



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 13th July 2015 at 6.00 p.m.** at the Council House.

Present

Councillor A. Underhill (Mayor) in the Chair

Councillor K. Phillips (Deputy Mayor)

“ A.J.A. Andrew
“ D.A. Anson
“ M. Arif
“ O.D. Bennett
“ M.A. Bird
“ C. Bott
“ P. Bott
“ R. Burley
“ K. Chambers
“ A.G. Clarke
“ C.E. Clews
“ S.J. Cooper
“ D. Coughlan
“ S.P. Coughlan
“ S.R. Craddock
“ C.U. Creaney
“ A. Ditta
“ B.A. Douglas-Maul
“ K. Ferguson
“ M. Follows
“ J. Fitzpatrick
“ S.F. Fitzpatrick
“ A.D. Harris
“ D.T. Hazell
“ E.A. Hazell
“ A. Hicken
“ E.F. Hughes
“ K. Hussain

Councillor D. James

“ L.D. Jeavons
“ C. Jones
“ T.J. Jukes
“ A. Kudhail
“ M. Longhi
“ Mrs. R.A. Martin
“ J. Murray
“ A.A. Nawaz
“ M. Nazir
“ G. Perry
“ L.J. Rattigan
“ I.C. Robertson
“ J. Rochelle
“ E.B. Russell
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ P.E. Smith
“ G.S. Sohal
“ C.D.D. Towe
“ S. Wade
“ P. Washbrook
“ F.J. Westley
“ V. Whyte
“ T.S. Wilson
“ R.V. Worrall
“ A. Young

24. **Apology**

An apology for non-attendance was submitted on behalf of Councillor Harrison.

25. **Minutes**

Resolved

That the minutes of the meeting held on 1st June 2015 copies having been sent to each member of the Council, be approved as a correct record and signed.

26. **Declarations of interest**

With regard to the notice of motion relating to licensing of private rented dwellings, the Monitoring Officer advised members that disclosable pecuniary interests were defined as described under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. He said that a pecuniary interest was an interest of a member or an interest they were aware of of their partner. These included land – any beneficial interest in land which was within the Walsall Metropolitan Borough, this included freehold and leasehold and would obviously cover landlords, potentially private tenants and anyone employed as a letting agent.

He advised those members not to participate in any discussion on the matter at the meeting or remain in the room during the discussion or vote on the matter.

The following members declared a pecuniary interest in Item 14 – Notice of motion relating to the licensing of private rented dwellings and left the meeting during consideration of the item:

Councillors Hicken, Hussain, Nawaz, D. Coughlan, Robertson, Nazir, S. Coughlan, Arif, Jones, Cooper, Longhi, Perry and Sohal.

27. **Local Government (Access to Information) Act, 1985**

There were no items to be considered in private session.

28. **Mayor's announcements**

(1) **Death of former Councillor A. Taylor**

The Mayor referred to the recent death of Mrs. A.V. Taylor and paid tribute to her services. Councillors Smith, Bird and J. Fitzpatrick also paid tribute to Mrs. Taylor, following which it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council expresses its regret at the death of Mrs. A.V. Taylor a member of the Walsall Metropolitan Borough Council from 1992 to 1996 and places on record their appreciation of her services to the borough and expresses its condolences to her family at this sad time.

(2) Tunisia shootings

The Mayor referred to the recent horrific events in Tunisia. She expressed her deep regret at the loss of life and extended her condolences to all those affected. Councillors Bird, S. Coughlan, Nazir, Arif, Robertson, I. Shires, Nawaz and E. Hazell also extended their condolences.

(3) Order of business

It was **moved** by the Mayor, duly seconded and:

Resolved

That the order of business be changed so that the report relating to the new statutory procedures for the dismissal of statutorily protected officers (item 10) be considered as the last item of business.

29. Petitions

The following petitions were submitted:

- (1) Councillor Burley - Blocking-up of Gordon Street, Darlaston.
- (2) Councillor Jukes – Speed restrictions on Fleming Road.
- (3) Councillor Underhill – Planning application 12/0221/FL - Four Crosses Public House, Shelfield.

30. Petition: Against proposals to make Caldmore Road one-way

Mr. Aky Hussain presented the petition as petition organiser.

Councillor Andrew presented the report.

Councillors Jeavons, Arif, Nawaz, Smith, Russell, I. Shires, S. Coughlan, Burley and Andrew spoke to the petition following which it was:

Resolved

- (1) That Council note the decision of Cabinet 19th March 2014 and 17th December 2014 to allocate funding for the proposed one way scheme.
- (2) That Council note the implications of the Statutory Network Management Duty as imposed by the Traffic Management Act 2004.
- (3) That Council note the previous operation of a one way scheme on Caldmore Road.

31. Question by member of the public – Management the Green Belt

Mr. A. Barry of Shelfield asked the following question of Councillor Bird:

“To date what has the cost been to manage and clean up after travellers within the Walsall borough during 2015 and more importantly how much has been spent managing the green belt area referred to within the petition between Stubbers Green Road and the Lichfield Road respectively?”

Councillor Bird replied that Clean and Green had currently spent around £13,000 across the borough in 2015 across 7 locations. In relation to land between Stubbers Green and Lichfield Road, only the entrance of Brook Meadow estate had been cleaned at a cost of circa £750. The Stubbers Green area was last vacated by 6th July and had not yet been cleaned. The estimated cost of cleansing this area was approximately £1,500 plus installation costs of a new barrier and bollards of approximately £500 for site security.

Mr. Barry asked the following supplementary question:

“How many complaints have been raised to the Council in respect of green areas during 2015 and are these figures validated, measured and available to the public (possibly under the freedom of information act) or via the Local Government Ombudsman?”

Councillor Bird said that from 1st January to 6th July 2015 Clean and Green Services recorded 396 complaints or enquiries relating to green areas, including parks, open spaces and play areas. Of the 396 complaints the most frequently received were:

Grass cutting	146
Hedge cutting	83
Litter and detritus	63
Shrub beds	34
Other	70

He said that complaints and enquiries were recorded on a computer system, from which information could be extracted to produce reports and answer queries and summaries which would be available to the public subject to data management issues.

31. Questions from members of the Council

(1) Council tax reduction scheme

Councillor Smith asked the following question of Councillor Bird:

“Given that the former Labour administration decided that no householders would, any longer be exempt from paying Council tax which meant that from April 2015 up to 19,465 householders (the figure announced by Councillor D. Coughlan in an answer to a question I asked at the Council meeting of 12/1/15) were faced with new Council tax bills, the vast majority facing extra bills of approximately £20 per month for the first time (including approximately 1,514 householders in the Blakenall ward that I represent), would the Portfolio holder give a brief review of the first 3 months of the policy's implementation and in particular;

- (a) How many of these estimated 19,465 are now in arrears with their Council tax (attributable to the introduction of this policy)?
- (b) What is the estimated total amount of the arrears in the first 3 months since these charges were applied (attributable to the introduction of this policy)?
- (c) How much money was put in the “small cash limited discretionary scheme” to “assist the most vulnerable in exceptional circumstances” and how much of this has been used up in the first 3 months since the charges were introduced?”

Councillor Bird replied confirming that as at 30th June 2015 34% of householders affected by these changes were in arrears with their Council Tax. This equated to 6,600 of the 19,465 households.

He further confirmed that the estimated arrears attributable to the change was currently £343,000.

Expenditure on the Discretionary Hardship Scheme was currently set at a maximum of £150,000 for 2015/16. This figure was arrived at by looking at the hardship schemes delivered by other Councils delivering similar Council Tax Schemes.

He said that to date twenty one requests for Discretionary Hardship Assistance had been received as follows:

- 16 households had been helped in another way (by maximising other benefits such as Discretionary Housing Payments or Disability Living Allowance)

- 2 households had been provided with money advice to reorganise their finances so that they could pay their Council Tax bill later in the year.
- 3 households were still receiving advice to help re-organise their finances, or maximise their income. No decision had been made yet regarding whether hardship assistance should be offered. All recovery action was placed on hold whilst customers received this help.

Councillor Bird said that this flexible help had meant that to date no individual had needed assistance directly from the Discretionary Hardship Scheme.

Councillor Smith asked the following supplementary question:

“Will you give an assurance that there would be no increase in the minimum payment of 25% and look to remove this charge in view of the massive arrears that accrued in the first 3 months of its implementation?”

Councillor Bird replied that it was not impossible to reverse the charge but that it would be looked at again at budget time.

(2) Replacement of stolen bins

Councillor Jeavons asked the following question:

“Following the Labour administrations’ trial on free replacement of stolen bins for those residents presenting a crime number, could the portfolio holder confirm how many bins were replaced under the trial, giving a month by month breakdown?”

Councillor Bird said that for a trial period from 2nd February to 3rd May 2015, the charge for replacement stolen bins was removed. Customers were advised that they could receive a free replacement bin if they called the Police 101 number to report a crime.

Councillor Jeavons asked the following supplementary question:

“At a cost of £15,500 given the public support for this isn't it a slap in the face not to proceed with this policy?”

Councillor Bird replied that the concern was that people were offered a free bin if it was recorded a crime. The Police thought that this might skew crime figures but they were continuing to record. He went on to say that it was up to people to look after their own property.

(3) English Defence League

Councillor Robertson asked the following question of Councillor Bird:

"The so called English Defence League are threatening to return to Walsall on August 15th. Will the Leader of this Council join with all members of this Council in condemning this attempt by the EDL to bring their disgusting racist violence back to Walsall and confirm how we celebrate the unity in our community and will robustly defend Walsall's multicultural cooperation and community cohesion."

Councillor Bird said he whole heartedly agreed with the sentiment and it was unfortunate that currently there was no legislation to allow the Council to ban this group from coming to Walsall.

Walsall had a history of diversity and excellent community relations and the views of the EDL were held by a very small number of our residents. The EDL had previously demonstrated in Walsall and were unsuccessful in dividing communities and the lessons learnt from that day would be used this time to ensure a robust plan was designed to ensure public safety and minimise disruption to town centre businesses. Walsall Council and West Midlands Police would be imminently holding a partnership planning meeting for the event to allocate resources and activities on the day, including pre event, and post event activity; reassurance within communities and institutions deemed more vulnerable, in line with the West Midlands Police Gold/Silver/Bronze command structure approach.

Councillor Bird said that at the heart of that co-ordinated response lay residents and ensuring community reassurance messages were communicated was a key priority as were the visits to locations deemed vulnerable and as elected members we too should be leading in a robust rejection of extremist narratives wherever they may arise and encourage constituents to equally reject the EDL's divisive messages. Certainly the message encapsulated Councillor Robertson's and our respective positions in that Walsall rejected racism; we continued to live and work together in harmony and our communities were strong in their unity to equally reject individuals and groups from outside the borough who try and cause community division through intimidation and divisive messages.

Councillor Robertson asked the following supplementary question:

"Do you agree it is time to promote community cohesion and challenge some of the mis-information

Councillor Bird replied that he would support this to educate people, however, there would always be people who would challenge this because of social media which made matters worse. We needed to explain through the education process that this was not acceptable in the 21st century.

(4) Councillor Smith – Community Alarms

Councillor Smith asked the following question of Councillor Hughes:

“Whilst I congratulate Walsall Council's Cabinet for not only scrapping the former Labour Council's £2.90 per week charge for community alarms for the 4,036 citizens over 80 that they introduced in April this year but also going even further and scrapping the charge for the remaining 1,957 disabled and frail citizens below the age of 80 as from July 1st 2015, I would ask the Portfolio holder to give me, this Council and the public a ward by ward breakdown of the 5,993 recipients of community alarms (the number stated in the recent report to Cabinet) who will now benefit from this much welcomed scrapping of charges, a new policy that will not only help disabled, elderly and frail people live as independently as possible in their own homes but will also save lives that might otherwise have been lost?”

Councillor Hughes said that the number of recipients for the Blakenall Ward was 200 and said that the full breakdown by ward would be circulated to Councillor Smith and all members of the Council.

Councillor Smith asked the following supplementary question:

How will people who have paid be informed of refunds?

Councillor Hughes said he would ask officers and details would be sent to Councillor Smith.

(5) Healthwatch contract

Councillor Smith asked the following question of Councillor Bird:

“Given that at their meeting of 29/10/14 with regard to the renewal of the contract to Healthwatch Walsall, the then current value of the Healthwatch contract being £224,000 of public money per annum, the Cabinet resolved:

- (1) That Cabinet approve an extension to the existing Healthwatch Walsall contract, for a further 1 year, to then expire on 31 March 2016.
- (2) That the Chair of the Health and Wellbeing Board and the Executive Director Neighbourhoods work with Healthwatch to address concerns about public engagement and transparency of decision making,

Can the Leader of the Council outline to me, this Council and the public, the extent to which the second part of Cabinet's resolution has been carried out?”

Councillor Bird said that he was not satisfied from what he had seen that subsequent actions within Healthwatch demonstrated that sufficient urgency or priority had been given to these matters since that time. However, information had recently been received that showed that some progress had been made and a paper would be circulated to all Councillors responding to the detailed questions that Councillor Smith had asked.

Councillor Smith asked the following supplementary question:

“Can assurance be given that greater efforts will be taken than seems to be the case to date to fulfil the Cabinet resolution of 29th October 2014 with regard to public engagement and transparency in decision making?”

Councillor Bird gave an assurance that matters were being investigated at the present time and he hoped to report back to Council that part (2) of the Cabinet resolution of October 2014 had been affected to the Council’s satisfaction.

(6) Adaptations for disabled tenants

Councillor Smith asked the following question of Councillor Andrew:

“To what extent is Walsall Council supporting the policy of Whg which is to refuse permission to their disabled tenants for adaptations to be made to their properties, on the grounds that the tenant/s concerned have 2 surplus bedrooms, despite the Occupational Therapists’ adaptation recommendations and despite the Council’s Housing Improvement department having assessed the case as qualifying for the appropriate grant and with the resources being available?”

Councillor Andrew replied that Disabled Facility Grants (DFG’s) could only be formally considered when all necessary permissions had been received. The Council’s Housing Standards and Improvement Team consulted landlords at the earliest opportunity (upon the initial referral from the Occupational Therapy service). A DFG enquiry was not assessed further until the landlord’s permission for the works had been received and therefore no funding was allocated to the individual scheme until it was ready for formal consideration.

Councillor Andrew said that social landlords including Whg and private landlords had the ultimate say in whether a major adaptation was undertaken at their property. In the case of social landlords including whg it was the Council’s understanding that they considered each case on its individual merits. Vulnerability should not be used to force a move.

Councillor Smith asked the following supplementary question:

“(a) How many cases are the Housing Standards and Improvement Team of the Council aware of despite the Occupational Therapy approval and approval of the Housing Standards Improvement Team qualifying for the disability grant?”

(b) How many cases are there, to the Council's knowledge, that the Occupational Therapists have approved and the funding was available but the landlord had rejected? How many cases of this nature have there been and was the Council prepared to legally challenge?"

Councillor Andrew replied that a great deal of work had been carried out by the working group and a report would be submitted in due course. More details would be provided.

(7) School performance information

Councillor Smith asked the following question of Councillor Towe:

"Can the Portfolio Holder explain why the parents and guardians of approximately 64,000 pupils and students of Walsall Schools are denied access to information that the Walsall Council holds on all of the primary schools in the Borough (and maybe the secondary schools too) with regard to the A to D grade assessment of each school's performance by the Council's Education Services and in particular tell the 64,000 parents and guardians why they are not considered competent enough to receive and understand this information and therefore why the information should be "kept behind closed doors"?"

Councillor Towe replied that there was a significant amount of information about the performance and achievement of every school in Walsall accessible to parents and guardians. Ofsted Inspection reports were made accessible to parents after every school inspection. The performance of pupils in every school was published each year by the Government and all schools must have a website that published, by law, a range of information about the performance of the school.

Since 2014 the Local Authority had had a system in place to review the performance and achievement of all Walsall schools and academies. The criteria used for this was wide ranging and based on the Ofsted Inspection Framework. The purpose was to direct and allocate local authority resource so that the schools that had more challenges to improve received more monitoring and support from the local authority. The judgement of every school was reviewed each term, to take account of changing circumstances, for example a change in leadership or vacant teaching posts.

Councillor Towe said that when agreeing the system with schools it was on the basis that the information (referred to in the question as a band) would be confidential to the school and governing body, and that the information would not be put in the public domain. It was on this basis that schools engaged with the local authority in this process.

To publish this information would undermine the trust and relationship being built between the Council and its schools. It was this trusting relationship that enabled the most effective challenge and support and gave confidence to schools in working with the Council.

The publication of the local authority's information could be misunderstood as the Ofsted inspection judgement, could well be misinterpreted, for example, by the media, and it could jeopardise the trust and challenging relationship being built by the Council with schools and academies. This would make it more difficult to work with schools and academies which did not help schools improve.

Councillor Smith asked the following supplementary question:

“Only one year ago the authority was inspected by OFSTED and reported as being ineffective. Can you assure the parents and guardians of pupils in our schools that you will give further consideration to the merits of being open and transparent to them by sharing information that the local authority hold on A-D gradings of each school.

Councillor Towe said that this matter was fully discussed at the Education and Children's Services Overview and Scrutiny Committee on 23rd June 2015. He said it was pleasing to note in the information provided to the Committee, that each term more schools were performing better and needed less challenge and support from the local authority. It was agreed by the Committee that the school categorisation arrangements should remain confidential and he supported this decision. He hoped that Councillor Smith would accept that this was a confidential issue and should be respected.

33. Portfolio holder briefing

The Leader of the Council (Councillor Bird) gave a presentation.

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

34. Appointments on outside bodies and charities

(a) Black Country Partnership NHS Foundation Trust

The following nominations were made to the above:

Councillor Robertson
Councillor Washbrook

The nominations were put to the vote and it was:

Resolved

That Councillor Robertson be appointed to the Black Country Partnership NHS Foundation Trust for a period of 3 years.

(b) **Blanch Woollaston Charity**

The following nominations were made to the above:

Councillor Underhill – 28 votes
Councillor Hicken – 29 votes

Resolved

That Councillor Hicken be appointed a trustee of the Blanch Woollaston Charity for the balance of the 3 year period expiring on 13th September 2017 in place of ex-Councillor Cassidy.

35. **Notice of motion – Dog fouling**

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

“This Council welcomes the fact that most responsible dog owners clear up after their pet while walking the streets and in our parks.

A minority fail to clean up and this Council has introduced a number of initiatives to persuade compliance as an important public health measure.

Council proposes to lead a public consultation as is currently happening by Daventry Council, on proposals to introduce a spot fine to a dog walker if they fail to carry the means to clear up after their dog of £100 which will rise to £1000 if taken to court. The results of this consultation will form the basis of a report to be considered by the appropriate scrutiny committee to agree recommendations.”

Amendment moved by Councillor Bird and duly seconded:

That paragraph 3 of the motion be deleted and replaced with the following:

That officers be requested to extend our current measures to empower all operatives working within areas of public open space, and any other appropriate Council employees, to enable them to administer spot fines to irresponsible owners who fail to clean up after animals, and that all of the appropriate officers be empowered to issue spot fines on people who discard litter following any required public consultation.

On being put to the vote the amendment was declared carried.

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

Resolved

This Council welcomes the fact that most responsible dog owners clear up after their pet while walking the streets and in our parks.

A minority fail to clean up and this Council has introduced a number of initiatives to persuade compliance as an important public health measure.

That officers be requested to extend our current measures to empower all operatives working within areas of public open space, and any other appropriate Council employees, to enable them to administer spot fines to irresponsible owners who fail to clean up after animals, and that all of the appropriate officers be empowered to issue spot fines on people who discard litter following any required public consultation.

36. Notice of motion – Licensing of private rented dwellings

The Monitoring Officer reminded those members who had declared a pecuniary interest in this item to leave the room during consideration of this item. Accordingly Councillors Hicken, Hussain, Nawaz, D. Coughlan, Robertson, Nazir, S. Coughlan, Arif, Jones, Cooper, Longhi, Perry and Sohal left the meeting.

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

“Council recognises the importance of both high standards of compliance by tenants and landlords to their respective tenancy agreements. This is in the best interests of both tenants and landlords and for the surrounding community around these let properties. Council will consult on a proposal to introduce a selective licensing scheme of private rented housing in selected areas of Walsall, in accordance with part 3 of the Housing Act 2004.

In this scheme, private landlords in selected areas of Walsall, would have to apply for a one-off licence for each house they let, meet various license conditions and be subject to a ‘fit and proper persons’ test. These conditions would include:

Making sure the home is safe

Clear arrangements around deposits and paying bills

Taking references from tenants before allowing them to move in and

Ensuring the landlord deals with tenants who cause anti-social behaviour in and around their home.

The use of licences for each property can be granted by WMBC as in use in other authorities. If this Charter of minimum standards of operation is not complied with, this licence could be withdrawn and so prevent the offending landlord from operating in Walsall Borough until there is compliance.

The licence fees collected will ensure the operation is self financing.

The result of the consultation will be the subject of a report by the Director of Regeneration with recommendations with operational details to ensure that any adopted policy complies with current legislation and current housing strategy. This report will also be considered by the relevant scrutiny committee.

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

Resolved

Council recognises the importance of both high standards of compliance by tenants and landlords to their respective tenancy agreements. This is in the best interests of both tenants and landlords and for the surrounding community around these let properties. Council will consult on a proposal to introduce a selective licensing scheme of private rented housing in selected areas of Walsall, in accordance with part 3 of the Housing Act 2004.

In this scheme, private landlords in selected areas of Walsall, would have to apply for a one-off licence for each house they let, meet various license conditions and be subject to a 'fit and proper persons' test. These conditions would include:

Making sure the home is safe

Clear arrangements around deposits and paying bills

Taking references from tenants before allowing them to move in and

Ensuring the landlord deals with tenants who cause anti-social behaviour in and around their home.

The use of licences for each property can be granted by WMBC as in use in other authorities. If this Charter of minimum standards of operation is not complied with, this licence could be withdrawn and so prevent the offending landlord from operating in Walsall Borough until there is compliance.

The licence fees collected will ensure the operation is self financing.

The result of the consultation will be the subject of a report by the Director of Regeneration with recommendations with operational details to ensure that any adopted policy complies with current legislation and current housing strategy. This report will also be considered by the relevant scrutiny committee.

37. **New statutory procedures for dismissal of statutorily protected officers**

A report was submitted.

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

Resolved

- (1) That the new Officer Employment Procedure Rules as set out in the Appendix to the report be approved
- (2) That Council delegates to the Appointments Board to receive reports from the Council's Head of Human Resources upon the Local Government Association JNC collective agreement negotiations regarding nationally agreed JNC Chief Executive terms and conditions.
- (3) That the appropriate amendments be made to the Council's Constitution to implement this decision.

The meeting terminated at 9.00 p.m.