Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 9th July 2012 at 6.00 p.m.** at the Council House.

Present

Councillor D.A. Anson (Mayor) in the Chair

Councillor M. Nazir (Deputy Mayor)
" A.J.A. Andrew
" R.E. Andrew
" T.G. Ansell
" M. Arif
" I. Azam
" D.J. Barker
" O.D. Bennett
" M.A. Bird
" C. Bott
" P. Bott
" R. Burley
" B. Cassidy
" K. Chambers
" A.G. Clarke
" J. R. Cook
" 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
" K. Hussain

Councillor G. Illmann-Walker
" D. James
" L.D. Jeavons
" T.J. Jukes
" M. Longhi
" Ms. R.A. Martin
" Mrs. B.V. McCracken
" J. Murray
" T.S.Oliver
" K. Phillips
" L.J. Rattigan
" J. Rochelle
" E.B. Russell
" H.S. Sarohi
" K. Sears
" Mrs. D.A. Shires
" I. Shires
" P.E. Smith
" R.M. Thomas
" C.D.D. Towe
" A. Underhill
" D.J. Turner
" S. Wade
" F.J. Westley
" V. Whyte
" V.G. Woodruff
" R.V. Worrall
" A. Young
" Zahid Ali

24. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors D. Coughlan and Perry.

25. **Minutes**

Resolved

That the minutes of the meeting held on 21st May 2012 copies having been sent to each member of the Council, be approved as a correct record and signed.

26. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Flower	Owner of an empty property (personal and prejudicial)
Councillor Woodruff	Walsall Healthcare Trust (personal)
Councillor Oliver	ICM, NHS West Midlands

27. **Petitions**

The following petitions were submitted:

(1) Councillor James - Premier Blockall Convenience Store 22/23 Blockall, Darlaston – to allow limited parking outside the store

(2) Councillor Jeavons - Mary Street and Lewis Street - request for double yellow lines on corners of streets

(3) Councillor A. Andrew - Protection of bus service to Nether Hall Park, Great Barr

28. **Questions by members of the Council**

(1) Social landlord premises

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

"With regard to the so called "bedroom tax" that is a part of the Coalition Government's Welfare Reform Act, that will see, from April 2013, the housing benefits of Social landlord tenants under the age of 62, reduced by 14%, if deemed to have one surplus bedroom and 25% if deemed to have 2 or more surplus bedrooms, would the Portfolio holder give me, this Council and the public, a ward by ward breakdown of the estimated number of Social landlord households (or at least Whg figures if it is not possible to encompass all Social landlords' properties) likely to be faced with (a) a 14% cut in housing benefits and (b) a 25% cut in housing benefits, as a result of this policy and on the assumption that the recipients of housing benefits, deemed to be having "surplus bedrooms" remain in their present households?"

Councillor Andrew said that he recognised the potential impact of the so called "bedroom tax" on Walsall households was a specific area of concern for fellow Councillors, it was a concern he shared wholeheartedly and he assured members that the authority was doing all in its power to mitigate the impact.

Whg estimated that some 3,300 households of working age were currently under occupied properties and would therefore be affected. Of the 3,300 households whg estimated that 1,094 households would experience a 25% reduction in their housing benefit, average losses were estimated to be £21.21 per week. The remaining 2,206 households would experience a 14% reduction in their housing benefit with average losses estimated at £12.05 per week.

Councillor Andrew said that a number of actions had been put in place which included:

- Using the Government's under-occupancy funding to work with Housing Association partners to identify those most severely affected and to provide them with the help they needed; this included help to move to smaller, more affordable accommodation and financial incentives.

- Working with Walsall in Credit Partnership to help people prepare for the changes.

- Road shows and promotional literature to raise awareness and understanding of this issue, the potential impact and to advise those affected of their options, and the help available being planned.

- For those households wanting to "stay and pay" the Council was working with partners to ensure that effective money management and welfare advice was available.

- Ensuring that Discretionary Housing Payments (which the Government had doubled in size) are used to provide transitional help to those households most severely affected by welfare reform such as grandparents and single parents with children visiting at weekends.

Councillor Smith asked the following supplementary question:

> Given that hundreds of households in the borough will have up to 25% cuts in their housing benefits, in some cases representing a £20 or more a week cut because of this Fascist policy more reminiscent of 1930s Europe than 21st century Britain, on top of cuts in Council tax benefits due to be introduced at the same time, which could cut housing benefits by an average of a further £5 to £10 per week per family, would Councillor Andrew not agree with me that it is the poorest sections of our society, hitting hardest the people in the less well off wards in our Boroughs, who are being made to bear the brunt of the financial mess in order to pay for tax cuts for the very rich, to pay for the fat cat Bob Diamond style bonuses and the obscene financial rewards grabbed by the few, to pay for the Royal family hangers-on and to pay for the tax evaders and avoidance fiddlers, all of whom, due their greed and Government's willingness to feed their greed, are a collective scourge and drain on our society?

Councillor Andrew replied people in the borough would be looked after. He said that the average reduction would be £14 per week but did not know how this would affect spending.

(2) Councillor Worrall re: 86 Lichfield Road, Shelfield (Brush garage)

Councillor Worrall asked the following question of Councillor Bird:

> "In response to my petition handed in at Council on 23rd May, in which residents asked for an inquiry into the Council's actions in the matter of the above unauthorised development, Mr. Tim Johnson, Executive Director, has replied to say that any such inquiry would be inappropriate given that the considered view of the Ombudsman is expected shortly – possibly within a matter of days or weeks. (The texts of the petition and reply are set out below).
>
> Would the Leader advise whether the Council has now heard from the Ombudsman as to his intentions in this matter and if so, what these intentions or likely intentions are?
>
> (Text of petition handed to Council on 23 May:
>
> > "We the undersigned residents, note with dismay the decision of Development Control Committee, not to take any enforcement action against the owner of 86 Lichfield Street, Shelfield (the Brush Garage) against the recommendations of Council officers, Counsel's opinion and the views of the Local Government Ombudsman, and call for an independent inquiry into the case aimed at identifying all the circumstances leading to the decision and achieving a just and proper settlement in the best interests of the community and of the Council itself."
>
> Text of Mr. Johnson's reply of 8 June:

"I am writing to you in relation to the petition submitted to the adjourned meeting of Council on 23 May, concerning 86 Lichfield Road, Shelfield (Brush Garage).

The petitioners have asked for an independent inquiry into the matter "aimed at identifying all the circumstances leading to the decision and achieving a just and proper settlement in the best interests of the community and of the Council itself."

You may be aware that the Local Government Ombudsman has for some while now been investigating complaints from two local residents, both signatories to the present petition, in relation to Brush Garage. The Ombudsman has carried out a full and thorough investigation of the matter and I can confirm that currently the Council is awaiting the Ombudsman's considered view upon the complaint. This expected shortly, possibly within a matter of days or weeks.

In these circumstances, I believe that it would be inappropriate for me now to initiate, or commission, any separate investigation into the matter.")

Councillor Bird replied that a response from the Ombudsman was still awaited but hoped that the draft report would be received by the end of July.

(3) Councillor Smith re: Walsall's Town Heritage funds

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

"With regard to what some people regard as Walsall town centre's biggest eyesore, namely the boarded up and long time scaffold -clad building in Bridge Street that last traded as a nightclub, Studio 45 (closed down in January 2007) and before that as a pub under various names (the Black Swan, the Berni Inn, the Dirty Duck, the Stork Hotel to name a few) and subsequent to it closing down in 2007, received monies from Walsall's Town Heritage Initiative funds, can the appropriate Portfolio holder inform me, this Council and the public of the value of the grant given and how the grant was spent?"

Councillor Andrew replied that a grant was awarded in January 2010 under the Townscape Heritage Initiative to part fund repair and refurbishment works at Studio 45. The grant was for just over £120,000 towards a total project cost of over £335,000.

He said that the grant was used to bring back the building into a structurally sound/wind and watertight condition and was for both interior and exterior work. Interior grant aided works included structural repairs, repair roof joists, replastering, repainting and rewiring. External grant funded works included roof, window and rainwater goods repairs. All of the grant aided works had been completed and the final grant payment was made in April 2012.

The grant scheme could not pay for the entire refurbishment of the property as many items were ineligible for grant funding (in accordance with the Townscape Heritage Initiative conditions) such as any fixtures and fittings, repainting the exterior. He said that extensive work had been carried out on the roof which could not be seen.

Councillor Smith asked the following supplementary question:

> Whilst I fully accept that the grants that were forthcoming from the Walsall Heritage funding for this building and premises have been spent appropriately and reassuring you that there was no suggestion in the question, neither stated or implied, to the contrary, are there no rules laid down at the time of such grants being approved such as the grants being conditional on the ability of the owners to ensure the full project is achievable and viable within a particular time span, so as not to render work done via grant aid, potentially ineffectual?

Councillor Andrew stated that he was unaware of any rules.

(4) Councillor Worrall re: Pelsall Lane bus lane/lay-by Rushall

Councillor Worrall asked the following question of Councillor Ansell:

> I submitted two petitions to Council on 23rd May (see below) in which residents and traders asked the Council to address the dangers and/or obstructions caused by parking and rat-running to avoid the traffic lights and to relocate the bus stop to a nearby alternative position in Pelsall Lane.
>
> As no reply other than an acknowledgement had been received by 26 June, would the portfolio holder advise Council of what steps, if any, are proposed, to identify and implement a scheme to effectively address residents and traders' concerns and in particular to minimise the perceived risk of accidents and injuries inherent in the existing arrangements?
>
> (Text of petitions handed to Council on 23 May:
>
> Petition 1:
>
> "We the undersigned, call on Walsall Council, in consultation with local residents and traders in Rushall, to develop and implement a scheme for the Pelsall Lane bus lay-by that will:
>
> - Relocate the bus stop
> - Close the lay-by to rat-running vehicular traffic
> - Increase parking; and
> - Improve the environment for residents and shoppers"
>
> Petition 2:
>
> We support moving Pelsall Lane bus stop.")

Councillor Ansell advised that the current layout of the road, the lay-by, parking and bus facilities, all resulted from a full consultation exercise with residents, shoppers and bus operators in 1995. This was seen at the time as a balanced approach to achieve safety, operation, parking provision and access to public transport.

He said it was difficult to see how the situation could be improved as adjacent roads were too narrow for a bus stop to be relocated which would in any case be too close to the main traffic signal junction. It would also result in less parking for residents.

Councillor Ansell said he understood from Centro that this matter was not raised with them as part of the recent bus network review. He had requested Centro to review again the potential options. Council staff had liaised with the Police to ensure improved traffic enforcement in this lay-by, which was only available for access and buses.

Councillor Worrall asked Councillor Ansell would he accept suggestions from residents for a future scheme.

Councillor Ansell replied that he would be prepared to receive suggestions, but people would have to have regard to any implications of change. A balanced approach was needed for all users, but he thought that at the moment the balance was right.

29. **State of Walsall debate**

The report of the Chief Executive was submitted

Councillor Bird opened the debate by informing Council that total recorded crime had decreased during 2011/12 by 9% compared to the previous year and was at its lowest level within the last 10 year period. He went on to say that deprivation in Walsall was continuing. The borough fared particularly poorly in terms of education, income and employment deprivation. Central and western parts of the borough were typically more deprived than the east. He said that the Council was attempting to address this situation. In terms of health issues, Councillor Bird said that obesity was one of the greatest public health challenges facing Walsall today, childhood obesity was a particular concern.

Councillor Bird went on to say that unemployment in Walsall was still greater than in the rest of the West Midlands. Walsall had still not recovered from the huge increase in unemployed claimants during the recession – figures for the borough were currently twice as high as they were at the start of 2005.

Councillor Bird went on to say that the highways network was in a much better condition than 15 years ago and he thanked Councillor Ansell for this. Under the “clean and green” agenda investment would be seen in the Arboretum and parks in the borough.

Amongst other things highlighted, Councillor Bird mentioned Bentley Community Centre, a proposal to increase area partnership budgets, proposals to assist residents to stay in their homes for longer and children's services making sure that every child had support to achieve their full potential.

Finally Councillor Bird referred to the fact that government funding was getting less and less. A lot of work was being done through the working smarter programme to deliver services as effectively as possible and this administration would be extending community hubs across the borough and assistance would be given with business plans.

