



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 11th July 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
“ P. Bott
“ 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
“ 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
“ 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
“ D.J. Turner
“ F.J. Westley
“ A. Young
“ Zahid Ali

27. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Barton, Jeavons, Tweddle and Woodruff.

28. **Minutes**

Resolved

That the minutes of the meeting held on 23rd May 2011 copies having been sent to each member of the Council, be approved as a correct record and signed.

29. **Declarations of interest**

The following members declared their interest in the items indicated:

| | |
|---------------------|---|
| Councillor Flower | Item 13 – Food Law Enforcement Plan (personal and prejudicial) |
| Councillor Murray |] Item 10 – Pay and grading (personal) |
| Councillor Cassidy | |
| Councillor Oliver | |
| Councillor Phillips | |
| Councillor Bennett | |
| Councillor Sears | |
| Councillor Russell | |

30. **Mayor's announcements**

Portfolio holder briefing

The Mayor stated that Councillor McCracken, the portfolio holder for Social care and health would be making a statement with regard to the present position relating to Southern Cross homes in place of the report by Councillor A. Andrew on the regeneration portfolio.

31. **Petitions**

The following petitions were submitted:

- (1) Councillor Madeley – Retention of No. 333 bus route between Walsall and Wolverhampton.

- (2) Councillor Phillips – Demolition of former Neighbourhood Office in Buxton Road to provide car parking facilities.
- (3) Councillor Robertson – Reinstatement of school crossing warden outside Sunshine Infant and Nursery School
- (4) Councillor Harrison:
 - (a) Improved facilities for young people on Odell playing fields .
 - (b) Action to stop ball games on the green in Irvine Road.
- (5) Councillor A. Andrew – Action to tackle criminal activity between Nether Hall Park and Park Farm estate.

32. Question by member of the public

School admissions

The Mayor informed the Council that Ms. Fisher was unable to attend the meeting and in accordance with the Constitution asked the question on her behalf:

“Why are you informing parents that they have a preference option for school admissions applications and these should be in order of where they want child to attend, when the Admissions co-ordinator confirmed at a recent appeal hearing, that the computer system used will allocate places based on distance regardless of preference or the school even being selected, rather than on preference order and distance?”

The Mayor asked officers to send a written reply to Ms. Fisher.

33. Question by member of the Council

Metal theft

Councillor Robertson asked the following question of Councillor Ansell:

“What has been the cost to this Council of metal theft that has required replacement over the last two financial years split into categories such as drain covers, lead or copper from roofs, electrical cable etc and have you any estimate how much has been the cost of metal theft to our partners over a similar period?”

Councillor Ansell replied that the cost of replacement stolen highway drain covers was £131,500.

The replacement cost of metal thefts from leisure facilities and greenspaces was £25,341, the bulk of which related to the theft of copper from the Barr Beacon War Memorial and lead from the roof of Willenhall Leisure Centre. However, Barr Beacon Trust would reimburse the Council for works to the memorial bringing the total cost to leisure facilities and greenspaces down to £9,820.

He said that the replacement cost of metal thefts for other Council facilities, excluding schools, was £17,103.

In conclusion Councillor Ansell said that the total cost of metal theft to the Council over the last two financial years following reimbursement by Barr Beacon Trust would be £158,423.

Councillor Robertson asked the following supplementary question:

“Do you agree that this issue is costing ourselves and our partners both here in Walsall and elsewhere many millions of pounds and do you support the call for a minor law change to insist that all scrap metal dealings are through a named bank account with no cash alternative?”

Councillor Ansell said that any change in the law would be acceptable.

34. State of Walsall debate

The report of the Chief Executive was submitted.

The Chief Executive referred to the note circulated around the Council Chamber which indicated that the Leader would speak for 15 minutes and that each of the two leaders of the opposition would speak for 5 minutes each, with members of the Council then having the opportunity to speak for 2 minutes.

The Chief Executive informed the Council that representatives from NHS Walsall, the Police, Walsall Housing Group and the Fire Authority were present to answer questions, if necessary.

Councillor Bird opened the debate by informing the Council of the net outturn underspend for the last financial year which would allow for a £1 million bring forward for this financial year. He also referred to revenue savings of £17.2 million of which the working smarter initiative had contributed half of this sum.

He went on to refer to the development of key sites within the Town Centre and said that support to businesses in the borough was a key focus for regeneration.

Councillor Bird said that Social Care were now using a new operating model which gave choice and independence to residents of the borough. He referred to the changes made by Councillor McCracken and Paul Davies and further referred to changes to personal budgets. In future all service users would be offered personal budgets which will make for better use of resources.

With reference to Children's services, Councillor Bird said that key stages 1 and 2 results had exceeded the national guidelines, however, there was still a lot to do. He went on to refer to the improved stability of looked after children. He also referred to a 64% reduction in child offending and the fact that more than half of secondary schools in the borough would be transferring to academy status, and that the University Technical College would be opening in September.

Councillor Bird went on to comment on Neighbourhood Services achievement of 49% recycling of household waste which was the best figure in England and paid tribute to Councillor Ansell for overseeing a road repair programme after the worst winter on record.

He referred to the fact that the largest library exercise ever carried out will be submitted to scrutiny with recommendations to Cabinet. He went on to highlight the working of Area Committees, the three Green Flag awards awarded to parks in the borough and the awards won by Walsall Adult Community College.

Amongst other things highlighted, Councillor Bird mentioned the number of visitors to leisure centres throughout the borough, that the New Art Gallery had maintained its education provision and that the Forest Arts Centre music scheme had been deemed outstanding by government inspectors.

Finally he referred to the fact that a draft budget would be produced even earlier this year to allow for more scrutiny and that he was confident about the future.

Councillor Bird then went on to thank partners for their help over the last year.

Councillors Oliver and I. Shires spoke for 5 minutes. The following members spoke in the debate: Councillors S. Coughlan, Robertson, Ansell, Phillips, Young, Ali and Arif.

Councillor Bird replied to the debate.

The Mayor thanked the Council's partners for their attendance at the meeting.

35. Recommendation of Cabinet – Charges for street naming and numbering services

The report to Cabinet was submitted.

Resolved

- (1) That pursuant to Paragraph 25 of Schedule 14 to the Local Government Act 1972, the provisions of Sections 17-19 (inclusive) of the Public Health Act 1925 relating to the naming of streets and Sections 64 and 65 Town Improvement Clauses Act 1847, relating to the numbering only of streets, be adopted and apply throughout the area served by Walsall Metropolitan Borough Council.

- (2) That approval be given to the introduction of charges in relation to street naming and numbering services as detailed in Appendix A of the report.

36. Pay and grading

The report was submitted.

It was **moved** by Councillor Towe and seconded by Councillor Bird:

- (1) That the revised pay structure and conditions of service set out in the report and its attachments be agreed for implementation.
- (2) That authority be delegated to the Chief Executive to implement pay and grading as explained in section 7 of the report.

The Chief Executive introduced Mr. Mark Hammerton an external legal expert who would give any legal advice to Council as the “in house” staff had a conflict of interest in this matter.

Amendment moved by Councillor I. Shires and duly seconded:

- (1) That Council agree to negotiate with the joint trade unions for an additional four weeks.
- (2) That Council agree the revised pay structure and condition of service set out in this report and its attachments for implementation if the further negotiations fail to reach an agreement.
- (3) That Council delegate authority to the Chief Executive to implement pay and grading as explained in section 7 of the report if the further negotiations fail to reach an agreement.

At 7.45 p.m. the meeting adjourned.

The meeting reconvened at 8.30 p.m.

Following the adjournment Councillor Shires stated that he was withdrawing his amendment.

On being put to the vote the motion was declared carried – the voting at the request of several members of the Council being recorded as follows:

**For the motion -
31 members**

Cllr: Bird
I. Shires
A. Andrew
R. Andrew
Ansell
Arif
Azam
Barker
Bennett
Carpenter
Clarke
Cook
Douglas-Maul
Flower
Harris
Harrison
E. Hughes
Longhi
Martin
McCracken
Munir
Murray
Paul
Perry
Rattigan
Rochelle
Sears
D.A. Shires
Towe
Turner
Zahid

**Against the motion -
24 members**

Cllr: Oliver
Anson
Burley
Cassidy
Chambers
D. Coughlan
S. Coughlan
Creaney
Ditta
Fitzpatrick
Fletcher-Hall
Hussain
Illmann-Walker
James
Madeley
Nazir
Phillips
Robertson
Russell
Sarohi
Thomas
Westley
Wilkes
Young

**Neutral –
1 member**

Cllr. Bott

and it was:

Resolved

- (1) That the revised pay structure and conditions of service set out in the report and its attachments be agreed for implementation.
- (2) That authority be delegated to the Chief Executive to implement pay and grading as explained in section 7 of the report.

37. Annual scrutiny report 2010/11

The report was submitted.

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

Resolved

That the annual scrutiny report for the 2010/11 municipal year as set out in the report be noted and that this inform the further developments of the Council's scrutiny function.

38. **Corporate health and safety policy**

The report was submitted.

It was **moved** by Councillor Towe, duly seconded and:

Resolved

That the Corporate Health and Safety Policy, appended to the report be approved.

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.

39. **Food law enforcement plan**

The report was submitted.

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

Resolved

That the Food Law Enforcement Service Plan for the year 2011/12 be approved.

40. **Portfolio holder briefing**

The report of the portfolio holder for Regeneration was withdrawn in order to enable Councillor Mrs. McCracken, portfolio holder for Social care and health to update the Council on the current position with regard to the five nursing homes in the borough operated by Southern Cross following the transfer of the operation its homes to its landlords.

Councillor McCracken thanked the staff in Adult Social Care for handling this matter so efficiently. The department had been monitoring this situation for some time in order to allow homes to stay open.

Southern Cross operated five homes across the Borough and residents and their relations had been supported by the department. Senior Officers had visited homes and had spoken to staff and residents.

41. Blanch Woollaston Charity

Resolved

That Councillor Harrison be re-appointed as a Trustee on the Blanch Woollaston Charity for a period of 3 years from 13th September 2011.

42. Notice of motion – Proposed new Bentley Library

The report was submitted.

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

Following an assurance by the portfolio holder for Leisure and Culture at the April meeting of Council that he would explore this issue, this Council now calls upon the Cabinet to give a commitment to commence the building process of the proposed new library at Bentley by using the slippage of finance included within the Capital Programme for this Scheme.

On being put to the vote the motion was declared carried – 29 members voting in favour and 27 against and it was:

Resolved

Following an assurance by the portfolio holder for Leisure and Culture at the April meeting of Council that he would explore this issue, this Council now calls upon the Cabinet to give a commitment to commence the building process of the proposed new library at Bentley by using the slippage of finance included within the Capital Programme for this Scheme.

43. Notice of motion – Illegal grazing of horses

The report was submitted.

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

Council notes that there are now a large number of horses tethered and grazing illegally on their land.

Council accepts that this causes a nuisance to neighbours, stops residents using the land for recreational purposes , poses a risk to the public plus there is a legal risk to this Council if a horse on our land was a factor in causing an accident.

Council proposes to pursue the following policy.

- (1) explore the feasibility of allocating and subsequently leasing specific areas of land that are suitable and safe that could be used for grazing of horses.
- (2) facilitate a working group meeting under the relevant scrutiny committee and guidance of the local area partnerships to which all relevant parties are invited to produce a report directly to Cabinet and Council within 3 months. This report to contain recommendations as to how this issue can be resolved.
- (3) in the event no satisfactory agreement being forthcoming, Council directs that officers fully implement existing legal powers to deal with all illegally placed horses on Council land.

The motion on being put to the vote was declared **lost** – 25 members in favour and 27 voting against.

44. **Notice of motion- Walsall Football Club**

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

This Council notes the positive discussions between officials from Walsall Football Club and Councillors from all political parties on Walsall Council at an informal meeting that was held in the Council House on Tuesday, 21 June 2011.

The Council therefore now instructs officers to prepare a report on how the Council might help safeguard the Football Club's future at the Banks's Stadium, including the benefits and the risks of the Council supporting any purchase of the stadium (where necessary mindful of commercial confidentiality).

This report to be prepared as a matter of urgency, and to be shared initially with the three Group Leaders on Walsall Council, and potentially to a meeting of the full Council.

The motion on being put to the vote was declared **lost** – 24 members voting in favour and 28 against.

The meeting terminated at 10.10 p.m.

Mayor:

Date: