



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 23rd September 2013 at 6.00 p.m.** at the Council House.

Present

Councillor M. Nazir (Mayor) in the Chair

Councillor P.E. Smith (Deputy Mayor)

“ A.J.A. Andrew
“ R.E. Andrew
“ D.A. Anson
“ I. Azam
“ D.J. Barker
“ O.D. Bennett
“ M.A. Bird
“ C. Bott
“ P. Bott
“ B. Cassidy
“ K. Chambers
“ A.G. Clarke
“ J. R. Cook
“ D. Coughlan
“ S.P. Coughlan
“ C.U. Creaney
“ A. Ditta
“ B.A. Douglas-Maul
“ J. Fitzpatrick
“ S.F. Fitzpatrick
“ M. D. Flower
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ K. Hussain
“ G. Illmann-Walker
“ D. James

Councillor L.D. Jeavons

“ T.J. Jukes
“ P. Lane
“ M. Longhi
“ Ms. R.A. Martin
“ Mrs. B.V. McCracken
“ J. Murray
“ T.S. Oliver
“ G. Perry
“ L.J. Rattigan
“ J. Rochelle
“ E.B. Russell
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ R.M. Thomas
“ C.D.D. Towe
“ A. Underhill
“ D.J. Turner
“ S. Wade
“ F.J. Westley
“ V. Whyte
“ T.S. Wilson
“ V.G. Woodruff
“ R.V. Worrall
“ A. Young

44. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Ali, Arif, Burley and Phillips.

45. **Minutes**

The Mayor pointed out to members that a note had been circulated around the Chamber with regard to the minutes of the Annual Council meeting on 20th May 2013.

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

- (1) That the minutes of the meeting held on 8th July 2013 copies having been sent to each member of the Council, be approved as a correct record and signed.
- (2) That minute nos. 11 and 19 of the annual meeting held on 20th May 2013 be approved as a correct record.

Amendment moved by Councillor Oliver and seconded by Councillor Coughlan:

That minutes nos. 11 and 19 of the annual meeting of Council held on 20th May 2013 be amended as follows:

11. **Members appointed to the Executive**

A list was circulated around the Council Chamber of the following Cabinet responsibilities for the municipal year 2013/14:

Description of portfolio	Name of portfolio holder
1. Leader of the Council - overall responsibility for Council strategy, the corporate plan and the working smarter programme, communications and public relations, emergency planning, city region agenda, government relations and liaison with local MPs and West Midlands leaders. Local Strategic Partnership.	Councillor Bird
2. Deputy Leader and Regeneration – economic development, physical development, markets, property and asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres. Planning policy and local development framework. Strategic housing role, housing partnerships, private sector housing, homelessness.	Councillor A. Andrew

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|-----|---|----------------------|
| 3. | Business support services – shared services, including ICT and procurement; business improvement. | Councillor Arif |
| 4. | Children’s services - education services, schools meals commissioning, social services for children, safeguarding and promoting welfare of children, looked after children and corporate parenting, care leavers, interagency cooperation, involvement of children and young people, youth parliament, children’s trust arrangements, youth offending services, youth service. | Councillor R. Andrew |
| 5. | Public health and protection - Public health, Chair of Health and Wellbeing Board, community safety, Safer Walsall Partnership, public protection. | Councillor Ali |
| 6. | Community engagement and voluntary sector - neighbourhood management, community engagement and consultation, community associations, voluntary and community sectors. | Councillor I. Shires |
| 7. | Finance and personnel - strategic and operational financial management, insurance, risk management, revenues and benefits, policy led budgeting. Financial regulations, audit, legal and constitutional services; human resources. | Councillor Towe |
| 8. | Leisure and culture - parks, leisure and culture services including the New Art Gallery, libraries, adult learning, sports, museums and twinning. Cemeteries and crematoria. | Councillor Harris |
| 9. | Social care - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, community meals, supporting people, protection for vulnerable adults. | Councillor McCracken |
| 10. | Transport and environment – traffic and transportation, car parks, gateways and corridors, strategic transport and highways. Waste management, clean and green agenda, sustainability, pollution control, street cleansing. | Councillor Ansell |

It was **moved** by Councillor Oliver and duly seconded:

That in noting the appointment of members to the Executive, this Council resolves a vote of no confidence in the proposed Cabinet.

On being put to the vote the motion was declared lost – 27 members voting in favour and 29 against.

19. Notice of motion – Social housing

A report was submitted.

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

This Council notes

- the recent Treasury Select Committee report (Budget 2013) comments in relation to the government's Help to Buy housing scheme
- the shortfall in new social housing being built since the extension of the Right to Buy legislation in the 1980 Housing Act.

And therefore calls upon both the Conservative and Liberal Democrat coalition Government and the opposition Labour Party:

- to recognise the lead role which can and should be played by local authorities to co-ordinate and help finance this longstanding and increasing shortfall in the availability of and access to affordable housing
- to commit to greater public investment in the construction of social and affordable housing in the borough of Walsall, both for rent and for market sale, so as to provide homes for our citizens and to give a real boost to the local economy.

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.

Amendment moved by Councillor I. Shires and duly seconded:

That the following be added at the end of the motion:

- Any help towards this end should be aimed at improving the energy efficiency of new build whether it be for sale or social housing.

Councillor Oliver confirmed to the meeting that he agreed to incorporate the amendment into his original motion.

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

Resolved

This Council notes

- the recent Treasury Select Committee report (Budget 2013) comments in relation to the government's Help to Buy housing scheme
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On being to the vote the amendment moved by Councillor Oliver was declared carried and it was:

Resolved

- (1) That the minutes of the meeting held on 8th July 2013 copies having been sent to each member of the Council, be approved as a correct record and signed.
- (2) That minute nos. 11 and 19 of the annual meeting of Council held on 20th May 2013 be approved as set out below:

11. Members appointed to the Executive

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2. Deputy Leader and Regeneration – economic development, physical development, markets, property and asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres. Planning policy and local development framework. Strategic housing role, housing partnerships, private sector housing, homelessness.	Councillor A. Andrew
3. Business support services – shared services, including ICT and procurement; business improvement.	Councillor Arif
4. Children's services - education services, schools meals commissioning, social services for children, safeguarding and promoting welfare of children, looked after children and corporate parenting, care leavers, interagency cooperation, involvement of children and young people, youth parliament, children's trust arrangements, youth offending services, youth service.	Councillor R. Andrew
5. Public health and protection - Public health, Chair of Health and Wellbeing Board, community safety, Safer Walsall Partnership, public protection.	Councillor Ali
6. Community engagement and voluntary sector - neighbourhood management, community engagement and consultation, community associations, voluntary and community sectors.	Councillor I. Shires

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| 7. | Finance and personnel - strategic and operational financial management, insurance, risk management, revenues and benefits, policy led budgeting. Financial regulations, audit, legal and constitutional services; human resources. | Councillor Towe |
| 8. | Leisure and culture - parks, leisure and culture services including the New Art Gallery, libraries, adult learning, sports, museums and twinning. Cemeteries and crematoria. | Councillor Harris |
| 9. | Social care - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, community meals, supporting people, protection for vulnerable adults. | Councillor McCracken |
| 10. | Transport and environment – traffic and transportation, car parks, gateways and corridors, strategic transport and highways. Waste management, clean and green agenda, sustainability, pollution control, street cleansing. | Councillor Ansell |

It was **moved** by Councillor Oliver and duly seconded:

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On being put to the vote the motion was declared lost – 27 members voting in favour and 29 against.

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A report was submitted.

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

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- the shortfall in new social housing being built since the extension of the Right to Buy legislation in the 1980 Housing Act.

And therefore calls upon both the Conservative and Liberal Democrat coalition Government and the opposition Labour Party:

- to recognise the lead role which can and should be played by local authorities to co-ordinate and help finance this longstanding and increasing shortfall in the availability of and access to affordable housing
- to commit to greater public investment in the construction of social and affordable housing in the borough of Walsall, both for rent and for market sale, so as to provide homes for our citizens and to give a real boost to the local economy.

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.

Amendment moved by Councillor I. Shires and duly seconded:

That the following be added at the end of the motion:

- Any help towards this end should be aimed at improving the energy efficiency of new build whether it be for sale or social housing.

Councillor Oliver confirmed to the meeting that he agreed to incorporate the amendment into his original motion.

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

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This Council notes

- the recent Treasury Select Committee report (Budget 2013) comments in relation to the government's Help to Buy housing scheme
- the shortfall in new social housing being built since the extension of the Right to Buy legislation in the 1980 Housing Act.

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- to recognise the lead role which can and should be played by local authorities to co-ordinate and help finance this longstanding and increasing shortfall in the availability of and access to affordable housing
- to commit to greater public investment in the construction of social and affordable housing in the borough of Walsall, both for rent and for market sale, so as to provide homes for our citizens and to give a real boost to the local economy.
- any help towards this end should be aimed at improving the energy efficiency of new build whether it be for sale or social housing.

46. Declarations of interest

There were no declarations of interest.

47. Local Government (Access to information) Act 1985

There were no items to be considered in private session.

48. Mayor's announcements

The Mayor welcomed Councillor Timothy Wilson to his first Council meeting.

49. Petitions

The following petitions were submitted:

- (1) Councillor D. Coughlan – Protecting the People's Post Office campaign.
- (2) Councillor Young – Litter bin outside the shop at Hollemeadow Avenue and Guild Avenue, Blakenall.
- (3) Councillor Phillips – Review of traffic arrangements through Millfield Avenue, Bloxwich.
- (4) Councillor Harrison – Resurfacing of Bell Lane, Bloxwich.

50. **Walsall Gala Baths**

A report was submitted.

It was **moved** by Councillor Smith and seconded by Councillor P. Bott:

That this Council calls for a further and more detailed report for Cabinet and Council consideration, using a cost/benefit analysis approach as to how this Council at a relatively modest investment cost (of around £1m), might ensure a further 10 year lease of life for this town centre facility by re-modelling the Gala Pool, retaining the Brine Pool and therefore making it likely for user numbers to rise and unit costs to fall correspondingly.

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

Resolved

That this Council calls for a further and more detailed report for Cabinet and Council consideration, using a cost/benefit analysis approach as to how this Council at a relatively modest investment cost (of around £1m), might ensure a further 10 year lease of life for this town centre facility by re-modelling the Gala Pool, retaining the Brine Pool and therefore making it likely for user numbers to rise and unit costs to fall correspondingly.

51. **Questions from members of the public**

“Bedroom tax”

Mrs. J. Dodwell asked the following question of Councillor Towe:

“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?”

Councillor Towe replied that this matter had been debated on four occasions in this Council Chamber with the view from all sides that the introduction of the social size sector criteria better known as the “bedroom tax” should not have been implemented.

To answer the main point of the question Councillor Towe said that Walsall Housing Group has advised that there are currently no 2 bedroom disability adapted properties available. He pointed out that this Council had no authority over WHG and that responsibility had transferred to that organisation on 23rd March 2003.

Walsall Council aims to support residents affected by the bedroom tax and to this end have established a dedicated team who wrote to all affected residents prior to the introduction of the bedroom tax to raise awareness, also writing to them when the bedroom tax was implemented making them aware of their entitlement and encouraging them to contact the Council and/or their landlord for support and advice. He went on to say that that Mrs. Dodwell had been written to on the 7th January 2013 and that there had been subsequent discussions. Councillor Towe went on to say that the Council are working closely with WHG and other social landlords exchanging information in order to help identify and support residents who are affected.

The Council has regular liaison including staff visiting social landlord offices in April 2013 to provide onsite advice for customers. All staff have been trained on the bedroom tax, in particular how the Council can help customers. Our approach to helping customers is to look at the various options available so that they can make an informed choice. The aim is to provide a solution that is sustainable and help customers with any other issues affecting them. While discretionary housing payments may be considered for short term support it is not always the most effective support. The Council considers each case carefully with customers to ensure discretionary housing payments are paid to those most in need and with a view to always providing a longer term solution.

Mrs. Dodwell asked the following supplementary question:

Is it fair that as no properties are available I have to pay extra money. This was not my choice and I was never offered a 2 bedroom property with a lift only offered a 3 bedroom property?

Councillor Towe replied that he did appreciate Mrs. Dodwell's situation and promised to meet with Mrs. Dodwell if that was her wish.

52. Questions from members of the Council

(1) "Bedroom tax"

Councillor Smith asked the following question of Councillor Towe:

“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?”

Councillor Towe replied that in total 2596 WHG households have been affected by the bedroom tax with an average weekly reduction in housing benefit of £19.96 per household.

The Council have contacted WHG and the following has been obtained:

- of the 2596 households that have been affected by the reduction in this benefit, as of the 25th August 2013, 2198 are in arrears. 832 of these were in arrears prior to the change; therefore 1336 households have gone into arrears since the bedroom tax was introduced.
- No WHG tenant has been evicted for arrears due solely to the bedroom tax. Four tenants have been evicted where a bedroom tax shortfall has added to other arrears.
- WHG have helped 54 customers since April move to a smaller property, and they have been financially supported on average of £226 per customer (removals, cooker connections, skips, etc.). They have saved an average £20 per week by not having to pay the bedroom tax. WHG have 443 customers affected by the bedroom tax registered with their choose and move team for “downsizing” to smaller properties.
- From their records, 212 residents have been awarded discretionary housing payments due to the bedroom tax.

Councillor Towe said that the Council have helped and supported residents affected by the bedroom tax.

Councillor Smith asked the following supplementary question:

Given that more than 50% of the 2,596 WHG households that have been affected by the bedroom tax are now in arrears and less than 10% have been helped by the discretionary housing fund, could Councillor Towe help him with a query from a resident which is as follows:

“My sister and her husband, aged 44 and 51 receive job seekers allowance and housing benefit, they have accrued approximately £700 of arrears and have been given an eviction notice to take effect on 13th November 2013. Alternative accommodation of a one bedroom bungalow has been offered to them in an area where they do not wish to live. The sister is depressed and on medication and they have no way of paying the arrears and are facing homelessness.”

Councillor Towe replied that WHG are the responsible body for this, the Council have made representations to the government about this issue and he went on to say that he did not know what else the Council could do. The Council do not want to see evictions and they will do what they can to help where they can; the discretionary payment is a small amount to go a long way. Councillor Towe went on to say that he sympathised and that officers will look at the issues and try to help where they can. He suggested that the resident concerned should contact the benefits team to see where help can be given.

(2) **Bus station toilets**

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

“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?”

Councillor Andrew replied that a meeting with Centro took place on 31st July which he attended with Councillors Worrall, Clarke and Ditta. The meeting was a productive one with a number of actions agreed to inform a final decision. He said that because of this a further meeting was required and this had been arranged for 9th October 2013 to discuss the questions raised.

Councillor Smith asked the following supplementary question:

Are you aware that the bus station toilets now seemed to be closed after 6.00 p.m. every night and who made this decision and when?

Councillor Andrew replied that Centro had made the decision after discussions due to anti-social behaviour and it was not a decision of this Council.

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

Councillor Smith asked the following question of Councillor Towe:

“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?”

Councillor Towe replied that the Kirkcaldy benefits tribunal case in question was unique. Due to the age of the property, which dates from 1660, the tribunal had concluded that it was not possible to say whether any particular apartment was originally designed to fulfil any particular purpose.

He said that this has no relevance to the situation in Walsall, as the vast majority of the properties are clearly defined and fulfil the purpose for which they were originally designed.

Under the bedroom tax changes, social housing households with occupants of working age, have their housing benefit reduced if they are deemed to have spare bedrooms. The Department of Work and Pensions has not defined a bedroom, saying it is up to landlords to “accurately describe the property in line with the actual rent charged”. Councils are responsible for awarding the housing benefit using information provided by the social landlord.

Councillor Towe went on to say that this tribunal decision will not set a legal precedent. This means that the ruling will not have a direct impact on any other case in the borough.

His advice would be that if people disagree with the number of bedrooms used in the housing benefit calculation they should take this issue up with their landlords and Council's housing benefit section.

Councillor Smith asked the following supplementary question:

Can you tell me what implications this has for properties which have a parlour type set up?

Councillor Towe replied that the planning permission would define bedroom numbers and this would be known by officers of the Council.

53. Aldridge Central and South Ward by-election

The Council noted the result of the by-election held on 15th August 2013 for the Aldridge Central and South Ward:

Names of candidates	No. of votes polled	Candidate elected
Grainger, Bob	470	Timothy Simon Wilson
Hazell, Liz	615	
Newey, Chris	72	
Sheward, Roy	114	
Wilson, Timothy Simon	1254	

Turnout 23.03%

54. Recommendation of Cabinet – Corporate Plan 2013/14 to 2015/16

The report to Cabinet on 24th July 2013 was submitted.

It was **moved** by Councillor Bird, duly seconded and

Resolved:

That the Corporate Plan 2013/14 to 2015/15 be approved.

55. Freedom of the Borough

It was **moved** by the Mayor and seconded by Councillor Ditta:

That, in principle the honour of Freedom of the Borough be conferred on Professor Abdul Rashid Gatrad, OBE.

On being put to the vote with no-one voting against and it was:

Resolved

That, in principle the honour of Freedom of the Borough be conferred on Professor Abdul Rashid Gatrad, OBE.

56. Ofsted inspection of local authority arrangements for the protection of children

A report was submitted.

It was **moved** by Councillor R. Andrew, seconded by Councillor A. Andrew and

Resolved

That the Council note the inspection outcome and recommendations and endorse the report and proposed next steps.

57. Portfolio holder briefing

Councillor A. Andrew, portfolio holder for regeneration and transport gave a presentation.

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

58. Appointments on outside bodies and charities

(a) Youth Employment Commission

A report was submitted.

Resolved

That Councillor Illmann-Walker be appointed to the Youth Employment Commission for a period of 2 years.

(b) Catherine Walker Charity

No nominations were received to replace Mrs. D. Sylvester as a representative trustee.

