the past 12 months the Council has successfully defended all claims received either at hearing or the applicant has withdrawn the claim with no financial settlement. However, the Council has 10 ongoing claims yet to be resolved. This further highlights the litigation culture that we face.

Since 2003 there have been 18 employment tribunal claims brought against the Council (excluding the equal pay claims). The Council has lost no claims at hearing. Furthermore the Council won 2 cases and 9 were withdrawn by the applicant with no financial settlement.

In 2003 and 2004 no claims were settled, in 2005 2 claims were settled at a total cost of £7,500 and in 2006 5 claims were settled at cost of £903,000. The total cost of these claims represents 0.36% of the Council total staffing pay bill.

Councillor Smith asked the following supplementary question:

In the light of what has just been said, is the Peter Francis settlement an exceptional one or is this the tip of the iceberg?

Councillor Griffiths replied that this was an exceptional case and that by constantly highlighting this matter, Councillor Smith was keeping it in the forefront of the minds of the public.

**(3) Brown bins – NRF funds**

Councillor Smith asked the following question of Councillor Walker:

“Can the portfolio holder tell me, this Council and the public how much of Neighbourhood Renewal Funds (NRF) have been used to pay for brown bins in the last 5 years?”

Councillor Walker replied that £84,000 was spent in 2003/2004, the only NRF expenditure there has been on brown bins.

The Neighbourhood Renewal Fund approval was to provide 4000 households with additional waste bins and to move towards the national recycling targets which were set out in the local Neighbourhood Renewal Strategy. The neighbourhoods chosen were from the 11 neighbourhoods identified as being most deprived or at risk, and which were to be the focus of neighbourhood renewal activity. These were Alumwell, Bentley, Beechdale, Blakenall and Willenhall.

However, there are some complications here from our records. Following a review by Government Office of the West Midlands a further £50,000 was approved by that office but with no additional details, bringing the total to £134,000.

Bins were identified for the following locations, Alumwell 706, Bentley 1400, Beechdale 1300, Blakenall 1600, Willenhall 731, giving a total of 5731 bins. The reasons for the discrepancy between 4000 and 5731 may be because the additional bins were not funded by NRF, but this cannot be confirmed.

Councillor Walker went on to say that we have worked on the assumption of £21 per bin based on £16.50 acquisition costs plus other costs such as delivery, promotions etc. However even at this rate the overall costs would only have been £120,477. The reliable figure is the £84,000 which we know was an allocation from NRF for these costs.

Councillor Smith asked the following supplementary question:

In the light of this figure, what percentage does this represent against total spent on brown bins.

Councillor Walker replied that she would write to Councillor Smith with this information.

(4) **Borough gateways - NRF funds**

Councillor Smith asked the following question of Councillor Andrew:

“Can the portfolio holder tell me, this Council and the public how much of Neighbourhood Renewal Funds (NRF) have been used to pay for so called Borough gateways in the last 5 years?”

Councillor Andrew replied that the Council worked with the Walsall Borough Strategic Partnership and Local Neighbourhood Partnership to mark the borough’s key entrances with locally distinctive signs that reflected Walsall’s diverse history, culture and environment. Each of the 27 landmark markers installed around the 50 mile perimeter of the borough had been developed following lengthy engagement with local community representatives from each area, together with each of the borough’s nine LNPs. Each marker features images from the LNP area in which they are located. Each marker cost £6,851.

Councillor Smith asked the following supplementary question:

How much money was spent from Neighbourhood Renewal Funds?

Councillor Andrew replied £185,000.

(5) **Use of Neighbourhood Renewal Funds**

Councillor Smith asked the following question of Councillor D. Pitt:

“Can the Chairman of the appropriate Scrutiny and Performance Panel tell me, the Council and the public, following the Special Council meeting of 27th September 2007 and resolutions passed at that meeting, when will the appropriate Scrutiny Panel meet to consider the past and present use of Neighbourhood Renewal Funds prior to Council then considering a report on such?”

Councillor Pitt replied that the Regeneration Scrutiny and Performance Panel would meet to consider the report of the Executive on matters relating to NRF funds in advance of it being presented to Council. The proposed timescale will be agreed by Cabinet on 21st November.

In line with the resolution which emerged from the special Council meeting on 27th September 2007, unless there are any unforeseen delays, I can confirm that the intention is that the Executive will produce a report on the past and present use of NR funds agreed by Cabinet at its meeting on 21 November 2007. A meeting of the Regeneration Scrutiny and Performance Panel is planned following this in December 2007 before the report is submitted for consideration by the Council in January 2008.

Councillor Smith asked the following supplementary question:

In his opinion does Councillor Pitt envisage the situation of any individual being prevented from giving evidence at the Scrutiny Panel?

Councillor Pitt replied that the framework for the meeting had not yet been decided but that the meeting would be held in public.

**(6) Aids and adaptations**

Councillor Smith asked the following question of Councillor McCracken:

“Given that at the last Council Meeting, in response to my question on the numbers, ward by ward, currently awaiting aids and adaptations to their homes at estimated costs above £1000, the portfolio gave a ward by ward breakdown for the vast majority of wards but not all of them, would she now inform me, this Council and the public exactly how many cases are waiting for such aids and adaptations of an estimated £1000 or more, specifically in the Blakenall ward, Bloxwich West ward, Willenhall South ward, Willenhall North Ward and Short Heath ward?”

Councillor McCracken replied to Councillor Smith that she shared his concerns. She went on to say that the social services budget in line with the situation being experienced in other Councils in the country was under considerable pressure. The breakdown of cases for the wards listed in the question was as follows:

Bloxwich	118
Blakenall	77
Short Health	59
Willenhall North	54
Willenhall South	47

**(7) Closed properties in Ryecroft shopping area**

Councillor Smith asked the following question of Councillor Andrew:

“Would the appropriate portfolio holder inform me, this Council and the public how many closed and/or boarded up properties in the Ryecroft “shopping area”, in Dartmouth Avenue and Coalpool Lane are in Council ownership and what action is being taken by the Council to address this unsatisfactory situation?”



Councillor Andrew said that one Council owned property was boarded-up and was presently being offered for sale .

Councillor Smith asked the following supplementary question:

If the one property for sale is the library, would you please ensure that the concerns of the Police that the building is not secure can be addressed.

Councillor Andrew replied in the affirmative.

**(8) Advertisements on lamp posts**

Councillor Robertson asked the following question of Councillor Harris:

“Could you please clarify whether the delegations to Highways to authorise advertisements on street lamp posts are blocked at all by such applications needing to receive planning permission and could you give an up to date figure since the contract was signed for the loss of expected income from these lost adverts which has had to be paid over to Amey under the terms of this contract?”

Councillor Harris replied that approval for the placing of advertisements on street lighting columns requires compliance with two separate and distinct statutory criteria, these are planning legislation and highways legislations. The Council has delegated highway approval to the General Manager.

The main legislation relating to advertising on the public highway is the Town and Country Planning Act 1990 & Town & Country (Control of Advertisement) Regulations 1992 and 2007. This is a statutory procedure with statutory criteria to be assessed. If this is followed and planning permission is granted then and only then can the General Manager authorise the advertisements using his delegated authority to be placed in accordance with the PFI Contract.

During contractual negotiations the Council and the PFI Lighting Contractor agreed that there would be a discount based on the potential advertising revenue that could be generated. Since the generation of income was dependent upon statutory procedures and criteria that could change during the time of the contract life the risk associated with this element of the contract rested with the Council and this was deemed acceptable and was incorporated within the signed and sealed contract of March 2002.

Councillor Harris said that the Council under its obligations under the contract which commenced in October 2003 has paid approximately £20,000 per month totalling some £992,000 to date.

Excellent progress has been made over the last 12 months to address this gap and a large number of advertising sites are now in the process of being installed. If this continues over the life of the contract this will substantially offset the loss of income.

Councillor Harris continued that the lighting PFI contract commenced in May 2002 for 26 years, it is valued at a total of some £85million and has received an £18million PFI Grant from the Government. During the first 3 years of the contract over 18,000 lighting columns have been replaced leading to enhanced lighting throughout the borough meeting both national and European standards. The benefits of this project have been recognised nationally and acknowledged as a major contributor to improved road and community safety. The project is a major success story for Walsall.

Early attempts to attract advertising were not very successful. However during 2005/2006 Amey obtained renewed market interest. An innovative approach was developed and it was recognised that this approach could potentially become a national lead. The new arrangement combines three types of advertising media namely: six - sheet advertising with a community alert system (Amberwatch); Media Lights - smaller advertising units; and Bay Media - banner advertising.

In October 2006 a project team was set up of planning officers, transportation officers, project company representatives and the commercial sector to increase substantially the take up of advertising. This has led to very significant progress:

- 24/7 - Six sheet advertising – 45 applications made, 28 approvals received and 17 pending. All are scheduled to be installed by the end of December 2007.
- Media Lights – smaller signs – 9 applications all approved and erected. These can be seen in the area of the new Asda in Upper Rushall Street.
- Bay Media – Banners – 50 sites approved and 20 pending. Awaiting installation.

In conclusion Councillor Harris said that after previous difficulties the approach to advertising to generate income for the project is now progressing well. The income generated from these and other sites will partially offset the discount that is referred to above potentially able to meet 50% of the identified sum which is approximately £20,000 per month. This approach to advertising has been recognised at the recent Association of Public Service Excellence Awards (19th September 2007) where Walsall and its partner reached the finalist stage of this prestigious event.

Councillor Robertson asked the following supplementary question:

How do you explain how in the later Adshell contract they were granted a few hundred sites without any planning consent and hence clash with the ones referred to in the PFI contract and can you assure us that the early upfront money from this PFI to cover later costs of this contract are safely invested and ring fenced?

Councillor Harris replied that he could not guarantee this but hoped that the money lost can be recovered and said he felt that there was good potential for the future.

At this point in the proceedings, the Mayor reminded the Council that question time had reached the end of its 30 meeting duration and the following questions would be replied to in writing:

- (1) Mobility scooters – question by Councillor Smith to Councillor McCracken:
- (2) Staff survey - question by Councillor Robertson to Councillor Griffiths.

**68. Walsall rail services and facilities improvement plan**

The report was submitted.

It was **moved** by Councillor Andrew, seconded by Councillor Clarke and

**Resolved**

That the Cabinet report of 24th October 2007 be received and noted.

**69. Nominations to Charities**

The report was submitted:

It was **moved** by Councillor O'Hare, seconded by Councillor Andrew and:

**Resolved**

- (1) That the decision of Council dated 12th January 2004 relating to officer nominations to charities be rescinded.
- (2) That future Council nominations to charities requesting nominations be either elected members or Council nominated individuals and where the charity scheme requires, only one nomination, that nomination also be either an elected member or a Council nominated person.
- (3) That the current administrative arrangements with regard to Charities continue.

**70. Welfare Rights Service**

The report was submitted:

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

**Resolved**

That the report be received and noted.

71. **Education and Inspections Act**

The report was submitted.

It was **moved** by Councillor Zahid Ali, duly seconded and:

**Resolved**

That the proposal of the Children and Young People Scrutiny and Performance Panel to consider the implementation of Section 6 of the Education and Inspections Act 2006, commencing in December 2007, be accepted.

72. **Review of Polling Districts and places**

The report was submitted.

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

**Resolved**

That the recommendations of the working group set up by Council to conduct the review of the borough's polling districts and places contained within each of the Parliamentary Constituency reports appended to the report be adopted.

73. **Guild of former Mayors**

The report was submitted.

It was **moved** by Councillor O'Hare, duly seconded and:

**Resolved**

That this Council formally recognises the Guild of Former Mayors.

74. **Membership of Committees**

**Resolved**

That the following change in membership be noted for the remainder of the municipal year:

- (a) Audit Committee – Councillor Clarke in place of Councillor Sanders with effect from 3rd November 2007.
- (b) Employment Appeals A – Councillor Micklewright in place of Councillor Mushtaq Ahmed with effect from 12th October 2007.

**75. Notice of motion – Reports to Council**

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

In the interests of democratic accountability and transparency and given that Walsall Council and its partner organisations work hard to achieve some praiseworthy results for the benefit of the Borough and its citizens, this Council resolves to give consideration to altering the Council's Constitution in time for the next municipal year in order to provide an opportunity for the Council to receive and consider on a regular basis; reports by Cabinet portfolio holders on the work done in their respective areas.

Furthermore, whilst recognising the Council's inability to direct policy or change decisions made by the following organisations, Council resolves to give consideration to altering the Constitution in time for the next municipal year in order to provide opportunities for Council to receive reports from:

- (a) The Police and Fire authorities;
- (b) Partner organisations such as the Walsall Strategic Partnership, Walsall's New Deal for Communities, WHG and any other organisations that work closely with Walsall MBC, have Walsall MBC representation on their bodies and are deemed worthy of being given such an opportunity.

On being put to the vote the motion was declared lost – 22 members voting in favour and 27 members voting against.

**76. Notice of motion – Voluntary and community sector**

The following motion, notice of which had been duly given was **moved** by Councillor J. Phillips and seconded by Councillor Young:

This Council recognises the vital contribution made to all our communities across the Borough of Walsall by our partnership with the voluntary sector.

However, we notice also, that difficulties and concerns have arisen with our partners who also work with the voluntary sector including WHRA (the community warden service) Community Associations, Walsall Council for Voluntary Action, DIAL, the domestic violence forum and a significant number of smaller local groups, which we believe indicate a lack of effective overall strategy.

Council therefore requests that a report is brought from Cabinet on how this Council can engage more effectively with all sections of the voluntary and community sector .

On being put to the vote the motion was declared lost – 23 members voting in favour and 27 members voting against.

#### 77. **Notice of motion – Locksmiths House, Willenhall**

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

This Council recognises the importance of the Locksmiths House, to the people of Willenhall, its importance to the industrial heritage of our borough, and the need to preserve local buildings of importance by asking the Cabinet to ensure that the financial future of the Locksmiths House is secured through this years budget process, enabling the building to remain in our town and saving the portfolio holder from repeating his comment about another historic building lost to the borough.

**Amendment** moved by Councillor Andrew and duly seconded:

That this Council recognises the importance of the Locksmiths House, to the people of Willenhall, its importance to the industrial heritage of our borough, and the need to preserve local buildings of importance by asking the Cabinet to ensure discussions take place with the Black Country Museum regarding all options for the long term future of the museum and reflect the importance of the lock industry in Willenhall at a wider Black Country level.

It was **moved** by Councillor Oliver 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.

On being put to the vote the amendment was declared carried – 27 members voting in favour and 23 against.

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

**For the motion -  
27 members**

Cllr: O'Hare  
Ahmed  
Andrew  
Ansell  
Ault  
Bird  
Clarke  
Douglas-Maul  
Flower  
Griffiths  
Harris  
E. Hughes  
Martin  
McCracken  
Micklewright  
Paul  
Perry  
D.J. Pitt  
M.G. Pitt  
Rochelle  
Sears  
Towe  
Turner  
Tweddle  
Walker  
Yasin  
Zahid Ali

**Against the motion -  
23 members**

Cllr: Oliver  
I. Shires  
Anson  
C. Bott  
P. Bott  
Cassidy  
Chambers  
Cook  
Coughlan  
Creaney  
Johnson  
Khan  
Madeley  
Nazir  
J.D. Phillips  
E.E. Pitt  
Robertson  
Sarohi  
D.A. Shires  
Smith  
Underhill  
Wilkes  
Young

and it was:

**Resolved**

That this Council recognises the importance of the Locksmiths House, to the people of Willenhall, its importance to the industrial heritage of our borough, and the need to preserve local buildings of importance by asking the Cabinet to ensure discussions take place with the Black Country Museum regarding all options for the long term future of the museum and reflect the importance of the lock industry in Willenhall at a wider Black Country level.

The meeting terminated at 9.20 p.m.