



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 3rd November, 2008, at 6.00 p.m.** at the Council House.

## Present

### Councillor T.G. Ansell (Mayor) in the Chair

Councillor Mrs. C. Micklewright (Dep. Mayor)

“ A.J.A. Andrew  
“ D.A. Anson  
“ M. Arif  
“ C.M. Ault  
“ J.M. Barton  
“ L.A. Beeley  
“ M.A. Bird  
“ C. Bott  
“ P. Bott  
“ B. Cassidy  
“ K. Chambers  
“ A.G. Clarke  
“ J. R. Cook  
“ S.P. Coughlan  
“ C.U. Creaney  
“ B.A. Douglas-Maul  
“ M. D. Flower  
“ A.E. Griffiths  
“ A.D. Harris  
“ E.F. Hughes  
“ A.D. Johnson  
“ M. Longhi  
“ S.W. Madeley  
“ Ms. R.A. Martin

Councillor Mrs. B.V. McCracken

“ M. Munir  
“ M. Nazir  
“ M. Nazir  
“ J.G. O'Hare  
“ T.S.Oliver  
“ A.J. Paul  
“ G. Perry  
“ D.J. Pitt  
“ M.G. Pitt  
“ I.C. Robertson  
“ J. Rochelle  
“ H.S. Sarohi  
“ K. Sears  
“ Mrs. D.A. Shires  
“ I. Shires  
“ P.E. Smith  
“ C.D.D. Towe  
“ W.T. Tweddle  
“ A. Underhill  
“ R.A. Walker  
“ G. Wilkes  
“ M. Yasin  
“ Zahid Ali

50. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Harrison, P. Hughes, Khan, Mushtaq, Phillips, E. Pitt, Sanders, Turner, Woodruff and Young.

51. **Minutes**

**Resolved**

That the minutes of the meeting held on 8th September, 2008, copies having been sent to each member of the Council be approved as a correct record and signed.

52. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Flower	]	
Councillor Arif	]	
Councillor M. Pitt	]	Item 8 - Council tax discounts on second
Councillor McCracken	]	homes and empty premises (personal and
Councillor Longhi	]	prejudicial)
Councillor Anson	]	
Councillor Cassidy	]	
Councillor Martin	]	
Councillor Nazir	]	
Councillor Oliver		Item 10 – Walsall Adult and Community College – Chair of Governors (personal)
Councillor Tweddle		Item 9 – Street trading review (personal and prejudicial)

53. **Mayor's announcements**

The Mayor informed the Council that the report at item 9 on the summons relating to the recommendation of the Licensing and Safety Committee in respect of the street trading review had been withdrawn.

54. **Petition**

Councillor Coughlan submitted a petition with regard to the reinstatement of the grant to Willenhall Lock Museum.

## 55 **Questions by members of the Council**

### (1) **Skate park facilities**

Councillor Chambers asked the following question of Councillor Zahid Ali:

“What progress has been made with regard to replacing the skate park facilities previously provided on the Town Wharf site? This facility in addition to providing appropriate facilities for boarding enthusiasts saved damage to our Town Centre.”

Councillor Ali replied that the provision of skate park facilities at Town Wharf was only a temporary measure until the Waterfront development proceeded and the site was now closed. Children’s Services were working in partnership with the third sector to increase youth facilities in the Town Centre through the submission of a “my place” capital grant application. If that bid was successful the funding would be used to provide a purpose built multi activity facility for young people within the town centre area in partnership with a third sector organisation. There was also support to children in order to make them aware of alternative facilities in the borough.

### (2) **Roadside drains**

Councillor Anson asked the following question of Councillor Walker:

“Will the portfolio holder responsible inform me how often roadside drains are cleared through the whole road system of Walsall MBC?”

Councillor Walker replied that at present there were in the region of 36,000 gullies in the Walsall MBC area. When the gully crews were cut from 3 to 2 it was envisaged that the cleaning frequency for routine maintenance for gully cleaning would be one clean every 18 months. However, since the introduction of this regime we have endured the wettest and fifth wettest summers on record which had resulted in the gully crews attending more and more emergencies thus resulting in the routine maintenance schedule falling behind. This resulted in one gully clean in the past 2 years.

Councillor Anson asked the following supplementary question:

“Due to present weather conditions will the area cleaning be increased to 2 or 3 times per year?”

Councillor Walker replied that the reduction in gully crews was a result of decisions made in the budget process last year. This would be looked at again in this year’s budget process.

(3) **43 Wenlock Gardens**

Councillor Smith asked the following question of Councillor Andrew:

“Could the appropriate Portfolio Holder inform me, the Council and the public, given that residents in Wenlock Gardens and nearby Alderley Crescent, Ryecroft, Walsall have had to tolerate for approximately the last 10 years, the eyesore of a privately owned, mid terrace boarded up property (namely 43 Wenlock Gardens) sitting in a dilapidated and over grown state amongst otherwise well kept and occupied properties:

- (a) what hope, if any, Walsall Council can give residents that the Council has the will, the wherewithal and /or the ability to put a stop to this situation by at long last taking whatever action is necessary to bring this property to a standard that is fit for purpose, thus removing a visual & environmental eyesore that has been a blot on this area for far too many years and
- (b) which other residential properties in the Borough have remained unoccupied and boarded up for as long as 43 Wenlock Gardens, Walsall, to the Council's knowledge?”

Councillor Andrew said that Councillor Smith referred to a problem site that raised matters within the ambit of the portfolio holder for Social Care, Health and Housing, as well as himself as portfolio holder for Regeneration.

There was no dispute that the appearance of this property was very unsatisfactory, and letters from the Executive Director to Councillor Smith in May 2008 and October 2008 explained that formal notices had been served to tackle this issue, firstly by environmental health officers in 2003, and then by planning officers in 2006.

It was explained by the Executive Director that when the notice, an ‘Amenity Notice’ served under section 215 of the Town and Country Planning Act, was not complied with, officers investigated the possibility of the Council carrying out the remedial work to the house itself, and reclaiming the costs. However, difficulties were encountered in contacting the owner but legal services had now been instructed to pursue compliance by prosecuting the owner. It was hoped that they would be successful in bringing the owner to court, and having the work required in the notice carried out. It was, however, necessary to be aware that the powers under section 215 of the planning act are directed at matters causing harm to the amenity of the area only, and it was therefore not possible to draft into it any requirements regarding the fitness and occupation of the house. Nevertheless he fully supported the efforts that the planning officers and the Development Control Committee had made to bring about some improvement as these powers were the only ones available to them.

Councillor Smith asked the following supplementary question:

“Would the portfolio holder note that in a response to me in October the Executive Director pointed out that although the Development Control Committee had authorised direct action on this property in 2006, unfortunately there was no subsequent action as there was no budget for this purpose and secondly he would look into other courses of action so far not used such as placing a compulsory purchase order on the property under Section 17 of the Housing Act 1985, placing an empty dwelling management order on the property which is part of the Housing Act 2004 or using the enforced sale procedure under Section 103 of the Law of Property Act 1925?

Councillor Andrew replied that the Housing Act 2004 enabled a local authority to make an empty dwelling management order with the consent of the owner for the purpose of getting the property occupied. A residential property tribunal must be satisfied that a management scheme for a maximum of 7 years was in place, including carrying out all works that were necessary to make the house habitable, arrangements for managing the tenancy and compensation payable to the owner. The Council does not have either financial or stock management resources to do this, and needed to set up a service level agreement with a registered social landlord before applying to the Tribunal. Discussions had taken place, with the result that none of the Registered Social Landlords that had been approached were willing to engage in the process.

Councillor Andrew went on to say that because of the large scale voluntary transfer (LSVT), the Council can use compulsory purchase procedures, but had to go through certain protracted procedures in order to do this

**56. Recommendation of Cabinet – Council tax discounts on second homes and empty premises**

The report to Cabinet was submitted.

**Resolved**

- (a) That the discount on second homes be reduced to 10% from 1 April 2009;
- (b) That the discount on premises left empty for more than 6 months be reduced to 0% from 1 April 2009.

**57. Recommendation of Licensing and Safety Committee – Street Trading review**

The Mayor informed the Council that this item had been withdrawn.

## 58. **Walsall Adult and Community College**

The report was submitted.

It was **moved** by Councillor O'Hare, duly seconded and:

### **Resolved**

That the Scheme of Management of the Walsall Adult and Community College as set out in Appendix 2 of the report of the Neighbourhood Scrutiny & Performance Panel be approved subject to the following.

The process for the nomination of the first Governing Body for the Walsall Adult and Community College should be as follows:

- (a) 5 independent members with an interest in adult learning nominated by the Learning and Skills Council;
- (b) 4 members nominated by Walsall Council, which are anticipated to be agreed at the meeting of full Council on 12 January 2009;
- (c) 4 nominations by the Walsall Federation of Community Organisations;
- (d) 2 nominations of business people sought from the Chamber of Commerce;
- (e) 1 nomination from NHS Walsall;
- (f) 1 nomination from the college of a parent/carer representative;
- (g) 1 student governor to be elected by the student body.

The inaugural meeting of the new Governing body will meet after the Council has agreed its nominees in January 2009. It will nominate a chair for that meeting. At this meeting it will consider the nominations put forward from the Learning and Skills Council for independent members.

The first full meeting of the governing body will be convened once the full membership has been determined (albeit that the student governor will be elected at a later date). At this meeting the governors will elect a chair and vice chair for their term of office (4 years) and appoint a Search and Selection Team. This team will select suitable candidates for governor vacancies that arise in the future, to ensure that they have the right skills and experience to sit on the body.

59. **Membership of Committees**

(a) **Audit Committee**

It was reported that Councillor C. Bott had resigned as a member of the Audit Committee.

It was **moved** by Councillor O'Hare, seconded by Councillor Andrew and

**Resolved**

That Councillor Micklewright be appointed a member of the Audit Committee for the remainder of the municipal year.

(b) **Development Control Committee**

The Council noted that the Labour Group had appointed Councillor Barton to the vacancy on the Development Control Committee, following the resignation from the Council of former Councillor J. Phillips.

(c) **Neighbourhood Scrutiny and Performance Panel**

The Council noted that the Labour Group had appointed Councillor Robertson to the vacancy on the Neighbourhood Scrutiny and Performance Panel, following the resignation from the Council of former Councillor J. Phillips.

60. **Notice of motion – Post Office closures**

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

This Council condemns the Government for their policy of Post Office closures. The Government hold the record for closing post offices faster than any other government – almost 10 a week since 1997. The Government are pushing ahead with a further 2,500 post offices which will continue to decimate the network; by 2010 over a third of the entire post office network will have closed down.

Communities will be pitted against each other because of a “dog-eat-dog” closure programme: if one community campaigns successfully against a closure, a neighbouring branch will be shut down.

Countless areas will lose this valued service and vulnerable people will lose a service they depend upon. Government Ministers have taken no account of the needs of the elderly, of disabled people, or the most disadvantaged – the very ones who will lose out most.

We have already seen a number of closures in Walsall and with recent announcements stand to lose a further 5, as such we move the following motion that this Council:

- Strongly opposes any further closures of post offices within our borough and specifically Rushall, Delves, Dudley Fields, Stafford Street and The Butts that are under immediate threat from the Government.
- Recognises that post office services are vital in providing an accessible service to the most vulnerable in our communities, namely the elderly and young families/parents.
- Suggest to Government and the Post Office Network that one post office within each ward is given “Crown Post Office” status and therefore a flagship of community access.
- Supports measures to enhance the products on offer at post offices, particularly financial products and other Government services.
- Calls for post offices to be given the freedom to compete with other financial and banking services in offering similar products.
- Calls on officers to investigate and report to Cabinet what Council services could be provided through the Post Office Network in Walsall Borough to further improve our engagement with local people and the resource implications of adopting such a policy.

**Amendment** moved by Councillor Andrew and duly seconded:

Delete bullet point 1 and insert the following 3 new bullet points:

- Congratulates the successful campaign in Butts, led by local residents and Councillors that has resulted in the Post Office exercising common sense and keeping The Butts Post Office open.
- Strongly condemns the failure of the Post Office to listen to local people and has made the disastrous decision to close Rushall, Delves, Dudley Fields and Stafford Street Post Offices.
- Strongly opposes any further closure of Post Offices within our borough particularly Wilkin Branch Post Office in Brownhills which is now under threat.

Insert the new bullet after the last bullet point:



- Request the Post Office to postpone the closure of aforementioned branches until the outcome of the work stated above has been decided and request the Chief Executive to write on behalf of the Council seeking a meeting between Council representatives and senior Post Office management.

On being put to the vote the amendment was declared carried and became the substantive motion.

**Amendment** moved by Councillor I. Shires and duly seconded:

Delete bullet points 3, 4, 5 and 6 and add the following:

3. Demerge Post Office Ltd. from Royal Mail, giving the Post Office freedom to develop services for all mail delivery companies;
4. Sell off a 49% stake in Royal Mail to the private sector, make a further 50% available to provide an employee trust for the workforce on the John Lewis model. This will give the Royal Mail the freedom of a private sector business to borrow and invest, allowing it to compete with lean and effective private sector businesses in the main UK mail and parcels market;
5. Use the proceeds of the asset sale (40% of Royal Mail, which we estimate could release £2bn) to fund the product/service investment desperately needed to make post offices profitable: to transform the retail environment in the Crown offices (currently losing £70m per year);
6. Ensure that the Post Office network in the cornerstone of the programme to provide every UK citizen with access to a basic bank account. Post offices can play a key part in financial inclusion – they want and need the additional trade that offering basic bank accounts would provide.

The Mayor then asked for clarification on what was now before the Council for consideration.

The Assistant Director of Legal and Constitutional Services informed the Council that they were being asked to consider the amendment moved by Councillor I. Shires to the substantive motion.

At this point in the meeting the time being 6.50 p.m. the Mayor adjourned the proceedings in order for officers to consider what had been proposed.

The meeting recommenced at 7.15 p.m.

The amendment moved by Councillor I. Shires was put to the vote and declared lost – 3 members voting in favour and more against.

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

### **Resolved**

This Council condemns the Government for their policy of Post Office closures. The Government hold the record for closing post offices faster than any other government – almost 10 a week since 1997. The Government are pushing ahead with a further 2,500 post offices which will continue to decimate the network; by 2010 over a third of the entire post office network will have closed down.

Communities will be pitted against each other because of a “dog-eat-dog” closure programme: if one community campaigns successfully against a closure, a neighbouring branch will be shut down.

Countless areas will lose this valued service and vulnerable people will lose a service they depend upon. Government Ministers have taken no account of the needs of the elderly, of disabled people, or the most disadvantaged – the very ones who will lose out most.

We have already seen a number of closures in Walsall and with recent announcements stand to lose a further 5, as such we move the following motion that this Council:

- Congratulates the successful campaign in Butts, led by local residents and Councillors that has resulted in the Post Office exercising common sense and keeping The Butts Post Office open.
- Strongly condemns the failure of the Post Office to listen to local people and has made the disastrous decision to close Rushall, Delves, Dudley Fields and Stafford Street Post Offices.
- Strongly opposes any further closure of Post Offices within our borough particularly Wilkin Branch Post Office in Brownhills which is now under threat.
- Recognises that post office services are vital in providing an accessible service to the most vulnerable in our communities, namely the elderly and young families/parents.
- Suggest to Government and the Post Office Network that one post office within each ward is given “Crown Post Office” status and therefore a flagship of community access.
- Supports measures to enhance the products on offer at post offices, particularly financial products and other Government services.

- Calls for post offices to be given the freedom to compete with other financial and banking services in offering similar products.
- Calls on officers to investigate and report to Cabinet what Council services could be provided through the Post Office Network in Walsall Borough to further improve our engagement with local people and the resource implications of adopting such a policy.
- Request the Post Office to postpone the closure of aforementioned branches until the outcome of the work stated above has been decided and request the Chief Executive to write on behalf of the Council seeking a meeting between Council representatives and senior Post Office management.

#### 61. **Notice of motion – Sneyd Community College**

Councillor M. Pitt declared an interest in this matter which was both personal and prejudicial and left the Council Chamber.

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

This Council places on record its grave concerns regarding the proposed closure of Sneyd Community College and, furthermore, that Walsall Children's Services - SERCO and the Cabinet do not appear to have a coherent and well-planned strategy in place in relation to secondary school provision across the borough.

This Council, therefore calls for an end to this piecemeal approach to secondary education, and that no further action (closures and transfers) be undertaken until such time as a Boroughwide strategy is presented – followed by a full debate on the Council's strategy in order to reassure parents, teachers and those who use facilities in secondary schools that they will be able to access high quality education and community support in their local area."

**Amendment** moved by Councillor O'Hare and duly seconded:

That this Council supports the decision of Cabinet to refer the consideration of Sneyd Community College to the Children's and Young People Scrutiny and Performance Panel and further advises the signatories to the motion that the boroughwide strategy is fully documented, as required at law, in the document entitled The Schools Organisation Plan approved by the School Organisation Committee on 26th January 2005.

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**

That this Council supports the decision of Cabinet to refer the consideration of Sneyd Community College to the Children's and Young People Scrutiny and Performance Panel and further advises the signatories to the motion that the boroughwide strategy is fully documented, as required at law, in the document entitled The Schools Organisation Plan approved by the School Organisation Committee on 26th January 2005.

The meeting terminated at 8.35 p.m.