

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 8th April 2013 at 6.00 p.m.** at the Council House.

## **Present**

# Councillor D.A. Anson (Mayor) in the Chair

Councill	or M. Nazir (Deputy Mayor)	Councillo	r L.D. Jeavons
22	A.J.A. Andrew	ii.	T.J. Jukes
66	R.E. Andrew	ű	P. Lane
"	T.G. Ansell	"	M. Longhi
a	I. Azam	-11	Ms. R.A. Martin
"	D.J. Barker	ñ	J. Murray
u	O.D. Bennett	tt.	T.S. Oliver
u	M.A. Bird	"	G. Perry
ii.	R. Burley	ü	K. Phillips
<b>4</b> %	B. Cassidy	и	L.J. Rattigan
<b>66</b> S	K. Chambers	ίĈ	J. Rochelle
"	A.G. Clarke	11	E.B. Russell
"	J. R. Cook	u	H.S. Sarohi
u	D. Coughlan	"	K. Sears
u	S.P. Coughlan	u	Mrs. D.A. Shires
u	C.U. Creaney	( C	I. Shires
"	A. Ditta	TI.	P.E. Smith
u	B.A. Douglas-Maul	"	R.M. Thomas
"	J. Fitzpatrick	"	C.D.D. Towe
"	S.F. Fitzpatrick	tt .	A. Underhill
u	M. D. Flower	u	D.J. Turner
44	A.D. Harris	t t	S. Wade
"	L.A. Harrison	tt	F.J. Westley
"	E.F. Hughes	44	V. Whyte
"	K. Hussain	u	R.V. Worrall
**	G. Illmann-Walker	u	A. Young
16	D. James	tt.	Zahid Ali

# 100. Apologies

Apologies for non-attendance were submitted on behalf of Councillors Arif, C. Bott, P. Bott, McCracken and Woodruff.

### 101. Minutes

### Resolved

That the minutes of the meeting held on 21st February 2013 copies having been sent to each member of the Council, be approved as a correct record and signed.

# 102. Declarations of interest

There were no declarations of interest

# 103. Mayor's announcements

# (1) Death of Baroness Thatcher

As a mark of respect members and officers stood in silence in memory of the late former Prime Minister, Baroness Thatcher.

# (2) Councillor Oliver

The Mayor welcomed Councillor Oliver to the meeting following his recent surgery.

## (3) Night shelter

On behalf of the Council, the Mayor thanked the volunteers of the Hi's and Low Charity for providing food and shelter to homeless people during the recent cold spell.

### (4) Drinks

As this was the last ordinary meeting of the municipal year, the Mayor invited members to join him in the Mayor's Parlour for drinks.

### 104. Petitions

The following petitions were submitted:

- (1) Councillor Cassidy Brownhills Common removal of trees
- (2) Councillors Burley opposition to the "bedroom tax".

# (3) Councillor Phillips:

- (a) objection to hot food takeaway 5 Selmans Parade application 13/0317/FL
- (b) opposition to the "bedroom tax".

# 105. Questions by members of the Council

# (1) Beekeeping schemes

Councillor James asked the following question of Councillor Harris:

"The importance of 'Pollinators' has in recent years, become a topic at the forefront of countryside and conservation issues in the media. Councils across the UK and many conservation organisations now recognise the vital role' Pollinators' (including wild bees and butterflies, domestic honey bees) play in our natural landscape. These insects contribute significantly to plant and crop yields, and ensure the pollination of many species of wild flowers, which are in steep decline.

The Greenspace Services Allotments Strategy 2007 - 2012, hopefully soon to be updated, includes sections on 'Areas Managed for wildlife' and' Promoting Partnership working with groups promoting food production and Biodiversity' amongst its aims. However, Appendix 3 Allotment Tenancy Agreement Section 2(g) states allotment holders are "Not to keep upon the allotment any pigs, fowl or other livestock".

Could the portfolio consider an amendment to this policy to clarify that honey bees be considered exempt from the catch-all 'livestock' provided that any beekeeping schemes be undertaken as in the Governments 'Growing in the Community' document , in partnership with the British Beekeepers' Association?"

Councillor Harris replied that the Council recognised the need to update the agreement to provide something which was more user-friendly and which reflected current social, economic and environmental issues. In October last year Council officers advised all tenants on allotment sites directly managed by the Council, of the aim to renew the tenancy agreement during 2013/14 and 12 months notice was required under allotment legislation. We will be meeting with allotment associations during the consultation on this.

He said that following enquiries from allotment tenants a feasibility study of bees on allotments was approved. This started last year with a trial of three families of bees on the Cartbridge Lane Allotments and this trial was continuing this year. Anecdotal evidence suggested that as well as environmental benefits, crop yields on the site increased.

Officers have also sought advice from the British Beekeepers Association on how the Council can support beekeeping on allotments. The advice was to establish a new policy and agreement for tenants, to ensure that animal welfare regulations are met, including membership of a beekeeping association, and a

system of monitoring on sites without associations. This was the intention, subject to the consultation with allotment holders.

Councillor Harris said that he would keep Councillor James updated as work on this progressed.

# (2) Spending on footpaths and highways

Councillor Young asked the following question of Councillor Ansell:

"Can the portfolio holder give a ward by ward breakdown of the total spend on footpaths and highways since April 2012 to date?"

Councillor Ansell said that following Cabinet approval in April 2012 the Council had published its three year Highway Maintenance Programme on the website, together with the Highway Maintenance Strategy, for the period 2012 to 2015.

This programme had been put together based on engineering need taking into account information from various sources, including engineer's programme inspections, condition and survey data, highway inspectors, members of the public, Councillors, area managers and the risk and insurance service.

Councillor Ansell said the planned highway maintenance expenditure for 2012 to 2013 broken down on a ward by ward basis had been circulated around the Council Chamber, together with another plan which gave a breakdown for the full six year period between 2007 and 2013 inclusive (copies appended to these minutes).

## (3) The Lea, Blakenall

Councillor Phillips asked the following question of Councillor A. Andrew:

"In the light of recently announced austerity measures, can the portfolio holder justify to this Council and especially to the residents of my ward Bloxwich East the recently announced £42,000 of Walsall Tax Payers money to be spent on a piece of scrub land in Blakenall known as the Lea."

Councillor Andrew replied that Friends around the Lea were Bloxwich East residents and were opposed to housing development on the land despite proposals to develop the site for housing. The £42,000 was made up of £23,000 from Section 106 monies and £9,000 approved through the Area Partnership process (Bloxwich/Blakenall/Birchills/Leamore) and Walsall regeneration of £6,000. He said that it was proposed to support residents and protect the area.

Councillor Phillips asked the following supplementary question:

Could the portfolio holder confirm that Bloxwich East will get the same funding forwarded to them for work to damaged verges opposite St. Peter's School, Bloxwich and at the bottom of Livingstone Road; if there was funding for use on land in that manner, why couldn't a car park be provided on Lower Farm after the Neighbourhood office was demolished?

Councillor Andrew said that Councillor Phillips served on the Project Reference Group in Goscote, the 2 sitting Blakenall Councillors did not have a place and local resident's views were taken into consideration. The issue relating to grass verges needed to be taken up with the highways section.

# (4) Illegal scrap metal trading

Councillor Young asked the following question of Councillor Ali:

"In a public protection report given to Council on the 7th January 2013, the report quoted "improving support for residents affected by illegal scrap metal trading" Could the portfolio holder tell this Council, what these supportive measures are?"

Councillor Ali said that he had given a written reply to Councillor Young earlier in the year. He said that a wide range of measure had been implemented to tackle this problem including:

- Operation Steel to apprehend illegal scrap metal dealers
- Extensive communications including reports on local TV news and the production of a video
- An e-petition to halt cash sales of metal, gathering over 55,000 signatures
- A pilot project to replace metal gulley and manhole covers with plastic alternatives
- Operation Tornado where visits occur to inspect every scrap metal dealer to ensure they are fully compliant with the legal requirements of their trade
- Promotion and use of smartwater products to deter metal thefts
- Use of CCTV cameras in hot-spots to gather evidence to support enforcement.

These actions demonstrate how importantly the Council was taking this issue and hopefully provided some reassurance to residents. A positive impact was being made, activities taken by the Council and its partners had resulted in scrap metal thefts being reduced by over 50% in Walsall over 18 months. Councillor said that the Council would continue efforts to tackle the problems caused by illegal metal trading and the effects on local communities. He was confident that these measures would be successful in North Walsall.

Councillor Young asked the following supplementary question:

Can Councillor Ali provide information as to the number of properties against which the Council has taken enforcement action?

Councillor Harris said that the system was robust and information would be available to allow successful enforcement to be made.

# (5) Gritting on Sunday 24 March

Councillor Phillips asked the following question of Councillor Ansell:

"Can the portfolio holder tell me what time the gritters were sent out on Sunday 24th March?"

Councillor Ansell replied that the gritters were called out at 9.00 a.m. on Sunday 24th March and continued all day. This followed extensive gritting and snow ploughing prior to the weekend. The teams had been out gritting all Thursday night, completing three gritting and ploughing runs. They were then out again on Friday night and completed another three gritting and ploughing runs continuing through Saturday and finishing about 3.00 p.m.

He said that the forecast for Saturday night and Sunday morning was for light snow flurries. However, snow was heavier than expected and coupled with the winds caused drifting of 8 feet in places. After gritting throughout Sunday, a JCB was utilised on Monday to help clear snow in locations where ploughs were not effective. Gritters were deployed for the remaining school routes. Chester Road was bad but was dealt with well. On Tuesday gritters were used to clear roads in advance of household waste collections. Council and Tarmac operatives cleared snow by hand from footpaths within the town centre and district centres.

Councillor Phillips asked the following supplementary question:

Which route did they set out on, buses from Bloxwich had difficulty getting to Walsall – there were no gritters?

Councillor Ansell said he would give Councillor Phillips the information. We gritted in areas that we would not do normally. Councillor Phillips should be ashamed attacking the workforce who had worked hard to keep roads open.

# 106. Recommendation of Cabinet - Walsall Sustainable Community Strategy - The Walsall Plan 2013-16

The report to Cabinet was submitted.

It was moved by Councillor Bird, seconded by Councillor A. Andrew and:

#### Resolved

That the Sustainable Community Strategy be approved.

# 107. Recommendation of Appointments Board - Local Authorities (Standing Orders) (England) Regulations 2001

The report to Appointments Board was submitted.

It was moved by Councillor Towe, seconded by Councillor A. Andrew and:

#### Resolved

That the Constitution at Part 4.6 6(a) be amended by removing the term "Executive Directors" to give proper effect to the 2001 regulations.

# 108. Recommendation of Audit Committee - Independent member on Audit Committee

The report to Audit Committee was submitted.

It was moved by Councillor Hughes, seconded by Councillor Flower and:

### Resolved

That Council extend the term office of Mr. A. Green, co-opted member of the Audit Committee for a period of 2 years recommencing from the start of the 2013/14 municipal year.

# 109. Recommendation of Licensing and Safety Committee -Street trading review

The report to Licensing and Safety Committee was submitted.

It was moved by Councillor Sears, duly seconded and:

### Resolved

- (1) That in pursuance of the powers conferred upon it by virtue of Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 the Council hereby makes the following designation, such designation to take effect on 31st May, 2013 and that the Regulatory Services Manager be authorised to make the necessary statutory advertisements:
  - (a) The streets within Walsall Town Centre are designated licence streets.
  - (b) Walsall Town Centre is defined as an area including and edged by the following streets:

Blue Lane West from the junction of Wolverhampton Street to Green Lane:

The line of the Ring Road from the Blue Lane/Green Lane junction to Littleton Street West/Wisemore junction;

Littleton Street West from Wisemore to Hatherton Street; Littleton Street East from Hatherton Street to Lichfield Street; The line of the Church Hill Ring Road from the Littleton Street East/Lichfield Street junction to the Ward Street/Walhouse Road junction:

Lower Rushall Street from Walhouse Road to Ablewell Street;

Upper Rushall Street from Ablewell Street to High Street;

The line of the Church Hill Ring Road adjoining Peal Street and Dudley Street from High Street to Caldmore Road;

Vicarage Place from Caldmore Road to Bradford Street;

A line from the Vicarage Place/Bradford Street junction to Long Street/Bridgeman Street junction;

Navigation Street and Upper Navigation Street from Bridgman Street to the Canal Arm;

A line along the Canal Arm and through the old Public Works Depot to the Wolverhampton Street/Blue Lane West junction.

(2) That any previous resolution passed under Schedule 4 paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982 designating a street be rescinded in so far as it relates to Walsall Town Centre as defined above.

# 110. Recommendation of Shadow Health and Wellbeing Board - Establishment of Health and Wellbeing Board

The report to the Shadow Health and Wellbeing Board was submitted.

It was moved by Councillor Ali and seconded by Councillor Bird:

That a Health and Wellbeing Board be established with a remit and terms of reference consistent with the current remit and terms of reference of the existing Shadow Health and Wellbeing Board as set out in the Appendix to this report and that the membership be as follows:

- Portfolio holder for Social care and health (or nominee)
- Portfolio holder for Children's services (or nominee)
- One member of the controlling group to be Chairman
- 2 Labour group nominees
- 1 Liberal Democrat group nominee
- Executive Director of Adult Social Services
- Executive Director of Children's Services
- Interim Director of Public Health
- 5 Clinical Commissioning Group representatives
- Executive Director for Neighbourhoods
- A representative of HealthWatch
- 1 independent member of the Council

**Amendment** moved by Councillor Oliver and seconded by Councillor S. Coughlan:

That the first four bullet points be deleted and replaced with:

- 2 Conservative group nominees (one to be Chair)
- 3 Labour group nominees

On being put to the vote the amendment was declared carried – 29 members voting in favour and one against.

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

#### Resolved

That a Health and Wellbeing Board be established with a remit and terms of reference consistent with the current remit and terms of reference of the existing Shadow Health and Wellbeing Board as set out in the Appendix to this report and that the membership be as follows:

- 2 Conservative group nominees (one to be Chair)
- 3 Labour group nominees
- 1 Liberal Democrat group nominee
- Executive Director of Adult Social Services
- Executive Director of Children's Services
- Interim Director of Public Health
- 5 Clinical Commissioning Group representatives
- Executive Director for Neighbourhoods
- A representative of HealthWatch
- 1 independent member of the Council

# 111. Local Government Ombudsman – Report on an investigation into complaints 10 008 980 and 10 012 328 against Walsall Council

The report was submitted.

#### Resolved

That the report and recommendations of the Ombudsman be noted.

# 112. Portfolio holder briefings

# (a) Community engagement and voluntary sector

Councillor I. Shires, portfolio holder for Community engagement and voluntary sector gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Shires.

# (b) Transport and environment

Councillor Ansell, portfolio holder for Transport and environment gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Ansell.

# 113. Notice of motion - Collective fuel switching

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

- (1) This Council notes with concern:
  - (a) the recent increases in household energy bills averaging over 7% per annum given the impact that this will have on many hard pressed households across Walsall MBC
  - (b) that the primary reason for the rise is the increase in fossil fuel prices on gas and electricity tariffs.

# (2) This Council welcomes:

- (a) the action which the Coalition Government is taking to reduce reliance on fossil fuels in our energy mix long term but believes that action should be taken where possible to increase competition in the retail energy market in order to help drive down bills and get the best deal for the consumer.
- (b) the initiative of the Department of Energy and Climate Change to promote guidance on collective switching and its launch of a competition to encourage local authorities and community groups to support collective switching schemes.
- (3) This Council further notes that pilot schemes promoted by local authorities in Cornwall, South Lakeland and Oldham have already led to households reducing their energy bills by up to £200 per annum.
- (4) This Council instructs officers to bring forward proposals for Walsall Metropolitan Borough to introduce a collective switching scheme (working with other local authorities and public sector bodies if appropriate) to enable energy consumers in the borough to make similar large savings as those achieved elsewhere.

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

### Resolved

- (1) This Council notes with concern:
  - (a) the recent increases in household energy bills averaging over 7% per annum given the impact that this will have on many hard pressed households across Walsall MBC
  - (b) that the primary reason for the rise is the increase in fossil fuel prices on gas and electricity tariffs.

# (2) This Council welcomes:

- (a) the action which the Coalition Government is taking to reduce reliance on fossil fuels in our energy mix long term but believes that action should be taken where possible to increase competition in the retail energy market in order to help drive down bills and get the best deal for the consumer.
- (b) the initiative of the Department of Energy and Climate Change to promote guidance on collective switching and its launch of a competition to encourage local authorities and community groups to support collective switching schemes.
- (3) This Council further notes that pilot schemes promoted by local authorities in Cornwall, South Lakeland and Oldham have already led to households reducing their energy bills by up to £200 per annum.
- (4) This Council instructs officers to bring forward proposals for Walsall Metropolitan Borough to introduce a collective switching scheme (working with other local authorities and public sector bodies if appropriate) to enable energy consumers in the borough to make similar large savings as those achieved elsewhere.

# 114. Notice of motion - Bus stops in Field Lane, Pelsall

In the absence of Councillors Bennett, Perry and Longhi the motion was not considered.

## 115. Notice of motion - "Bedroom tax"

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

- "(1) This Council notes:
  - (a) The recent U-turn by the coalition government with regard to some sections of our community affected by the implementation of the so-called "bedroom tax";

- (b) the comments made by Lord Justice Kay residing over the case Gory v DWP on housing benefit size criteria, who concluded that discretionary housing payments "fell far short of being an adequate solution to the problem";
- (c) that the impact of the "bedroom tax" will continue to fall disproportionately on less well-off residents and families across the borough of Walsall, who will in many cases have no option but to face a further reduction in their living standards.

## (2) Further that this Council:

- (a) notes the comments made by the Leader of the Council, Councillor Mike Bird, in criticising and calling for reconsideration of this badly thought-out legislation (Express & Star 13/3/13); and
- (b) therefore resolves to call upon the coalition government even at this late stage to scrap the so called "bedroom tax" and to write to appropriate ministers to let them know our dismay and anger at the impact of their proposals."

**Amendment** moved by Councillor I. Shires and seconded by Councillor A. Andrew:

That the motion be amended as follows:

- (1) The following be added to paragraph (1) and that the existing paragraphs be renumbered:
  - (a) The lack of new social housing being built since the extension of the "Right to Buy" legislation in the 1980 Housing Act:
  - (b) That Labour, whilst in power, changed housing benefit for those in privately rented accommodation with spare bedrooms
- (2) The following be added to paragraph (2):
  - (c) Calls on Labour to come clean on their benefits policy following their recent confusion over their support or otherwise of a benefits cap and the lack of clarity on the scrapping of the under-occupancy policy: and
  - (d) Calls upon the Coalition Government to invest more in house Building, social, affordable and market-size in the borough of Walsall to provide homes for our citizens and a real boost to the local economy.

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

For the amendment -	Against the amendment -
26 members	29 members

CIIr: Bird Cllr: Oliver I. Shires Anson A. Andrew Burley R. Andrew Cassidy Ansell Chambers Azam D. Coughlan Barker S. Coughlan Bennett Creaney Clarke Ditta

Cook
Douglas-Maul
Flower
Harris
J. Fitzpatrick
S. Fitzpatrick
Hussain
Illmann-Walker

Harrison James Hughes Jeavons Longhi **Jukes** Martin Lane Murray Nazir Perry **Phillips** Rattigan Russell Rochelle Sarohi

Sears Smith
D. Shires Thomas
Towe Underhill
Turner Wade
Zahid Ali Westley
Whyte
Worrall

Young

Amendment moved by Councillor Smith and seconded by Councillor I. Shires:

That the motion be amended as follows:

- (1) The following be added to paragraph (1):
  - (d) that the opposition Labour Party has so far failed to commit a future Labour Government to scrapping this unfair "bedroom tax"
- (2) The following be added to paragraph (2):

(c) further resolves to write to appropriate shadow ministers to let them know of our similar dismay and anger that the opposition Labour Party has so far failed to promise that they would scrap the so called "bedroom tax" should labour form the next government and calls upon the Leader of the Labour Party publicly to commit any future Labour Government to the abolition of this unfair "bedroom tax".

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

### Resolved

That Council procedure rules be suspended to enable the business of the meeting to be completed.

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

For the amendment - 27 members		Against the amendment – 28 members	
CIIr:	Bird I. Shires A. Andrew R. Andrew Ansell Azam Barker Bennett Clarke Cook Douglas-Maul Flower Harris Harrison Hughes Longhi Martin Murray Perry Rattigan Rochelle Sears D. Shires Smith Towe Turner Zahid Ali	Cllr:	Oliver Anson Burley Cassidy Chambers D. Coughlan S. Coughlan Creaney Ditta J. Fitzpatrick Hussain Illmann-Walker James Jeavons Jukes Lane Nazir Phillips Russell Sarohi Thomas Underhill Wade Westley Whyte Worrall

Young

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

## For the motion - 55 members

Cllr: Bird

Oliver

I. Shires

A. Andrew

R. Andrew

Ansell

Anson

Azam

Barker

Bennett

Burley

Cassidy

Chambers

Clarke

Cook

D. Coughlan

S. Coughlan

Creaney

Ditta

Douglas-Maul

J. Fitzpatrick

S. Fitzpatrick

Flower

Harris

Harrison

Hughes

Hussain

Illmann-Walker

James

Jeavons

Jukes

Lane

Longhi

Martin

Murray

Nazir

Perry

**Phillips** 

Rattigan

Rochelle

Russell

Sarohi

Sears

D. Shires

Smith

Thomas

Towe
Turner
Underhill
Wade
Westley
Whyte
Worrall
Young
Zahid Ali

and it was:

### Resolved

# (1) This Council notes:

- (a) The recent U-turn by the coalition government with regard to some sections of our community affected by the implementation of the socalled "bedroom tax";
- (b) the comments made by Lord Justice Kay residing over the case Gory v DWP on housing benefit size criteria, who concluded that discretionary housing payments "fell far short of being an adequate solution to the problem";
- (c) that the impact of the "bedroom tax" will continue to fall disproportionately on less well-off residents and families across the borough of Walsall, who will in many cases have no option but to face a further reduction in their living standards.

# (2) Further that this Council:

- (a) notes the comments made by the Leader of the Council, Councillor Mike Bird, in criticising and calling for re-consideration of this badly thought-out legislation (Express & Star 13/3/13); and
- (b) therefore resolves to call upon the coalition government even at this late stage to scrap the so called "bedroom tax" and to write to appropriate ministers to let them know our dismay and anger at the impact of their proposals.

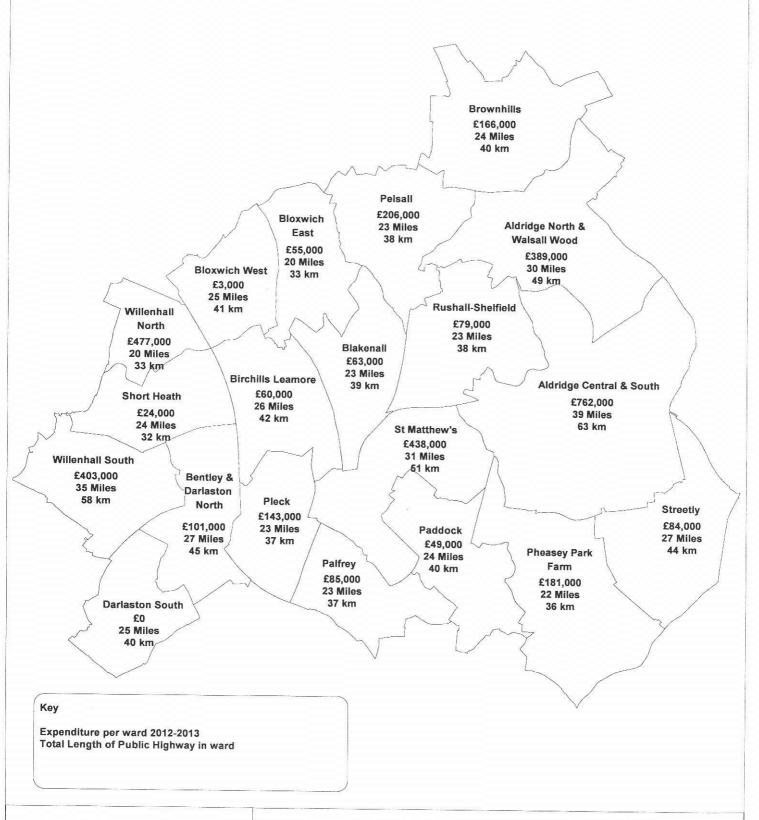
At this point in the meeting, the Council sat as charitable trustees when considering the following item, the normal Council procedure rules did not apply.

# 116. Annual report of Barr Beacon Trust Management Committee

The report was submitted.

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That the report be noted.
The meeting terminated at 9.15 p.m.
Mayor:
Date:





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