



# Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 7th November 2011 at 6.00 p.m.** at the Council House.

## Present

### Councillor G. Perry (Mayor) in the Chair

#### Councillor G.E. Wilkes (Deputy Mayor)

“ A.J.A. Andrew  
“ R.E. Andrew  
“ T.G. Ansell  
“ D.A. Anson  
“ M. Arif  
“ I. Azam  
“ D.J. Barker  
“ O.D. Bennett  
“ M.A. Bird  
“ R. Burley  
“ R. Carpenter  
“ 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  
“ S. Fletcher-Hall  
“ M. D. Flower  
“ A.D. Harris  
“ L.A. Harrison  
“ E.F. Hughes

#### Councillor K. Hussain

“ G. Illmann-Walker  
“ D. James  
“ L.D. Jeavons  
“ M. Longhi  
“ S.W. Madeley  
“ Ms. R.A. Martin  
“ Mrs. B.V. McCracken  
“ M. Munir  
“ J. Murray  
“ M. Nazir  
“ T.S.Oliver  
“ A.J. Paul  
“ K. Phillips  
“ L.J. Rattigan  
“ I.C. Robertson  
“ J. Rochelle  
“ E.B. Russell  
“ H.S. Sarohi  
“ K. Sears  
“ Mrs. D.A. Shires  
“ I. Shires  
“ R.M. Thomas  
“ C.D.D. Towe  
“ F.J. Westley  
“ A. Young  
“ Zahid Ali

63. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Bott, Turner and Woodruff

64. **Minutes**

**Resolved**

That the minutes of the meetings held on 12th September and 21st October 2011 copies having been sent to each member of the Council, be approved as correct records and signed.

65. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Oliver	Item 13 – Notice of motion re: NHS reorganisation – Non Executive Director, NHS Walsall and PCT
Councillor Perry	Item 13 – Notice of motion re: NHS Reorganisation
Councillor A. Andrew	Item 13 – Notice of motion re: NHS Reorganisation
Councillor R. Andrew	Item 13 – Notice of motion re: NHS Reorganisation

66. **Mayor's announcements**

**(1) Death of former Councillor Eileen Pitt**

The Mayor referred to the death of Mrs. Eileen Pitt and paid tribute to her contribution to the Council and Walsall over a period of many years. Councillors I. Shires, Madeley, Oliver, Bird, Wilkes, S. Coughlan, D.A. Shires, Ali, Martin and Nazir also paid tribute to Mrs. Pitt, following which it was **moved** by Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mrs. E. E. Pitt a member of this Council from April 1981 to May 2011 and places on record their appreciation of her services to the town and the people throughout the borough and expresses its condolences to her family at this sad time.

**(2) Death of Councillor Joan Barton**

The Mayor referred to the recent death of Councillor Barton and paid tribute to her contribution to the Council and Walsall over a period of many years. Councillors Ansell, Oliver, Bird, Wilkes, S. Coughlan, D.A. Shires, Jeavons, I. Shires, Ali, Martin and Nazir also paid tribute to Councillor Barton, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Councillor J. Barton a member of this Council from May 1998 of which Council she was Mayoress in 1990/91 and places on record their appreciation of her services to the town and the people throughout the borough and expresses its condolences to her family at this sad time.

**(3) Death of Mrs. Lynne Staffiere**

The Mayor referred to the recent death of Mrs. Staffiere, Mayoress in 2005/2006 and paid tribute to her services to Walsall. Councillors Bird, Wilkes, S. Coughlan, D.A. Shires, I. Shires and Cook also paid tribute to Mrs. Staffiere, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mrs. L. Staffiere, Mayoress of Walsall Metropolitan Borough Council in 2005/2006 places on record their appreciation of her services to the town and expresses its condolences to her family at this sad time.

**(4) Death of Mr. Terry Edis**

The Mayor referred to the death of Mr. T. Edis, Chairman of Watmos Community Homes and Burrowes Street Tenant Management Organisation and paid tribute to his services to the people of Walsall over a period of many years. Councillors Ansell, Oliver, Bird, Wilkes, S. Coughlan, Jeavons, I. Shires and Nazir also paid tribute to Mr. Edis, following which it was **moved** by the Mayor, duly seconded and:

**Resolved**

That this Council expresses its regret at the death of Mr. T. Edis, MBE., Chairman of Watmos Community Homes and Burrowes Street Tenant Management Organisation and places on record their appreciation of his services to the people of Walsall 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.

## **67. Petitions**

The following petitions were submitted:

- (1) Councillor J. Fitzpatrick – Safer paths in Church Street, Bloxwich.
- (2) Councillor Illmann-Walker – Diversion of 41 bus route along Byron Road, Keats Road and Shelley Road.
- (3) Councillor Jeavons – “Save the dignity of our loved ones” – borders around graves in Walsall cemeteries.
- (4) Councillor Martin – Objection to planning application 11/1217/FL – 14 two bedroom apartments at 1 Woodside Close, Walsall.
- (5) Councillor I. Shires – Reinstatement of public transport links from Lucknow Road and Ashmore Lake area and reinstatement of 41 bus service.
- (6) Councillor Westley:
  - (a) Residents of Bealy’s Lane, Baytree Road and Baytree Close – introduction of parking and speeding restrictions; and
  - (b) Residents of Parker Street, Sandhill Street and Sandbank – speed bumps.

## **68. Point of order**

At this point in the meeting Councillor Oliver rose on a point of order and referred to Council procedure rule 7(b) and requested the Mayor give consideration to allow him to present an urgent notice of motion.

The Mayor asked the Head of Legal and Democratic Service to give legal advice on this matter.

The Head of Legal and Democratic Services informed the meeting that the law only provided for urgent business to be considered at the annual meeting of a Council, and then only if the authority’s procedure rules allowed for it. The Local Government (Access to Information) Act 1985, restricted this still further by requiring the Chairman to be of the opinion that the business is urgent before it can be considered. It does not extend the facility to consider urgent business to ordinary or extra-ordinary meetings of the Council. The only exception would be where business required by law to be done was inadvertently omitted from an agenda in which circumstances it would be permissible to deal with the business even though not specified on the agenda.

**69. Question by member of the public**

**Director of the New Art Gallery**

Mr. R. Worrall of Burrowes Street, Walsall asked the following question of Councillor Bird:

"Would the Leader of the Council please identify the name of the organisation (or organisations) to which the Director of the New Art Gallery, Walsall, is accountable, and furnish me with a list of the respective membership of the said organisation(s)?"

Councillor Bird replied that the post of Director of the New Art Gallery, Walsall was responsible to Walsall Council through normal line management arrangements. The post reported to the Head of Libraries, Heritage and Arts who reported in turn to the Executive Director for Neighbourhood Services.

He said that the New Art Gallery received significant funding from the Arts Council England which was £876,408 in 2011/12 and £908,835 in 2012/13 and the Director was accountable to Arts Council England for meeting the criteria attached to the funding agreement. Roz Robins was the Regional Director at the Arts Council England, West Midlands.

There was also a Walsall Museums and Arts Galleries Trust who had a role to support and promote the work of the Gallery. The Chair was David Carver and Councillor Harris, portfolio holder for leisure and culture was also a member of that Board.

Mr. Worrall asked the following supplementary question:

"Given a number of difficulties around the actions or inactions of the management of the New Art Gallery in recent years - notably: an audit scrutiny enquiry into missing pictures; a lost golden opportunity in the Brownhills area now pulling in huge crowds in the USA; and the long struggle by supporters, including some councillors, to win approval for the current exhibition of Graham Benton's paintings - would the Leader of the Council be willing to support steps to improve the NAG's communications with, and accountability to, both elected members and the residents of Walsall as the key stakeholders and 50% funders of the 'People's Gallery', such as:

- (1) twice-yearly progress reports to the relevant scrutiny committees;
- (2) An annual report to Full Council; and
- (3) a well-publicised twice-yearly public meeting at which the Gallery's Director and colleagues report on past progress and future plans, and where members of the public can raise issues, ask questions, and make suggestions?"

Councillor Bird said that Mr. Benton's painting were being exhibited and that he would consider Mr. Worrall's request, but he was happy with the running of the New Art Gallery.

## **70. Questions by member of the Council**

### **(1) Recycling facilities**

Councillor Cassidy asked the following question of Councillor Ansell:

"Can the relevant portfolio holder please explain to me and this Council why residents have not, to date, been provided with easily accessible recycling facilities for batteries and fluorescent and energy-saving light bulbs – both of which contain dangerous chemicals and which cause land and water pollution when dumped in landfill. Furthermore, does the portfolio holder recognise that it is difficult for residents on foot to access facilities at Merchant's Way and Fryer's Road and that siting new facilities at libraries and/or town and district centres, as in other local authority areas, would prove to be a great help and improve levels of recycling."

Councillor Ansell replied that with regard to battery recycling, the onus was on producers and retailers to collect batteries not local Councils. If retailers produced more than 32kg of portable batteries each year then they must collect batteries from the public. They could do this directly or contribute funds to a Designated Collection Facility (DCF) scheme. The Council acted as a DCF and had battery recycling facilities at both recycling centres. He said there were also recycling facilities at local libraries, a number of schools, Council offices and many high street stores and supermarkets.