Resolved

That Councillor Underhill be appointed a representative trustee of the Catherine Walker Charity for the balance of the period expiring on 14th September 2017, in place of Councillor Russell.

59. Notice of motion – Crown Post Offices

A report was submitted.

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

"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."

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

That the following be inserted as the beginning of the motion:

"Council notes the number of Post Offices in the UK has almost halved over the past 30 years to 11,780 post offices at the end of March, 2013. The bulk of these closures - 7,188 - took place under the 1997-2010 Labour Government. Post Office numbers have remained fairly static under the current Conservative/Liberal Democrat Government; we have even seen some post offices reopening.

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

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

Resolved

Council notes the number of Post Offices in the UK has almost halved over the past 30 years to 11,780 post offices at the end of March, 2013. The bulk of these closures - 7,188 - took place under the 1997-2010 Labour Government. Post Office numbers have remained fairly static under the current Conservative/Liberal Democrat Government; we have even seen some post offices reopening.

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.

60. Notice of motion – Brush Garage

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

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.

On being put to the vote the motion was declared carried – 29 members voting in favour and none against and it was:

Resolved

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, Sheffield, 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.

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

Resolved

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

61. Notice of motion – Community pubs

A report was submitted.

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

"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’.

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

Resolved unanimously

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’.

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

62. Bloxwich and Leamore Recreation Ground

A report was submitted.

It was **moved** by the Mayor and seconded by Councillor Bird:

- (1) That, subject to paragraph (2) below, the Trustees (being ‘the Council’) authorise officers to liaise with the Charity Commission to negotiate a scheme to enable:

- (a) Trust land at the rear of the existing Bloxwich Leisure Centre to be utilised for the purposes of providing a new leisure centre; and
- (b) Trust land at the rear of Sunshine School to be transferred to the school;

On the basis that the value of those parcels of trust land is either:

- (i) Reimbursed to the trust by way of financial compensation; or
 - (ii) Reimbursed to the trust by way of land swap; or
 - (iii) Reimbursed to the trust by way of a suitable and agreeable scheme of works for the improvement and enhancement of the existing recreation and pleasure grounds.
- (2) That the details of any scheme negotiated with the Charity Commission are brought back before Trustees (Council) for approval.
 - (3) That Trustees note the plan at Annex C to this report which shows the trust land edged in red; the approximate area of land required for Bloxwich Leisure Centre edged in blue; and the land at the rear of Sunshine School shaded yellow.

Amendment moved by Councillor Young and duly seconded:

That the following be added to the motion:

- (4) That Trustees recognise the considerable input of funds and other support that has been given to Leamore Park over many years by the then New Deal Board, now succeeded by New Horizons.

Further that local residents, the users of the adjacent allotments and Leamore Friends of the Park group have also been heavily involved in moving forward the restoration of this Park which had been previously neglected.

It is regrettable that little or no information on these proposals has been communicated to the above and Trustees now pledge to keep residents, Friends of the Leamore Park and New Horizons Board fully informed on any negotiations with the Charity Commissioners and that they will be asked to comment before any final proposals are made.

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

- (1) That, subject to paragraph (2) below, the Trustees (being 'the Council') authorise officers to liaise with the Charity Commission to negotiate a scheme to enable:
 - (a) Trust land at the rear of the existing Bloxwich Leisure Centre to be utilised for the purposes of providing a new leisure centre; and
 - (b) Trust land at the rear of Sunshine School to be transferred to the school;

On the basis that the value of those parcels of trust land is either:

- (i) Reimbursed to the trust by way of financial compensation; or
 - (ii) Reimbursed to the trust by way of land swap; or
 - (iii) Reimbursed to the trust by way of a suitable and agreeable scheme of works for the improvement and enhancement of the existing recreation and pleasure grounds.
- (2) That the details of any scheme negotiated with the Charity Commission are brought back before Trustees (Council) for approval.
- (3) That Trustees note the plan at Annex C to this report which shows the trust land edged in red; the approximate area of land required for Bloxwich Leisure Centre edged in blue; and the land at the rear of Sunshine School shaded yellow.
- (4) That Trustees recognise the considerable input of funds and other support that has been given to Leamore Park over many years by the then New Deal Board, now succeeded by New Horizons.

Further that local residents, the users of the adjacent allotments and Leamore Friends of the Park group have also been heavily involved in moving forward the restoration of this Park which had been previously neglected.

It is regrettable that little or no information on these proposals has been communicated to the above and Trustees now pledge to keep residents, Friends of the Leamore Park and New Horizons Board fully informed on any negotiations with the Charity Commissioners and that they will be asked to comment before any final proposals are made.

The meeting terminated at 9.20 p.m.

Mayor:

Date: