



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 16th July 2018 at 6.00 p.m.** at the Council House.

## Present

### Councillor M. Longhi (Mayor) in the Chair

#### Councillor P. Bott (Deputy Mayor)

“ B. Allen  
“ A.J.A. Andrew  
“ D.J. Barker  
“ M.A. Bird  
“ C. Bott  
“ R. Burley  
“ O. Butler  
“ K. Chambers  
“ B. Chattha  
“ A.G. Clarke  
“ S.J. Cooper  
“ D. Coughlan  
“ S.P. Coughlan  
“ S.R. Craddock  
“ C.U. Creaney  
“ A. Ditta  
“ S.K. Ditta  
“ B.A. Douglas-Maul  
“ K. Ferguson  
“ M. Follows  
“ J. Fitzpatrick  
“ S.F. Fitzpatrick  
“ N.Z. Gultasib  
“ A.D. Harris  
“ L.A. Harrison  
“ A.J. Hicken  
“ K. Hussain  
“ D. James

#### Councillor C. Jones

“ T.J. Jukes  
“ A. Kudhail  
“ Mrs. R.A. Martin  
“ J. Murray  
“ A.A. Nawaz  
“ M. Nazir  
“ A.S. Nazir  
“ S.L. Neville  
“ G. Perry  
“ L.J. Rattigan  
“ W. Rasab  
“ I.C. Robertson  
“ J. Rochelle  
“ E.B. Russell  
“ S. Samra  
“ H.S. Sarohi  
“ K. Sears  
“ I. Shires  
“ G. Singh Sohal  
“ M.A. Statham  
“ C.D.D. Towe  
“ A. Underhill  
“ S. Wade  
“ M. Ward  
“ V.J. Waters  
“ T.S. Wilson  
“ R.V. Worrall  
“ A. Young

20. **Apology**

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

21. **Minutes**

**Resolved**

That the minutes of the meeting held on 21st May 2018 copies having been sent to each member of the Council, be approved as a correct record and signed.

22. **Declarations of interest**

There were no declarations of interest.

23. **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

24. **Mayor's announcements**

(1) **Death of Mr. J. Underhill**

The Mayor referred to the death of Mr. John Underhill, Mayor's Consort in 2015/16. The Mayor and Councillors Bird, S. Coughlan and Shires paid tribute to Mr. Underhill, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mr. J Underhill, Mayor's Consort in 2015/16 and places on record their appreciation of his services to the borough over a period of many years and expresses its condolences to his family at this sad time.

(2) **Death of Mr. G. McCracken**

The Mayor referred to the death of Mr. Gerry McCracken, Mayor's Consort in 2006/07. The Mayor and Councillors Bird, S. Coughlan and Shires paid

tribute to Mr. McCracken, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mr. G. McCracken, Mayor's Consort in 2006/07 and places on record their appreciation of his services to the borough over a period of many years and expresses its condolences to his family at this sad time.

(3) **Death of Mr. R. Wrighton**

The Mayor referred to the death of Mr. Reginald Wrighton, Mayor of Willenhall Urban District Council in 1963/64. Councillors Bird and S. Coughlan paid tribute to Mr. Wrighton, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mr. R. Wrighton M.B.E., a member of Willenhall Urban District Council and Mayor in 1963/64 and places on record their appreciation of his services to the borough over a period of many years and expresses its condolences to his family at this sad time.

Members and officers stood in silence as a mark of respect.

25. **Petitions**

The following petitions were submitted:

- (1) Councillor P. Bott – Traffic calming measures in Castlevue Road, Moxley.
- (2) Councillor Chambers – Introduction of resident parking in Tilley Street, Darlaston.

26. **Questions by members of the public**

(1) **The Saddlers Centre**

Mr P.E. Smith asked the following question of Councillor Bird:

“Given that “strapped for cash” Walsall Council has borrowed £13.8m to buy a previously privately owned town centre shopping centre (the Saddlers Centre) that had made a loss of over £2.9m in the year before (2016), according to Topland (Saddlers, Walsall) Limited Financial Statement dated 31/5/16 and given that subsequent to the Council purchasing it, the Leader of the Council, Cllr. Sean Coughlan (now the former Leader of the Council) had stated that the Saddlers Centre has already brought in around £500,000 revenue to the Council, would the Leader of the Council or appropriate Portfolio Holder inform me and the general public, how much the following items related to the Saddlers Centre, are likely cost the Council:

- (a) Repairing/replacing leaking/porous roofs
- (b) Replacing the “past its sell by date” escalator
- (c) The growing number, 10 at the last count, of empty shop units (in terms of lost rent)?”

Councillor Bird replied as follows:

“In response to parts (a) and (b), the roof and escalators are found in ‘common areas’ of the Centre and they are maintained and paid for through the Service Charge. This service charge is payable by the tenants on an annual basis. A planned maintenance programme is prepared by the Centre Management team who then make recommendations to the Landlord on both the priority of works and indicative costs ahead of seeking the Landlords approval to undertake works. Tenants can seek, through the terms of the Service Charge, information in relation to the planned maintenance programme.

There are also terms setting out how the Landlord will maintain openness and transparency regarding the expenditure of the Service Charge and how any works are procured to meet the tests of Best Value in line with Royal Institute of Chartered Surveyors service charge guidelines. Currently these works are procured directly by the Council as Landlord and are also subject to the Public Procurement Regulations.

Information relating to costs cannot be provided as such works are yet to be procured in the open market and disclosing them would prejudice the Council in future procurement activity.

In response to part (c) the Council does not recognise that 10 units are currently void. The Council is in a process of agreeing two new lettings for the Centre and is in advanced dialogue with potential occupiers on other units. The Council has also secured lease renewals since it purchased the Centre. We cannot share any more information regarding these lettings because of the commercial nature of them.”

Mr. Smith asked the following supplementary question:

“Given that the closure of M & S and the general and predicted trend to further decline in High Street shopping, will almost certainly result in yet further and significant dissipation of footfall, especially in the heart of the Town Centre, around the Bridge/Park Street areas, The Saddlers Centre and The Old Square Shopping Centre (where the closure of Debenhams would signal the final nail in its coffin and under the management of the same company that managed the Saddlers Centre), what does your administration plan to address this serious issue and prevent the heart of Walsall Town Centre, especially the Saddlers Centre from “dying on its feet”?

Councillor Bird replied:

“The decline of the high street is a great concern and M & S is scheduled to close on 11 August, 2018. I plan to ask for a review of the town centre which may mean that it is consolidated down”.

**(2) First World War Commemorative oak tree- Portland Road, Aldridge**

Mr. P. Bassford asked the following question of Councillor Bird:

“I attended a Council Planning meeting in April, 2018 where the Oak Tree (Tag number 979) was discussed and it was stated that the tree would have received a Tree Preservation Order had it not been hack, hack, hacked by Walsall Housing Group. I would like to know, this being the case, why Walsall Housing group were not prosecuted?”

Councillor Bird replied:

“The time that had elapsed since the pruning works had been undertaken to the Oak and the Council’s Tree Officer becoming aware of it on 22nd February 2016 was approximately 2 years or more.

We have no records of the time when it is understood the works took place in 2014, of anyone reporting to the Council that pruning works were being undertaken to the Oak tree.

In 2014, the Oak tree was recorded in a series of photographs taken in respect of a planning application by WHG for the building of 2 semi-detached houses on the site (ref 14/1590/FL). The application was approved by Committee in January 2015 and there were no speakers. Only one objection was received from the immediate neighbour Mr Humphries of 35A Portland Road about a hedge and fence detail. No comment was received about works to the tree. Mr Bassford of 35 Portland Road was consulted and made no comment.

In January 2016, officers subsequently received an application (Ref. 16/0077) from Mr. P. Dhillon who had acquired the site to fell the oak as it was in the Aldridge Conservation Area. It was not protected by a

Tree Preservation Order. This was approved under delegated powers. The submitted tree report highlighted the extensive pruning to the Oak and it was determined that the tree was not suitable to be protected by a TPO. As we only had one comment from Mr Bassford who was the only objector to this application, it was not reported to Planning Committee.

Why was Walsall Housing group not prosecuted? The fundamental matter is that the Council have no evidence either through photographic records or eye-witness accounts that it was WHG that pruned the oak.

Officers recognise that an offence had occurred but due to the passage of time between this occurring in 2014, the application to fell in 2016 and the absence of evidence, it was considered there was little to no chance of a prosecution being successful. Indeed, the photograph taken in 2014 shows the pruning to the tree had occurred over the boundary and not over the land previously owned by WHG."

Mr. Bassford asked the following supplementary question:

"Following the hacking, there were 2 inspections of the tree, 1 independent for the developer and 1 from the council (which added up to 14 points) and so the tree should have been retained. Can I ask why it was not retained?"

Councillor Bird replied:

"The tree officer that undertook the inspection stated that he did not believe retention was worthwhile."

## **27. Questions by members of the Council**

There were no questions from members of the Council.

## **28. West Midlands Devolution Deal 2**

The report to Cabinet on 20th June 2018 was submitted.

The Council noted the following recommendation of Cabinet:

That the West Midlands Devolution Deal 2 set out in Appendix 1 be approved.

29. **Annual report of Audit Committee 2017/18**

The report to Audit Committee on 18th June 2018 was submitted.

Councillor Craddock presented the Audit Committee annual report.

**Resolved**

That the Annual Report of the Audit Committee 2017/18 be noted.

30. **Change in political group membership**

A report was submitted.

It was **moved** by Councillor Bird and seconded by Councillor S. Coughlan:

**Resolved**

That the Council agree the revised proportionality calculations as set out in paragraph 3.5 within the report.

31. **Portfolio holder report – Leader of the Council**

A report was submitted.

Councillor Bird, Leader of the Council gave a presentation.

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

32. **Appointments to Overview and Scrutiny Committees**

The Council noted the following Liberal Democrat nominations to Overview and Scrutiny Committees for 2018/19 following Adjourned Council:

- Children's Services – Councillor Barker
- Education – Councillor Barker
- Social Care and Health – Councillor Shires

33. **Appointments to outside bodies**

(a) **Visionary Investment Enhancing Walsall (VIEW) Board**

The Council was informed that Councillors D. Coughlan and Waters had resigned as members of the Board.

**Resolved**

That Councillors Andrew and S. Coughlan be appointed as members of the Visionary Investment Enhancing Walsall Board for the remainder of the municipal year.

(b) **Black Country Partnership NHS Foundation Trust**

The Council was informed that the term of office had Councillor Robertson expired.

The following nominations were made to the Foundation Trust:

Councillor Martin – 30 votes  
Councillor Robertson – 29 votes

**Resolved**

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

(c) **Adoption Panel**

The Council noted that Councillor Neville was the representative on the Panel for the municipal year 2018/19.

34. **Notice of motion – Responsibility allowances**

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

That this Council notes:

- the continuing challenges of austerity cuts on our staff, services and our residents;
- the step change that took place in 2016 by taking tough decisions on budgets and setting a rolling programme of four yearly budgets; and
- that £8 million year on year is lost to our most vulnerable residents and our economy.

Furthermore, this Council notes that members have been shielded from austerity in their paid allowances, especially Extra Responsibility Allowances.

Further, this Council instructs officers, to call for the formation of an Independent Remuneration Panel, with recommendations that there is a reduction of 20% on all extra responsibility allowances, allowing members to feel the same austerity pain as our residents.

On being put to the vote the motion was declared lost – 29 members voting in favour and 30 against.

### 35. **Notice of motion – Changing governance arrangements**

A report was submitted.

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

Council notes that:

- Under the Localism Act 2011, the Council has the ability to move from the current system of governance to a committee system.
- This change could involve more Councillors in the decision-making process without compromising the efficiency of the process.
- Several Councils have returned to a committee system and others are looking at this option.
- Such a process can still retain, and be consistent with, other features such as scrutiny and call-in, and need not necessarily mean any significant increase in the number of committees overall.

Council therefore requests Cabinet to establish a review group, comprising all parties and appropriate external representation, to review the current Cabinet and scrutiny model which dates back to 2002 in the light of the House of Commons Communities and Local Government First Report of Session 2017-19 “Effectiveness of local authority overview and scrutiny Committees” and the subsequent Government response dated March 2018 and to report, with recommendations, to a future meeting of the Council.

On being put to the vote the motion was declared lost – 29 members voting in favour and 30 against.

36. **Notice of motion – Locality model**

A report was submitted.

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

That this Council notes the progress made through the Locality Model in bringing partners together to maximise the benefits of shared budgets and helping to tackle the long standing inequalities which have divided communities across Walsall.

Further, this Council notes the continuing effects of austerity measures, imposed by the Conservative Government, and instructs officers to:

- Investigate ways in which to assist the voluntary sector to bring funding into the borough to add value to work already being done through the locality model.
- Bring a report to Council providing options to devolve budgets to localities in order to give the people of Walsall a say in how certain services such as Grounds Maintenance, Street Cleansing and Clean and Green, are delivered in their locality area.

On being put to the vote the motion was declared lost – 29 members voting in favour and 30 against.

The meeting terminated at 7.45 p.m.