



# Walsall Council

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **MONDAY the 11TH day of JANUARY, 2016 at 6.00 p.m.** at the Council House, Walsall.

Dated this 30th day of December, 2015.

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 16th November 2015.
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.
6. Mayor's announcements.
7. To receive any petitions.

**8. Petition: Against Darlaston Multi-Purpose Centre being used as a site for travellers.**

- (a) A petition with regard to the above containing over 1,500 signatures has been submitted by the Committee for Darlaston Residents Against Travellers Site
- (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:

**(1) Scrap metal collections – Mr. S. Fazal**

“In light of the collapse of raw steel pricing due to the continued dumping by our new found far eastern conservative ally. The market for scrap metal has collapsed dramatically resulting in previous collectable items being left at Roadside. Problem is particularly acute in the collection of empty oil cans from takeaway restaurants as an example. How does the cabinet member for clean and green promise to deal with this situation in the light of further budget cuts?”

**(2) Proposed closure of Pleck Library – Mr. S. Hussain**

“What measures/steps have been taken and can be taken to ensure the individuals and diverse communities of Pleck will not be disadvantaged or adversely affected by these proposals and can the resident(s) of Pleck put forward viable options for consideration supporting the Pleck Library to remain open? “

**(3) Budget savings – Mr. M. Lynch**

“In the light of the comment made following George Osborne's 2015 Autumn Statement by Gary Porter, the Conservative Chair of the Local Government Association, that even if councils stopped filling in potholes, maintaining parks, closed all children's centres, libraries, museums, leisure centres and turned off every street light, they will not have saved enough money to plug the financial black hole they face by 2020", what is the council's strategy to avoid simply managing its own funeral arrangements over the next four years?”

(b) From members of the Council:

**(1) Councillor I. Shires – Prudential borrowing**

“Could the Leader give me, this Council and the wider public an explanation as to what constitutes “Prudential borrowing” and could he also give an example of where this has been used recently?”

**(2) Councillor Smith – Ofsted inspection**

“Given that in mid 2014 OFSTED judged the local authority's arrangements for supporting school improvements to be “ineffective” and further given that 18 months later and very recently, we have learned that Walsall Primary Schools have been judged by OFSTED to be amongst the worst performing schools in England, rated 143<sup>rd</sup> out of 150 schools in England, could you briefly outline how your Committee's strategy to scrutinise robustly the performance of Walsall's schools and more importantly to scrutinise the effectiveness of the local education authority's role in bringing about improvement, can succeed without your Committee being heavily reliant on the advice of and information from those in charge of the very services that are supposed to be under scrutiny?”

**(3) Councillor I. Shires – Homes granted planning permission**

“Can the portfolio holder for Economy, Infrastructure and Development please inform me, this Council and the wider public how many homes in Walsall have been granted planning permission yet are still waiting to be built.

**(4) Councillor Smith – School performance – banding arrangements**

“Given that:

- (a) In mid 2014 Ofsted judged the local authority's arrangements for supporting school improvements as being “ineffective”,

- (b) part of the Education authority's response to improve school performance is to assess schools and place them in a band (A to D) in order to prioritise where help and support would be most needed and effective,
- (c) at the June 23rd 2015 meeting of the Education and Children's Services Overview and Scrutiny Committee, a majority of the Committee (with only one member voting against) voted to support the advice of Education officers and the Portfolio holder to ensure that these banding arrangements by the education authority which place schools in categories A – D remained confidential
- (d) as recently as last month, Ofsted's Annual Report revealed that Walsall Borough slumped to 143rd place out of 150 local authorities for youngsters attending good or outstanding primary schools, putting Walsall in the bottom 5% in the country,

Do you not think that instead of supporting those who want to keep the parents and guardians of around 64,000 children "in the dark" about the local education authority's own assessment of the schools attended by their children, instead your Scrutiny Committee should be supporting and indeed leading the call that this information be shared with parents & guardians whose help and support is absolutely essential if under performing schools are to improve?"

#### **(5) Councillor Smith – Council tax arrears levels**

"Given that at the 13th July 2015 Council meeting and in response to a question from me on arrear levels amongst the estimated 19,465 low income householders, expected to pay 25% Council tax for the first time, from April 2015 due to a new policy introduced by the previous administration, you (Cllr. Bird) replied:

*"I can confirm 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."*

*"I can further confirm that the estimated arrears attributable to the change are currently £343,000",*

Could you now give me, this Council and the public an update as to the latest available figures with regard to the number/percentage in arrears (of this 19,000 plus cohort paying the 25% for the first time) and to the actual amount owed that is attributable to the introduction of the 25% contribution requirement?"

**(6) Councillor Smith – Household waste collections**

“In noting that at the 22 October meeting of the Corporate and Public Services Overview and Scrutiny Committee, the minutes of the meeting (unanimously supported, it seems) demonstrate the Scrutiny Committee’s support for the plan to empty the rubbish bins of the Borough’s households once a fortnight instead of every week from the same sized grey bins that are presently used, could you inform me, this Council and the public the reasons for the Scrutiny Committee’s apparent compliance not only with the reduction in the level of service to thousands of households expected to cope for 2 weeks with the same sized bin but also apparent compliance with the “bureaucratic hoops” that householders with 3 or more residents will have to jump through, in order to “apply” for a bigger bin?”

**(7) Councillor Smith – Bus lane enforcement**

“With regard to Bus Lane enforcement and the income from penalties issued and fines collected, would you inform me, the Council and the public:

- (a) What is the total amount of income received by the Council from bus lane enforcement penalties in the present financial year to date?”
- (b) In particular, what is the amount of money “netted” by the Council from penalties of those caught by the controversial bus lane camera on the short bus lane, High Street, Bloxwich?
- (c) Approximately what percentage of penalties issued are actually paid?”

**(8) Councillor Smith – Street cleansing**

“Given that in the draft budget considered by Cabinet on 28th October 2015, there is a proposal to cut £150K in 2016/17 through a reduction in street cleansing and to quote from p 57 of the report *“Some areas of the borough will continue to receive a routine service every 12 days or so whilst other areas of lower deterioration rates will result in a service every 36 to 72 days”*, could you elaborate by informing us which areas of the Borough will continue to get the routine service every 12 days and which areas have the “lower deterioration rates” and would therefore be cleaned only every 36 to 72 days (every 5 to 10 weeks), should this become part of the Cabinet's budget proposals at its February meeting?”

**10. Mayoralty 2016/17.** Pursuant to Council Procedure Rule 2(vi) to name the Mayor-Elect and Deputy Mayor-Elect for 2016/17 in accordance with the powers contained in Sections 3 and 5 of the Local Government Act, 1972.

## 11. Site of former Willenhall Town Gas Works:

- (a) In accordance with Overview and Scrutiny procedure rules 17.02(a) to report that the Cabinet at its meeting on 7th December 2015 made the following urgent decision:

“(1) That Cabinet note the offer to settle made by Jim 2.

“(2) That negotiations be entered into with Jim 2 and authority delegated to the Chief Executive Officer in consultation with the Head of Legal Services, Leader of the Council and the portfolio holder for Clean and Green to reach agreement on a settlement figure.”

- (b) The reason for the urgent decision was because the Public Inquiry commenced on the 8th December 2015 and the Council needed to be in a position to make a decision in relation to potential negotiations to settle the matter if appropriate. If the Council did not have this option it could have prejudiced the Council's position.

(Note: (1) The Council's Constitution – Overview and Scrutiny procedure rule 17.02(a) states as follows:

“(a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.”

**(2) The Council are asked to note the decision of Cabinet. No debate or decision is required on this item as the item is submitted for information.)**

12. To confirm the following recommendation of the **Brownhills, Pelsall, Rushall and Shelfield Area Panel**:

**Public participation at Area Panels**

That Mr. Barry Poxon be appointed a co-opted member of the Brownhills, Pelsall, Rushall and Shelfield Area Panel for the remainder of the municipal year.

13. **Walsall Housing Group – governance proposals.** Report reproduced in the reports booklet for this meeting.

14. **Portfolio holder briefings.** To receive 5 minute presentations from the following portfolio holders:

- Community, leisure and culture (Councillor Harris)
- Public health and wellbeing (Councillor Martin)

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

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

This Council is faced with sustained past, present and future central Government cuts to the Council's budget which is costing jobs, forcing charges to rise including Council tax, closing down some services and adversely affecting many other public services. This austerity approach by the Government to the financing of local government is now having and is likely to continue to have, serious effects on front line services, with a disproportionate adverse effect on the already most disadvantaged sections of the Borough's community.

Therefore this Council declares itself to be in full sympathy with those local residents, local businesses, interest groups and organisations, service users, workers, trade union members and others, who are understandably concerned about the continuing bombardment of local Council budgets and justifiably feel the need to initiate, organise and/or join peaceful and lawful campaigns that are opposed to central government cuts to the Council budgets and the adverse effects they are having and are likely to have in the foreseeable future. “

(Note: No report reproduced for this item.)

16. To consider the following motion, notice of which has been duly given by **Councillor S. Coughlan**:

This Council notes:

1. That the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:
  - Forcing 'high-value' council homes to be sold on the open market!
  - Extending the right-to-buy to housing association tenants!
  - Undermining section 106 requirements on private developers to provide affordable homes.
2. That there is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area:
  - That whilst measures to help First-time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country!
  - Will not preserve the taxpayer investment! and will be built at the expense of genuinely-affordable homes to rent and buy.
3. That the Bill undermines localism by taking 32 new wide and open-ended powers for the secretary over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.
4. That the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11m private renters, including one in four families with children and does nothing to help arrest the recent rise in homelessness.

This Council resolves:

- To analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes
- To analyse and report on any further likely impacts of the Bill on the local area.
- To use this information to:
  - Support the Leader of the Council in writing to the secretary of state with our concerns about the Bill.



- Set up an urgent meeting between the Leader of the Council and the Chief Executive with the local members of Parliament to raise our concerns.
- Make public our concerns, including by publishing the above information on the Council's website and promoting through the local press.

(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 Smith**:

This Council notes the decision taken by the former administration in its budget announced in February 2015 to move from weekly to fortnightly collections of household waste in order to cut costs. It further notes, with regret the recent Cabinet decision of 16th December 2015 that confirms how the present administration will implement that decision, thus demonstrating an almost seamless approach by the past and present administrations in terms of moving from a weekly to a fortnightly collection of household waste.

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