Councillor Oliver in replying to Councillor Bird, said that this state of Walsall debate needed to change, he said that his speech tonight was party political and he apologised to partners in attendance for this and thanked them for their help throughout the year. Councillor Oliver referred to Eric Pickles MP and the spending cuts and edict after edict coming from his office and referred to the "failing" government.

Councillor Oliver then went on to refer to unemployment amongst young people in Walsall which was twice the national average and referred to the scrapping of the education maintenance allowance and the cutting of local authority influence on education. Finally Councillor Oliver referred to the crime figures for Walsall which were the best in the West Midlands and said that problems being experienced in Walsall were as a result of national government policy.

Councillor I. Shires in replying to the debate also said that there must be a better way to conduct this debate. He went on to say that deprivation was a big factor in Walsall which was brought about by many external issues. He said that the main thrust of the coalition agreement was to tackle long term inequalities in Walsall. He went on to refer to the six guiding principles of the Marmot review. A report on how these principles would be adopted was going to the next Cabinet meeting. He continued by saying that decision making would be pushed down to local communities through area partnerships where people would have more of a say in delivering services in their area.

The following members spoke in the debate: Councillors Smith, Coughlan, Martin, Longhi, Ali, Underhill, Ansell, Rochelle, A. Andrew, McCracken and Hussain.

In reply to a question from Councillor A. Andrew, the Chief Executive of Walsall Housing Group informed the Council on the work that had been completed by the housing group in relation to fuel poverty.

Councillor Bird then replied to the debate and in replying said that this Council had always recognised the importance of the third sector and referred to Walsall Voluntary Action. He went on to thank Chief Superintendent Bullas for overseeing the reduction in crime within the borough.

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

30. **Annual scrutiny report 2011/12**

The report was submitted.

It was **moved** by Councillor S. Coughlan, seconded by Councillor Bird and:

Resolved

That the annual scrutiny report for 2011/12 be noted.

31. **Corporate parenting strategy 2012-2015**

The report was submitted.

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

Resolved

(1) That the Corporate Parenting Strategy 2012/2015, as approved by the Corporate Parenting Board on the 14 May 2012, be approved and signed-off.

(2) That Council approve mandatory Corporate Parenting training for all elected members with a target of 50 per cent by the end of quarter 2 and 100 per cent by the end of quarter 3 (currently 26.6% of elected members are trained).

32. **Empty properties**

The report was withdrawn.

33. **Civil enforcement of bus lane contraventions**

The report was submitted.

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

Resolved

(1) That Council authorise the application of bus lane enforcement through existing powers granted to the Council under the Traffic Management Act 2004 and the Transport Act 2000.

(2) That, pursuant to Section 101 (5) of the Local Government Act 1972 the Council becomes a member of the Bus Lane Adjudication Service Joint Committee.

(3) That the Executive Director for Neighbourhood Services be authorised to agree and sign the terms and conditions admitting the Council to the Bus Lane Adjudication Service Joint Committee.

34. **Scrutiny and Performance Panels**

The Council noted Labour group nominations to Scrutiny Panels following Adjourned Council on 23rd May 2012:

Children and Young People	Councillors Cassidy, Jukes, Thomas
Community Services and Environment	Councillors Hussain, Creaney, Illmann-Walker
Corporate	Councillors S. Coughlan, Illmann-Walker Worrall
Health	Councillors James, Russell, Sarohi
Regeneration	Councillors Creaney, Jeavons, Wade
Social Care and Inclusion	Councillors Burley, D. Coughlan, Oliver

35. **Appointments on charities**

(a) **Merrions Wood Trust**

Resolved

That Councillor Worrall be appointed a trustee of the Merrions Wood Trust for a period of 4 years expiring on 24th May 2016.

(b) **W.J. Croft Charity**

The following nominations were made to the above charity:

Councillor Russell
Councillor C. Bott

The nominations were put to the vote and it was:

Resolved

That Councillor C. Bott be appointed a trustee of the W.J. Croft Charity for a period of 4 years expiring on 25th July 2016, in place of Councillor Russell.

36. **Notice of motion – Walsall Manor Hospital – foundation status**

Councillors Oliver and Woodruff left the room during consideration of the item.

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

> This Council calls on the Council's Health Scrutiny Panel to organise and host a Borough wide Public meeting to allow for a balanced public debate on whether or not the Walsall Manor Hospital should seek and be granted Foundation Status, with opportunities for members of the public present to make contributions, ask questions and to democratically deliberate on the issue at the Public meeting, though it is accepted that any decision would have no legally binding effect one way or the other.

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

Resolved

This Council calls on the Council's Health Scrutiny Panel to organise and host a Borough wide Public meeting to allow for a balanced public debate on whether or not the Walsall Manor Hospital should seek and be granted Foundation Status, with opportunities for members of the public present to make contributions, ask questions and to democratically deliberate on the issue at the Public meeting, though it is accepted that any decision would have no legally binding effect one way or the other.

37. **Notice of motion – Ryecroft Neighbourhood Resource Centre**

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

> This Council recognises the major benefits to the local community of the work and services delivered from the Ryecroft Neighbourhood Resource Centre.
>
> It is further recognised that these services are threatened by the consistent lack of revenue support, and calls upon Walsall Council to work with the Centre's management committee to deliver a sustainable business plan – as a matter of urgency – including proposals for appropriate grant, service level agreement and premises lease support.

Amendment moved by Councillor Smith and seconded by Councillor P. Bott:

> This Council recognises the major benefits to the local community of the work and services delivered from the Ryecroft Neighbourhood Resource Centre.
>
> This Council welcomes the Leader of the Council's policy initiative announcement of community hubs and following Councillor Smith's correspondence with the Leader of the Council on 17th May 2012 in which he not only outlined the benefits to the local community of the work and services delivered from the Ryecroft Neighbourhood Resource Centre, but also sought and obtained from the Leader, assurances that the centre would not close, despite rumours to the contrary, this Council resolves that the Ryecroft Neighbourhood Resource Centre be included in the "community hubs" pilot scheme.

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.

The Mayor at this point in the meeting asked Councillor Young if she wished to reply to the debate.

On a point of order Councillor Smith stated that he was of the opinion that as he had moved the amendment it was his right to reply.

At 9.15 p.m. the meeting adjourned for 10 minutes.

The meeting reconvened at 9.25 p.m.

The Chief Executive explained to members the right of reply process which was set out in paragraph 15.9 of the Council procedure rules, but explained that paragraph 23.1 of those rules allowed suspension of the rules if at least one half of the whole number of members are present and the majority of that number vote for suspension.

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

Resolved

That Council procedure rules be suspended for the duration of the meeting.

Councillor Young replied to the debate

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

For the amendment – 58 members

Cllr: Bird
Oliver
I. Shires
A. Andrew
R. Andrew
Ansell
Anson
Arif
Azam
Barker
Bennett
C. Bott
P. Bott
Burley
Cassidy
Chambers
Clarke
Cook
S. Coughlan
Creaney
Ditta
Douglas-Maul
J. Fitzpatrick
S. Fitzpatrick
Fletcher-Hall
Flower
Harris
Harrison
E. Hughes
Hussain
Illmann-Walker
James
Jeavons
Jukes
Longhi
Martin
McCracken
Murray
Nazir
Phillips
Rattigan
Rochelle
Russell
Sarohi
Sears
D.A. Shires
Smith

Thomas
Towe
Turner
Underhill
Wade
Westley
Whyte
Woodruff
Worrall
Young
Zahid Ali

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

Resolved

This Council recognises the major benefits to the local community of the work and services delivered from the Ryecroft Neighbourhood Resource Centre.

This Council welcomes the Leader of the Council's policy initiative announcement of community hubs and following Councillor Smith's correspondence with the Leader of the Council on 17th May 2012 in which he not only outlined the benefits to the local community of the work and services delivered from the Ryecroft Neighbourhood Resource Centre, but also sought and obtained from the Leader, assurances that the centre would not close, despite rumours to the contrary, this Council resolves that the Ryecroft Neighbourhood Resource Centre be included in the "community hubs" pilot scheme.

The meeting terminated at 9.30 p.m.

Mayor:

Date: