



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 12th September, 2005, at 6.00 p.m.** at the Council House.

Present

Councillor J.R. Cook (Mayor) in the Chair

Councillor B.V. McCracken (Dep Mayor)

“ A.J.A. Andrew
“ T.G. Ansell
“ D.A. Anson
“ M. Arif
“ A. Aslam
“ C.M. Ault
“ J.M. Barton
“ L.A. Beeley
“ A.G. Bentley
“ Mrs. J. Beilby
“ M.A. Bird
“ P. Bott
“ M.R. Burley
“ B. Cassidy
“ K. Chambers
“ A.G. Clarke
“ R.J.H. Collins
“ 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
“ K. Phillips
“ Mrs. E.E. Pitt
“ M.G. Pitt
“ I.C. Robertson
“ R.S. Robinson
“ J. Rochelle
“ C.E.M. Rose
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ C.D.D. Towe
“ W.T. Twedde
“ A. Underhill
“ R.A. Walker
“ G. Wilkes
“ Zahid Ali

41. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors D. Pitt, Turner, Woodruff, Perry, Khan, Yasin and Young.

42. **Minutes**

Resolved

That the minutes of the meeting held on 4th July 2005, copies having been sent to each Member of the Council, be approved as a correct record and signed, subject to the amendment of initial of Councillor Wilkes from "H" to "G".

43. **Declarations of interest**

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

Councillor Sears	Acorn Home Care (personal)
Councillor Sanders	Neighbourhood resource centre consultant – Park Hall Community Association (personal)

44. **Mayor's announcements**

(1) **Walsall at War**

The Mayor referred to the above-mentioned show which he attended during the previous week and commented on how well the production was performed.

(2) **Welcome to Councillor Creaney**

The Mayor welcomed Councillor Creaney to his first meeting of the Council since his election.

45. **Petitions**

The following petitions were submitted:-

- (a) Councillor Harrison – security at North Walsall Cemetery
- (b) Councillor M.G. Pitt – proposed erection of base station at Broad Lane

Gardens

- (c) Councillor Andrew – proposed mobile phone station, Sutton Road, near Longhorn pub
- (d) Councillor Rochelle – provision of pedestrian crossing and bus shelter on junction of Churn Hill and Birmingham Road
- (e) Councillor Cassidy
 - (i) Poole Crescent parking restrictions
 - (ii) Brownhills West provision of brown bins
 - (iii) Proposed care home at 188 Ogley Road
- (f) Councillor I. Shires dredging of Wyrley and Essington canal

46. Questions by members of the public

(1) VJ and VE day service

Mr. J. Melvin of 19 Croft House, Walsall, asked the following question of the Mayor:-

“Why there was no parade or some sort of service at the Cenotaph for VJ and VE day?”

The Mayor said that while I am more than happy to answer a question from the public, I am reliably informed that you took this question to a Labour Councillor who rather than seek information from officers to answer your enquiry, or to enquire at the Mayor’s office, they encouraged you to try to embarrass this Council and therefore the good office of the Mayor by coming here tonight. This is shameful as there is a clear unwritten rule about how all politicians behave in relation to our remembrance of Soldiers, Sailors and Airmen, who have died for their country – we keep it out of party politics and that’s what should have happened here. If you had been advised to seek an answer from the Council officers to your enquiry, this is the answer you would have received. I will give the answer in writing so that if you remain dissatisfied you can take this through the proper procedure as I for one will not disrespect our service men and women by having it become a political point scoring issue.

We do not just celebrate and remember those who gave by parades and I will demonstrate by the events supported by this Council that your enquiry is ill-informed.

The flag at the Walsall town centre cenotaph was raised on Sunday 10th July and the Council also offered its support to SSAFA (Soldier, Sailor, Airmen and Families Association) Forces Help who organised a show and buffet at Bloxwich Leisure Centre on National Commemoration Day, an event which I attended as Mayor of Walsall.

A variety of events have been held in Walsall around the national commemoration day of Sunday 10th July. Myself and the Mayoress opened a street party at the Crossing at St. Paul's on Saturday 9th July and on Sunday 10th we attended a commemorative church service at the Crossing at St. Paul's. On the 14th August the Mayoress and I also attended a parade and service organised by Short Heath Royal British Legion.

As part of the national celebrations of the 60th anniversary of World War Two, two special concerts were held at Walsall Town Hall – Somewhere in France with You and Last Night of the Proms Gala. Both were organised by the Council.

I also attended a celebration day which was held at Ashbourne Road open space, Lower Farm, Bloxwich on Sunday 10th July. The event was organised by Walsall Council and Lower Farm Community Association and sponsored by New Deal.

Three hundred residents from Pelsall marked the end of the Second World War with a party at Pelsall Common on Saturday 20 August. The event was organised by Pelsall Pride Partnership and Walsall Council thanks to a £2,000 Home Front Lottery grant.

The Council has produced its first community play called Walsall's War. The play, written by David Calcutt is based on people's wartime experiences in Walsall during 1939 to 1945, this was performed at Walsall Arboretum extension on 8th, 9th and 10th September.

In October I will be holding a civic service for all those who serve at sea both service men and civilians. This will coincide with the commemoration of the Battle of Trafalgar, but the service is for all our service men and women.

I will now address why we did not hold specific events with the Staffordshire Regiment which had been planned for 2005. In 2004 the Staffordshire Regiment approached the Chief Executive to discuss a number of events which the Staffordshire Regiment wished to consider and wanted to work in partnership with the Council – through the Mayor's office – to celebrate the Staffordshire Regiment and the national events that would take place in 2005. Detailed plans were in the process of being drawn up to include a special joint civic service with the Staffordshire Regiment. We also agreed a number of events which could have included, a memorial garden, and a dinner, for the Staffordshire Regiment, hosted by the Mayor. This was our plan not a Council commitment, but a

commitment that would be fulfilled through the Mayor's office and the Staffordshire Regiment would involve those from the local British Legion.

Then something happened to halt these plans, the Staffordshire Regiment were given notice of their immediate deployment to Iraq. You will all remember why – there was to be deployment of British troops to support American efforts around Baghdad.

The Staffordshire Regiment decided they could not now commit to any of these celebrations and we agreed to pick up these suggestions on their return, if they wished this. Furthermore the Council has never refused a parade – it is the Police who no longer supervise parades but the Council had already indicated to the Staffordshire Regiment that while a street parade was unlikely, a parade in one of our parks with a bandstand concert was entirely possible. To suggest “nothing has been done” is far from the truth.

We continue to hold the Staffordshire Regiment in our prayers, we will hold a civic service on their return if they wish. We will not make our service men and women a political issue, they deserve better from us and hopefully no other Councillor will ever involve themselves in directing members of the public in such a way – these matters are best dealt with by officers in general correspondence.

(2) Merger of Walsall and Wolverhampton Hospital Trusts

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

“Could you please give me details on the extent to which Walsall Council is able to influence the decisions making process with regard to the related matters of the proposed PFI bid by Walsall Hospital NHS Trust, merger of Walsall and Wolverhampton Hospital Trusts and the closure of Goscote Hospital?”

Councillor Ansell said that the proposed private finance Initiative scheme and the consultation on a possible board merger and clinical reconfiguration of services between the Walsall Hospitals NHS Trust and The Royal Wolverhampton Hospitals NHS Trust were subject of a decision of Council on 4th July 2005, when Council decided to set up a specific scrutiny panel. This panel has met twice to date (on 23th and 31st August 2005). At the second of these meetings, presentations were made by the Chair and Chief Executive of the Walsall Hospitals NHS Trust and also the Chief Executive of the Walsall Training PCT. These presentations gave background as to what issues had led to the current position and the future plans for public engagement and formal consultation. The scrutiny panel were able to discuss the consultation process to ensure that genuine robust arrangements are in place to consult with the people who live in Walsall.

He said that given that the proposals are likely to be perceived as having “substantial” implications for several Local Authority areas (probably Walsall, Wolverhampton and Dudley), the legislation is likely to require the Council to enter into a joint scrutiny arrangement with these other local authorities. Work is underway to agree what constitutional and practical arrangements would be required by such a process and formal proposals will be shared with Council as detail becomes available. The formal consultative process will take place between November 2005 to February 2006, the NHS Trusts are responsible for that process.. Prior to that, however, there is a widespread public engagement process being designed by the affected Primary Care Trusts to consider the options that are available.

This Council wants the best for the people of Walsall. We want to see accessible health services that meet local people’s needs and a local hospital which delivers an excellent hospital services – emergency, in-patient and out-patient services. We know the importance of this issue and I urge all Councillors to be involved and for local neighbourhood partnerships to be involved in the formal consultation.

In relation to the future use of the Goscote Hospital site, this matter was raised at the Health Overview & Scrutiny Panel at its last meeting on 18th August 2005. Paul Jennings, Chief Executive of Walsall tPCT, has agreed to attend a future meeting to share current thinking and possible proposals for the future. This scrutiny panel will then be in a position to ensure proper consultation takes place and that any proposal is based on local health needs.

Council officers involved in planning future Health & Social Care Services for older people, in partnership with NHS colleagues, are discussing possible health uses for the site as part of a partnership strategy to extend, develop and modernise the range of services available in the borough to our growing elderly population. The PCT are fully aware that they must consult and all proposals are subject to scrutiny and planning consents.

Mr. Smith asked the following supplementary question:-

In noting that you urge all Councillors to get involved in the consultation rather than standing by the campaigning Committee in opposing the merger and PFI bid and hoping that the scrutiny panel does have an influence will you ensure as a matter of urgency earlier on in the consultation period that the scrutiny panel gets with the hospital trust to categorically deny what I have been told by top consultants in the Black Country presently in post that there are well advanced plans to relocate the intensive care unit and most serious surgery from the Manor Hospital to other Black Country locations and the Manor Hospital will be downgraded if we go along with these particular policies. We need opposition to the closure of

the hospital and opposition to the PFI and expect total support against the merger with Wolverhampton and Dudley.

Councillor Ansell replied that he will urge the scrutiny panel to look at all proposals from the hospital board and the tPCT board. He went on to say that our concern was for the health and well-being of Walsall people and he believed that this well-being must be administered from Walsall. He went on to say that his side was opposed to any merger at this stage and that we will robustly scrutinise the merger proposals. He said that the Council welcomed the hospice proposals at Goscote.

(3) Portland Road, Aldridge

Mr. P. Basford of 35 Portland Road, Aldridge asked the following question of Councillor Longhi:-

“When is Portland Road, Aldridge going to be widened?”

Councillor Longhi said that currently a traffic calming scheme along Portland Road was being constructed and will be completed within two weeks and this will mean some road narrowing. He said that he had been advised that this would include a zebra crossing installation, minor changes to access kerb radii, installation of pedestrian refuges which would mean some road narrowing using give-way/one-way priority to facilitate the traffic calming and for improved/shorter pedestrian crossing.

Mr. Basford asked the following supplementary question:-

What is the Council going to do with the land which was compulsorily purchased from the frontages of 35/35A Portland Road which he owned and which was originally purchased for road widening?

Councillor Longhi replied that he was unaware of the details of the compulsory purchase order, but that this enquiry was best dealt with through officers and he asked Mr. Basford to write to the Chief Executive who would make arrangements for a reply to the question.

47. Question by member of the Council

Butler’s passage

Councillor Oliver asked the following question of Councillor Andrew:-

“With regard to the recent renovation of Butler’s passage and associated works in Walsall town centre:

- What were the full costs of renovation and associated works?
- How far behind schedule was completion of the project?"

Councillor Andrew said I am happy to provide a full and comprehensive answer on both costs and schedule, regarding one of the schemes within the Walsall Quality Street programme, which is being implemented as part of the ambitious plans to regenerate the Town Centre.

Funding for the Butler's passage scheme was originally approved by Advantage West Midlands (AWM) on 4th December 2003.

Overall a total of £750,000 was approved for the project to be completed in 2 phases, with £540,000 being approved by AWM and the balance from European Regional Development Fund and Centro.

ALS Landscapes were commissioned to develop the design and worked closely with the Quality Streets Steering Group, involving key stakeholders, to develop the detailed design.

The project has been developed in two phases with Butlers Precinct, Butlers Passage and public art as Phase 1 with Park Street Arcade as Phase 2.

The original estimates for works for Phase 1 were £450,000. Tenders were received from a number of contractors on the Council's approved list, on 13th September 2004. Approval was subsequently given by the appropriate officers and members with the delegated authority on 28th September 2004 to appoint the contractor who had submitted the lowest tender for the value of £467,067.

Councillor Andrew said that the detailed tendered costs were as follows:-

- (i) Footway improvements: £168,469.25 – This includes:
 - Traffic safety measures: £8,615
 - Protection of services and site security: £1,665
 - Demolitions (removal of barriers, posts, making good): £9,293.83
 - Excavating, kerbs, edgings, channels: £18,948.63
 - Sub base, macadam surfaces: £7,225.81
 - Block paving/slabs/brick paving: £68,909.66
 - Site furniture/drainage/lighting: £15,405.67
 - Provisional and prime cost sums: £38,400.65

- (ii) Building repairs: £83,642.07 – This includes:
 - Alterations/spot items inc. pigeon spikes: £20,293.75
 - Façade enhancements: £10,396.52
 - Carpentry/timber framing St. Paul's: £4,231.93
 - Repair of concrete block/brick and stone: £15,988.98
 - Proprietary wall finishes, painting: £24,890.59
 - Rainwater goods: £6,340.30
 - Provisional sum for brickwork repair: £1,500

- (iii) Installations: £101,209.60 – This includes:
- Bas relief panels: £15,000 (these were later omitted from the contract and replaced with extended paint system)
 - Archway at Park Street: £16,000
 - Canopy at St. Paul's Street end: £38,000
 - Railings: £25,000
 - Admin. Relating to artwork: £450
 - Installation of artworks: £6,759.60
- (iv) Contingencies: £22,241.33 (5% of the sub total, which is standard)
- (v) Preliminaries: £91,505.58 – This includes:
- Mobilisation of contractors (e.g. site compound etc): £51,970.58
 - Contractors insurances: £10,000
 - Contractors supervision of the works: £27,200

The total contract value was £467,067.83.

With regard to additional costs, Councillor Andrew said that in June 2005, ALS Landscapes, the supervising Landscape Architect, wrote to the Council to advise on the current financial position. At that stage the revised tender cost was increased to £483,292 and was based on the following increased costs:

- (i) Additional preliminaries cost: £12,150

An additional 4.5 weeks onto the approved contract period (originally 4th May) was agreed between the client and the contractor due to delivery delays on the paving and art works.

- (ii) Additional costs for public art: £15,766

The original tender allowed for a number of items including foundations for the art work and its fabrication costs which increased. The original specification also allowed for bas relief panels to be installed within the passage itself, which were removed from the contract and replaced with a paint system, which required additional rendering and paint to be used.

Councillor Andrew said that the overall original tendered value for the contract was £467,067, once the contingencies of £22,241 are deducted, this leaves a balance of £444,826 to deliver the phase 1 project. The additional cost which totalled £38,466 were funded from the contingency sum of £22,241 with the additional balance of £16,225 being funded from the overall funding allocation approved for both phases.

With regard to the issue of timescale, Councillor Andrew said that the original timescale envisaged for completion of the scheme was 12 weeks from the start of the contract, which allowing for allowable delays would have seen the contract completed in May this year.

It is clearly apparent that the contractor has performed badly on this contract in terms of the quality of the workmanship and this has led to considerable delays, whilst the Council attempted to get the contract completed to its satisfaction. There have also been related issues with sub-contractors which have caused further delays. This situation is clearly not of the Council's making and our overriding concern is to get the project complete to the standard originally envisaged.

The Council and its legal representatives are currently in detailed discussions with the contractor to resolve the situation. Information relating to this process is obviously not in the public arena and so it would be inappropriate to comment further on this situation as it may be subject to legal proceedings.

I am however happy to update members on the situation once I am in a position to do so and I can assure you we are doing all we can to complete the project to the quality the people of this borough deserve.

Councillor Oliver asked the following supplementary question:-

Does Councillor Andrew think this contract represents value for money?

Councillor Andrew said that legal action was being taken in respect of this contract because the Council are not satisfied with the work completed.

48. Proper officer for Registration and Coroner Services

The report was submitted.

Resolved

- (1) That the Head of Public Protection be appointed Walsall's proper officer for the joint Black Country Coroner Service in accordance with the requirements of the Coroners Act 1988 with effect from 12th September 2005.
- (2) That the Assistant Director of Finance be appointed Walsall's Proper Officer for the Registration Service in accordance with the Registration Service Act 1953 with effect from 12th September 2005.

49. Appointment of Chair and Vice-Chair of special time limited health scrutiny panel

The report was submitted.

It was **moved** by Councillor Ansell and seconded Councillor O'Hare:-

That Councillor Arif be appointed Chair of the special time limited health scrutiny panel.

On being put to the vote motion was declared carried – 30 Members voting in favour and none against and it was:-

Resolved

That Councillor Arif be appointed Chair of the special time limited health scrutiny panel.

It was **moved** by Councillor Robinson and seconded by Councillor Madeley: -

That Councillor Robertson be appointed Vice-Chair of the special time limited health scrutiny panel.

Councillor Robinson informed the meeting that at the first meeting of the time limited health scrutiny panel, Councillor Wilkes questioned the legality of the meeting as he felt that all of the Conservative members should have declared an interest as item 5 on that agenda referred to declarations of interest and party whip. He was advised that this was the responsibility of individual members. Councillor Robinson went on to say that written notification had been given to Constitutional Services that Councillor Arif was to be the Chair of that meeting.

The legal representative present at the meeting asked for a short adjournment as he had not had prior notice of this request for advice.

The meeting adjourned at 7.00 p.m.

The meeting recommenced at 7.05 p.m.

The legal representative informed the Council that he would reply to the questions posed in four parts.

In relation to the letter relating to Councillor Arif being appointed Chairman, he was not aware that any such letter had been received by Constitutional Services.

In relation to the declaration of the party whip; there is a requirement in the Constitution that the question be asked and he understood that the answer that was given had been that no party whip had been imposed.

On the declaration of interest, individual members are responsible for this declaration. He went on to say that he was unaware of what happened at the meeting and suggested that if there was any query concerning this those concerns be put in writing to the Monitoring Officer.

In connection with the re-election of the Chair, the Council at its last meeting established a time limited scrutiny and performance panel to consider proposals

for the future delivery of hospital services in the borough. Council required notification of the names of Councillors who were to form that panel to be submitted by 15 July 2005. Since membership was not known at that time, the panel could not appoint a Chair or Vice-Chair pursuant to the scrutiny and

performance procedure rules. The panel met for the first time on 23 August when they were advised that it had the choice to appoint a Chair either for that meeting or for the lifetime of the panel and if it were the latter, any decision of the panel was subject to a Council appointment and that any decision of panel did not fetter the discretion of the Council. As members are aware, the panel elected Councillor Bird to be Chair and Councillor Robertson as Vice-Chair.

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

Resolved

That Councillor Robertson be appointed Vice-Chair of the special time limited health scrutiny panel.

50. **Putting the Citizen First**

The report was submitted.

Resolved

That the proposed process for consideration of the Putting the Citizen First contract be approved.

51. **Membership of Childrens Services and Lifelong Learning Scrutiny and Performance Panel**

Resolved

That the following change in membership of the Childrens Services and Lifelong Scrutiny and Performance Panel for the remainder of the current municipal year be noted:-

Councillor Wilkes to fill the vacant seat.

52. **Notice of motion – Neighbourhood Resource Centres**

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

This Council notes:

1. The decision of Cabinet on 2nd March 2005 to fix leases for Neighbourhood Resource Centres at 50% of full market value, with an

additional 10% levy, and that it has been stated that it is the intention to roll this policy out to the whole voluntary and community sector in Walsall.

2. That this decision was then subject to the scrutiny process, where it was resolved:

“That the Regeneration, Environment, Housing and Community Safety Scrutiny and Performance Panel accepts that to impose 50% commercial leases and 10% repair levy on some Neighbourhood Resource Centres from 1st April 2005 will cause some to close, and ask that Cabinet reconsider their decision of 2nd March 2005 and consider the following options:

1. Grant within two months NRCs a 21 year lease to allow centres to apply for a range of external grants. This lease to place responsibility of day-to-day running costs with the NRC, and external major maintenance with the Council.

2. Fix the lease costs at a peppercorn rent for one year, with a full review after one year”.

3. That Cabinet’s response at its meeting on 11th May 2005 was simply to note this resolution, so that the decision of 2nd March 2005 still stands.

4. That the Walsall Council Corporate Plan (2005 – 2006) states that:

“We will listen to and consult residents, community organisations, voluntary groups and staff – caring about and acting upon their views and concerns (p.19) supporting local communities with the resources and tools to provide local solutions to local problems (p.2)”.

This Council therefore resolves that Cabinet be requested to reconsider their decision of 2nd March 2005 with a view to adopting the Scrutiny Panel resolution a set out above.

On being put to the vote the motion was declared lost – the voting at the request of several Members of the Council being recorded as follows:-

**For the motion -
22 members**

Cllr. Oliver
I. Shires
Anson
Barton
Bentley
Bott
Burley
Cassidy
Chambers

**Against the amendment -
30 members**

Cllr. Ansell
Andrew
Arif
Aslam
Ault
Beeley
Beilby
Bird
Clarke

Cook
Coughlan
Creaney
Johnson

Collins
Douglas-Maul
Griffiths
Harris

Cllr. Madeley
Phillips
E.E. Pitt
Robertson
Robinson
Sarohi
D.A. Shires
Underhill
Wilkes

Cllr. Harrison
Hughes
Longhi
Martin
McCracken
Micklewright
O'Hare
Paul
M.G. Pitt
Rochelle
Rose
Sanders
Sears
Towe
Tweddle
Walker
Zahid

The meeting terminated at 8.30 p.m.