Florescent tubes and compact florescent lamps were classified as hazardous waste. Again the onus was on producers to recover these items for recycling and safe disposal. They could do this directly although most have funded Designated Collection Facilities. Both of the Council's recycling centres were registered as designated collection facilities and provided facilities for the collection of florescent tubes.

Councillor Ansell said that pedestrian access to both of the recycling centres sites was prohibited on the grounds of health and safety for residents. Residents would be at risk of injury if they were carrying potentially unsecure and heavy bags onto the sites. There were also issues of separating pedestrians from cars and waste lorries on the access roads to the site, but the collection, storage and transport of hazardous waste was governed by a host of regulations and he did not consider it would be viable to have lots of small collection centres.

## **(2) Potholes**

Councillor Robertson asked the following question of Councillor Ansell:

“Would Councillor Ansell reveal the current sq. ft. of potholes that currently are logged for permanent repair and those that are logged for temporary patching for each ward in Walsall and can you as part of this answer, circulate the result to this full council meeting in diagrammatic format?”

Councillor Ansell replied that the information in response to the question had been prepared and represented on the plan circulated around the Council Chamber. (copy appended to these minutes)

He said that the plan of the borough showed all wards together with details as at 19 October 2011 showing all permanent and temporary repairs identified on that day by inspectors. The plan showed the number of areas (square metres) of repairs identified for either permanent or temporary repair as a snap shot of that day.

Following a full review of the process for repairing potholes using the LEAN principles, every effort was made to permanently repair them in a cost effective manner. He said that the use of temporary repairs was now limited to where there were difficulties or restrictions related to traffic management or for dealing with gulley thefts.

Councillor Robertson asked the following supplementary question:

Did Councillor Ansell agree that by not addressing these repairs frost and water would make it more expensive and what was the procedure for protecting holes?

Councillor Ansell replied that it depended on the what type of winter it had been, even after the winter period was over patched up holes had “blown out”. He went on to say that there was not a financial solution to this. During this year the government had given the Council extra money but we were in a no win situation and the response depended on the weather. The Council would make the maximum use out of its budget.

## **(3) Resurfacing and repairing potholes**

Councillor D. Coughlan asked the following question of Councillor Ansell:

“Given the apparent difference to the state of the roads in different parts of the borough, could Councillor Ansell tell me the amounts per ward spent on resurfacing and repairing potholes over the past 5 years.?”

Councillor Ansell replied that the information in response to the question had been prepared and represented on the plan circulated around the Council Chamber. (copy appended to these minutes)

The plan of the borough showed all wards together with details of expenditure on planned maintenance highway resurfacing for the period between April 2006 and March 2011. The plan did not include expenditure for pothole repairs. However, following the review of the service, new technology had been introduced to enable this to be recorded for the future. The plan also indicated the length of public highway within each ward.

He advised that the team had prepared a 3 year highways maintenance programme in accordance with the process detailed within the approved and published Highways Maintenance Strategy 2009/12. This included information obtained from annual road condition surveys carried out across the West Midlands, road inspections, network scouting activities and assessment in accordance with the Council's Highways Asset Management Plan.

Councillor Ansell said that works were programmed but this was indicative as works were subject to many factors including hierarchy, network availability, utility works, environmental considerations, school holidays and availability of specialist contractors.

Councillor D. Coughlan asked the following supplementary question:

With regard to the money spent in her ward, did this include Section 106 money as referred to in Councillor Andrew's report.

Councillor Ansell said that he would let Councillor Coughlan know.

#### **(4) Green Lane car park**

Councillor Jeavons asked the following question of Councillor Ansell:

"Bearing in mind the potential sale to developers of the car park in Green Lane at the edge of the town centre could the portfolio holder tell myself, this Council and the public of Walsall how much revenue the Green Lane car park contributes to the transport budget on a monthly basis and therefore how much revenue would be lost to that budget?"

Councillor Ansell replied that prior to the opening of the Tesco store and its new car park, the Green Lane car park generated pay and display charges of approximately £8,000 per month income for the Council, equal to £96,000 per year. Further income was generated through enforcement within the car park due to inconsiderate or illegal parking.

Since Tesco's new free car park had opened this figure had reduced to around £5,000 per month from pay and display charges, equal to £60,000 per year.

Councillor Ansell said that there were currently no plans to sell the Green Lane car park.

Councillor Jeavons asked how much had been lost?

Councillor Ansell said that he had given the answer.



## **(5) Car parking revenue**

Councillor Jeavons asked the following question of Councillor Ansell:

“Can the portfolio holder tell me how much revenue the Council has lost as a result of the failure to encourage Tesco to introduce charging in it's on site car park?”

Councillor Ansell replied that since the new Tesco opened in December 2010, it had yet to introduce and enforce car parking charges for non customers of the store. The car park was also of a high quality.

He said that there had been a financial impact on car park revenue as previous customers of the Council's Hatherton Road Multi Storey car park and Green Lane short stay car parks were now using the Tesco free car park. This had resulted in an ongoing reduction of pay and display income of approximately £10,000 per month giving a likely outturn for the year of £120,000.

Planning officers were in discussion with Tesco and if the matter did not get resolved soon then enforcement action would be taken. However, even when Tesco did introduce charging he did not expect the Council's car parking income to recover to previous levels.

## **71. Bloxwich East Ward By-Election**

The Council noted the result of the by-election for the Bloxwich East Ward on 27th October 2011 as follows:

<b>Names of candidates</b>	<b>No. of votes polled</b>	<b>Candidate elected</b>
Beeley, Leslie Alan	834	Julie Fitzpatrick
Bennett, Derek	98	
Fitzpatrick, Julie	922	
Gebrakedan, Leandra Lola	16	
Newey, Christopher Martin	49	

**Turnout 21.15%**

## **72. Recommendations of Cabinet**

### **(1) Walsall Housing Strategy 2011-216**

Councillor Longhi left the room during consideration of this item.

The report to Cabinet was submitted.

It was **moved** by Councillor A. Andrew and seconded by Councillor Bird

That the Housing Strategy 2011-2016 be adopted.

On being put to the vote the motion was declared lost – 25 members voting in favour 30 voting against.

(2) **Consultation documents – Amendment to scheme of delegations**

On moving the motion Councillor Bird referred to a request by Councillor Oliver to include the following:

That the Chief Executive and Executive Directors be delegated authority to respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

Accordingly it was **moved** by Councillor Bird, duly seconded and:

**Resolved**

- (1) That in the light of the number of consultation documents being received from various Government Departments, and in order that the Council's views on changing national policy and legislation can be known to Government without delay, paragraph 5.2(e) be deleted from the scheme of delegations to officers of non-executive functions which states that officers may not:
  - (e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have significant impact upon services;
- (2) That the Chief Executive and Executive Directors be delegated authority to respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

73. **Recommendations of Audit Committee**

(1) **Annual report of Audit Committee 2010/11**

It was **moved** by Councillor Chambers, seconded by Councillor Bird and:

**Resolved**

That the annual report of the Audit Committee 2010/11 be approved.

(2) **Annual report on Treasury Management 2010/11**

It was **moved** by Councillor Bird, seconded by Councillor Chambers and:

**Resolved**

That the following documents be noted and endorsed:

- (1) the Treasury Management Annual Report for 2010/11, as set out in Appendix A of the report;
- (2) the Treasury Management Policies, as set out in Appendix B;
- (3) the mid-year review April to August, 2011, as set out in Appendix C.

74. **Review of Polling Districts and Places**

The report was submitted.

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

**Resolved**

That the recommendations of the Working Group, set up by the Council to conduct the review of the borough's polling districts and places, contained within each of the parliamentary constituency reports, be adopted.

75. **Portfolio holder briefings**

(a) **Regeneration**

Councillor A. Andrew, portfolio holder for Regeneration gave a presentation.

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

(b) **Social care and health**

Councillor McCracken, portfolio holder for Social care and health gave a presentation.

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

## **Councillor Wilkes (Deputy Mayor) in the Chair**

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

### **Resolved**

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

## **76. Notice of motion – NHS reorganisation**

The report was submitted.

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

Council notes that our NHS is undergoing the most radical reorganisation since inception by a Labour Secretary of Health Aneurin Bevan in July 1948 , with the costs of £5 billion of these changes set to probably exceed savings.

Council expresses concern at recent reports indicating that currently there are serious issues to monitor here in Walsall.

- waiting times of over 1 year at the Manor hospital for those wishing to have treatment has increased by 600%
- the report went to the Board of the Walsall Healthcare Trust in September revealed that an average of 22 incidents or near misses occurred per week over the year to March 2011 in our hospital's maternity services
- that the recent CQC inspection revealed some failings in nutritional and hydration needs in the care of our elderly patents.
- note that all professional NHS bodies such as the BMA and 7 out of 10 of our doctors, still oppose these changes and believe that these are not in the best interests of their patients.

Council proposes that our Chief Executive writes to the Secretary for State for Health relaying the fact that the majority of elected members of this Council have voted supporting the view that the proposed changes contained in the NHS bill are not in the best interests of patients here in Walsall and that this Bill should be withdrawn as it does not comply to the 'Clegg' principles that:

- GPs should not be forced into signing up to commissioning consortia
- The pace needs to be slowed

- All artificial deadlines need to be removed
- The NHS needs to be protected rather than undermined.

On being put to the vote the motion was declared **lost** – 25 members voting in favour and 26 voting against.

The meeting terminated at 9.25 p.m.

Mayor:

Date: