



# Walsall Council

Dear Councillor,

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **MONDAY 23RD day of SEPTEMBER, 2013 at 6.00 p.m.** at the Council House, Walsall.

Dated this 13th day of September, 2013.

Yours sincerely,

Chief Executive.

The business to be transacted is as follows:

1. To elect a person to preside if the Mayor and Deputy Mayor are not present.
2. Apologies.
3. To approve as a correct record and sign the minutes of the meeting of the Council held on 8th July, 2013.
4. Declarations of interest.
5. **Local Government (Access to Information) Act, 1985 (as amended):**  
  
To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda. There are no items to be considered in private session.
6. Mayor's announcements.
7. To receive any petitions.

## 8. Walsall Gala Baths:

- (a) Councillors Russell and Whyte submitted the following petition to Council on 8th July 2013:

“We the undersigned do not wish to see the closure of Walsall Gala Baths as we believe that it is important to have swimming facilities in the town centre, especially and in particular, we do not wish to lose the only brine pool that is centrally located, well used and much appreciated for its medical benefits to many of its users”

- (b) Report reproduced in the reports booklet for this meeting

(Note: The Council's petitions scheme states:

**“Council debate** - If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issue raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet. The petition organiser will receive written confirmation of this decision and this will be published on our website.”)

## 9. To answer any questions in accordance with Council procedure rules:

- (a) From the public

### **Mrs. J. Dodwell – “Bedroom tax”**

“Given that myself, my husband and 2 children had no option at the time (other than face no further offers of accommodation) but to accept the tenancy of the disability adapted 3 bedroom Whg property where we now reside and given that as a result of accepting this tenancy, we have subsequently been hit by the bedroom tax as our children are of the same gender and under 16, can the Council inform me, how many Whg 2 bed roomed disability adapted properties are available in order that my family and other families with disabilities, in a similar situation to ours, can be offered a chance to “downsize” and therefore avoid paying the despicable and unjust “bedroom tax” that we, like so many others, can ill afford?”

(b) From members of the Council

**(1) Councillor Smith – “Bedroom tax”**

“With regard to Walsall’s largest social landlord, Whg, would the appropriate portfolio holder give an assessment of the impact of the “bedroom tax” in the first 6 months of its implementation, hopefully with reference to such matters as the number of households going into rent arrears, the amount of rent arrears attributable to the “bedroom tax”, the number of requests for “down-sizing” compared to the numbers of those who have actually “down-sized” and the number of households assisted by the Discretionary Housing Fund and any other information that may inform this Council and the general public?”

**(2) Councillor Smith – Bus station toilets**

“Given that at the last Council meeting on 8/7/13, I asked the following question set out here again in italics, *“Following the Resolution of Council (22/5/13), amended by Cllr. Smith and carried unanimously as a substantive motion, which not only opposed Centro’s proposals to introduce charges for the use of Walsall town centre toilets but also requested Walsall Council’s 3 Councillor representatives on the Transport Authority to make the strongest representations on the issue in support of Walsall Council’s concerns, could this Council and the public have a statement from the Council informing us what action has been taken by the Council and its Transport Authority representatives following this resolution and what has been the outcome of such action?”* and given that your response to my question referred to an imminent future meeting on the subject, would you now inform me, this Council and the public whether or not the original Centro plans to introduce charges for the use of these central bus station toilets have now been withdrawn?”

**(3) Councillor Smith – “Bedroom tax” – data submissions**

“Given that recently a Kirkcaldy Benefits Tribunal ruled against Fife Council’s decision that a tenant of what the landlord said was a three-bed roomed property had to pay for ‘under-occupying’ two bedrooms, with the Tribunal judge ruling that the property in question in fact had just one bedroom and the tenant was not liable for any bedroom tax and given also that the judge ruled that the Council must refund the tenant all the housing benefit it had deducted since its original decision and furthermore given that crucially the judgment also made clear that a Council cannot make a reliable bedroom tax decision on the assumption that data submissions from a landlord on bedroom numbers are correct, that a Council must know the room purpose and usage as at the time it makes the benefit tax decision for that decision to be reliable and that a Council must consider not just room size in making a decision but also usable floor space, can the Portfolio holder assure me, this Council and the public that, in making its individual decisions on “bedroom tax” related benefits, Walsall Council

has not assumed that data submissions (rather than Council processed information) from social landlords on bedroom numbers are correct, that Walsall Council has ascertained knowledge of the room purpose and room usage at the time it made benefit “tax” decisions and that Walsall Council has considered not just room size but also usable floor space at the time it made its decisions?”

10. To note the result of the by-election for the **Aldridge Central and South Ward** held on 15th August 2013 as follows:

<b>Names of candidates</b>	<b>No. of votes polled</b>	<b>Candidate elected</b>
Grainger, Bob	740	Timothy Simon Wilson
Hazell, Liz	615	
Newey, Chris	72	
Sheward, Roy	114	
Wilson, Timothy Simon	1254	

**Turnout 23.03%**

11. To confirm the following recommendation of **Cabinet**:

**Corporate Plan 2013/14 to 2015/16**

That the Corporate Plan 2013/14 to 2015/16 be approved.

(Note: Report to Cabinet on 24th July 2013 reproduced in the reports booklet for this meeting.)

12. **Freedom of the Borough.** That consideration be given, in principle, to conferring the honour of Freedom of the Borough on a citizen of the Borough.

13. **Ofsted inspection of local authority arrangements for the protection of children in Walsall.** Report reproduced in the reports booklet for this meeting.

**14. Portfolio holder briefing.** To receive a 5 minute presentation from the portfolio holder for Regeneration and Transport (Councillor A. Andrew).

(Note: A member of the Council may ask the portfolio holder any question and another associate question without notice upon the each report. Questioning by members is limited to 10 minutes for each report presented.)

**15. Appointments on outside bodies and charities:**

- (a) **Youth Employment Commission:** To confirm the appointment of Councillor A. Andrew as the Council's nominee to the Commission

(Note: Report reproduced in the reports booklet for this meeting.)

- (b) **Catherine Walker Charity:**

- (i) The term of office of Mrs. D. Sylvester as a representative trustee expired on 14th September 2013. To appoint a trustee for a period of 4 years expiring on 14th September 2017.
- (ii) To appoint a representative trustee in place of Councillor Russell for the balance of the 4 year period expiring on 14th September 2017.

(Note: A representative trustee need not be a member of the appointing body.)

**16. To consider the following motion, notice of which has been duly given by Councillors Creaney, Illmann-Walker, S. Coughlan, D. Coughlan and Oliver:**

"Council wishes to place on record its opposition to the process of privatisation taking place within the Royal Mail and the threat to the 'six day, one price goes anywhere' delivery. We believe that these proposals will lead to higher prices and a worse service for Walsall residents.

In particular, Council opposes proposals to franchise and/or close the Crown Post Office currently located in Willenhall. The downgrade of the status of Willenhall Crown Post Office by attempting to franchise it into another retail business will lead to an inferior customer service and will have a negative impact on the local economy.

Council urges all Walsall MPs to join the campaign to save these Crown Post Offices and to oppose the sell-off of Royal Mail."

(Note: Report reproduced in the reports booklet for this meeting.)

17. To consider the following motion, notice of which has been duly given by **Councillor Worrall**:

This Council notes that on 2 July, 2013, Councillor Worrall, Russell and Chambers submitted the following Notice of Motion in time for it to be included in the third and final available place for Notices of Motion on the agenda for the Council meeting held on 8th July, 2013:

"This Council, in considering the case of the Brush Garage, 86 Lichfield Road, Shelfield, in the light of the Ombudsman's findings of injustice arising from multiple instances of maladministration by certain elected members and officers unreservedly apologises to the complainants and other affected residents; further, given the long-term adverse effects on near neighbours and the wider locality, invites Planning Committee to consider revisiting their decision in the absence of the three elected members who have agreed to take no further part in the consideration of matters pertaining to the premises in question."

Council further notes that:

- (1) a later Notice of Motion, submitted by Councillor Smith, was accepted while officers were still considering whether or not to place Councillor Worrall's Notice of Motion on the Council's agenda;
- (2) before it was placed on the Council's agenda, officers sought Counsel's advice as to whether the Notice of Motion was lawful or could bring the Council into disrepute, and informed Councillors Worrall and Oliver on 4 and 5 July that they did not feel it advisable to include the Notice on the agenda: nevertheless, it was accepted that the Notice of Motion was submitted in line with the Council's constitution, was lawful, and would not have "brought the Council into disrepute."
- (3) The said Counsel's advice is "legally privileged", so that, while Councillors Worrall and Oliver were allowed to read it, they were not allowed to have a copy; and
- (4) Council has given full delegated powers to Planning Committee to determine planning applications, so that, if there were to be any decision to revisit issues of enforcement, then this would need to be initiated, not by Full Council, but with the consent of the Chair of Planning Committee. By agreement with the council, three members of the council identified in the Ombudsman's report will "take no part in relation to future proposals for the site, linked to the current situation." This is intended to restore the complainants' confidence in the planning process.

18. To consider the following motion, notice of which has been duly given by **Councillors S. Coughlan, Illmann-Walker, Oliver, Jeavons, Jukes and Burley**:

“This Council recognises the financial and other pressures leading to the closure of many of our public houses across the borough and nationally, and regrets the loss of many community pubs which are valuable neighbourhood assets” .

This Council therefore resolves to support the national ‘Fair Deal for your Local’ campaign, and welcomes the Government’s commitment to introduce a statutory code of practice to ensure fair dealing by pub companies and for tied licensees; in particular to support Option 3 of the parliamentary Business, Skills and Innovation committee consultation, which gives tied pub tenants the ability to buy products from the open market and to pay a fair market rent for the building.

Furthermore this Council resolves to submit the following proposal under the Sustainable Communities Act:

‘That the Government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets, pay-day loan stores or other uses, or are allowed to be demolished’”.

(Note: Report reproduced in the reports booklet for this meeting.)

**At this point the Council to consider the following item as charitable trustees –**  
*When the Council is acting in this capacity, Council procedure rules do not apply. A corporate trustee is a corporation which has been appointed to act as a trustee of the charity. Trustees should bear in mind that when they are dealing with the business of the charity, their overriding duty is to act in the best interests of that charity.*

19. **Bloxwich and Leamore Recreation Ground – exchange of land.** Report reproduced in the reports booklet for this meeting.