



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 2nd July, 2007, at 6.00 p.m.** at the Council House.

Present

Councillor M.G. Pitt (Mayor) in the Chair

Councillor T.G. Ansell (Deputy Mayor)

“ A.J.A. Andrew
“ D.A. Anson
“ M. Arif
“ C.M. Ault
“ J.M. Barton
“ L.A. Beeley
“ Mrs. J. Beilby
“ 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
“ L.A. Harrison
“ E.F. Hughes
“ P.F. Hughes
“ H. Khan
“ M. Longhi

Councillor S.W. Madeley

“ Ms. R.A. Martin
“ Mrs. C. Micklewright
“ Mrs. B.V. McCracken
“ Mushtaq Ahmed
“ M. Nazir
“ J.G. O'Hare
“ T.S. Oliver
“ A.J. Paul
“ J.D. Phillips
“ D.J. Pitt
“ Mrs. E.E. Pitt
“ I.C. Robertson
“ J. Rochelle
“ H.S. Sarohi
“ Mrs. D.A. Shires
“ I. Shires
“ P.E. Smith
“ D.J. Turner
“ W.T. Twedde
“ R.A. Walker
“ G. Wilkes
“ V.G. Woodruff
“ M. Yasin
“ P.A. Young
“ Zahid Ali

23. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Johnson, Perry, K. Phillips, Sanders, Sears, Towe and Underhill.

24. **Minutes**

Resolved

That the minutes of the meetings held on 21st and 23rd May 2007, copies having been sent to each member of the Council be approved as correct records and signed, subject to the following.

- (1) The reference in apologies to Councillor K. Phillips for the meeting on 21st May 2007 being amended to read Councillor J. Phillips.
- (2) The name of Councillor Turner being included in the list of members present at the meeting on 21st May 2007.
- (3) The name of Councillor Wilkes being included in the list of members present at the meeting on 23rd May 2007.

25. **Declarations of interest**

There were no declarations of interest.

26. **Mayor's announcements**

The Mayor referred to the recent death of Mrs. Irene Tunley, Mayoress in 1982/83. The Mayor **moved**, it was duly seconded and :

Resolved

That this Council have heard with deep regret of the death of Mrs. I. Tunley, Mayoress of the Walsall Metropolitan Borough Council in 1982/83 and place on record their appreciation of her services to the borough over a period of many years and extend to the members of her family their sincere sympathy in their bereavement.

27 **Petitions**

The following petitions were submitted:

- (1) Councillor Martin – Objection to planning application C7/1071/FL/W6 – erection of wall along Lincoln Road, Walsall.

- (2) Councillor Smith – proceeds from the sale of Tame Street allotment site to East Walsall Management Association (EWLMA).
- (3) Councillor Andrew – Objection to planning application 07/0523/FL/E8 – building of 9 flats at 152 Beacon Road.

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

(1) **Walsall Society of Artists**

Gordon Turner of 20 Bell Lane, Walsall, asked the following question of Councillor Harrison on behalf of the members of Walsall Society of Artists:

“Will the Council as policy makers, put right what we believe to be an injustice and restore the Society’s annual exhibition to the main 3rd floor display area of the New Art Gallery?”

Councillor Harrison replied that whilst it was true to say that the Council are the policy makers, it was also fair to say that Council employs people to do the day to day running of the Council’s business.

In May of last year the Director of the Art Gallery, Steve Snoddy had a meeting with Mr. Turner to explain the reasons behind moving the Society’s annual exhibition to the 4th floor and that was from a programming and artistic point of view as it is very difficult to share the 3rd floor spaces between a professional exhibition and a local amateur exhibition as there are criticisms from artists on both sides. At that time neither Mr. Turner or the society expressed any disappointment or concerns about this decision.

Councillor Harrison went on to say that she had agreed that there were some problems with the society’s last exhibition regarding lighting, signage and space and in our last meeting these issues were addressed and budgets had been managed to enable the Art Gallery to order new lights which will be installed before the Society’s next exhibition and if you have made a recent visit to the gallery you will have noticed already the great improvements in signage. The Director has also offered to clad the wall on the right hand side as you enter the gallery on the 4th floor with white painted MDF to provide more wall space for your society. He has also extended the exhibition time to 5 weeks and has given the society the option of using an activity room for their demonstrations.

It was disappointing to read in the press that the Walsall Society of Artists are being treated badly, but compared with other society’s in surrounding areas, I feel you are being treated very well. For example a visitor to your exhibition on 19th December, 2006, said in the visitors book that “Walsall Arts Society is very lucky to have such a wonderful space for their exhibition. Staffordshire Artists would be overjoyed to use this space as it sets off the work beautifully”. Councillor Harrison went on to say that Sutton Coldfield’s Society of Artists have to pay £440 per week to hold their bi-annual fortnight long exhibition, compared with Walsall Society of Artists who have the opportunity to exhibit for 5 weeks at no charge and in fact that Art Gallery gave the society £250.

The 4th floor is not a side gallery or an attic space it is a stunning new gallery that has had 7 successful exhibitions as well as those of the Walsall Society of Artists.

Councillor Harrison concluded by saying that she hoped the society would continue to make use of the space offered to them by the Art Gallery as community involvement is important to all of us and she said that she hoped that the next exhibition would be a success.

(2) **Recycling of plastic**

Henrietta Door of 3 Portland Road, Aldridge, asked the following question of Councillor Walker:

“What measures are you taking to recycle the vast amount of plastic that is currently being thrown into landfill?”

Councillor Walker said that the background to this question was an enquiry from Ms. Doors regarding the new arrangements at civic amenity sites for recycling plastic bottles. The enquiry arose because the new arrangements, and partnership with Links to Work, meant that signage was much clearer and explicit about what types of plastic can be recycled. The position in Walsall has always been that we can recycle bottles, milk, detergent, shampoo, sauces, etc., but no other types and this is because we do not have arrangements with anyone who can process these materials. Any yoghurt pots, margarine tubs, plastic bags, etc. previously left would have simply been landfilled by the re-processor once collected.

The current plastics we accept are mainly PETE and HDPE. Other types are made from a wide range of polymer blends and as such are difficult to identify and separate. Yoghurt pots are actually made from polystyrene. Carrier bags can be recycled at various supermarkets. We are governed by current technologies and what the market will allow and we are constantly exploring new avenues and markets for new materials and this includes the pilot study on hard plastics (to include patio furniture, plant pots, toys, etc), but it is difficult to secure sustainable outlets.

We have strong partnership with Links to Work who collect plastics for us from a variety of locations. They are a not-for-profit organisation and not only collect the plastics, but then sort and bale it, organise transport to St. Helens and they buy back the processed plastic to manufacture various items which include benches that we are now using in Walsall's parks and open spaces.

Although plastic is a very visible element in the waste stream, we cannot as a Council just focus on one stream alone, it is only by looking at the whole picture that we can minimise waste and recycle more. We are not only developing our recycling activities, but also focusing on waste minimisation to ensure that we reduce the amount of waste being sent to landfill or incineration.

There are approximately 108,000 households in Walsall and 95% who have access to kerbside collection of paper, newspapers, magazines, phone books, junk mail, pamphlets, foil, aerosol cans, glass bottles, cans, glass jars. 75% of low-rise properties have a fortnightly garden waste collection (with more to roll-out). About 80 schools have a plastic bottle recycling service and about 55 "bring" sites across the borough at various locations, 16 of which accept plastic bottles, 2 household waste recycling sites where you can recycle metal, paper, glass, cans, card, green waste, plastic bottles, wood, electrical equipment, batteries, oil, mobile phones, CDs and so on. From 1st July electrical items can be recycled at these sites also, which will include cookers, washers, toasters, hairdryers, fluorescent tubes, TVs, monitors, etc. Over 4,000 home composters have already been issued, with another campaign underway offering reduced price composters to residents across the borough.

In future we will be working on various activities including a feasibility study to introduce plastics and cardboard at the kerbside to be operational by April 2009 at the latest. Feed the cow campaign with LNPs – cow shaped/coloured containers in LNP areas to encourage communities to have easier access to plastic bottle recycling. Kitchen waste pilot collection to go live during August 2007 working with re-processors to include all plastic containers by January 2009 working with local businesses to try and make Christmas a "plastic bag" free time.

We have still got a long way to go, but we are constantly working to reduce to waste and recycle more.

Ms. Doors asked the following supplementary question:

A number of authorities are successfully recycling a whole range of the seven plastics, why are they able to do this at the preset time?

Councillor Walker replied that she could not comment on what other authorities can do, but reiterated that Walsall could not do this at the moment.

29. Questions from members of the Council

(1) Replacement wheelie bins

Councillor Smith asked the following question of Councillor Walker:

"Notwithstanding your reply to a question on this subject from a Councillor at the Council meeting of 23 April 2007, would the portfolio holder for Environment agree to give further consideration, particularly consideration of potential extra costs to the Council, to the merits or otherwise of this Council's policy of charging for replacement bins when the householder has placed the bin out for collection on the collection day, has had the bin stolen on the same day, has reported it to the Police and has been given a crime number?"

Councillor Walker replied that during 2006 880 bins had been stolen. She went on to say that she had some sympathy with householders but felt that the policy for charging for replacements would encourage residents to take greater care of their bins. The cost merely reflects part of the costs to the Council and the Council makes no profit. She went on to say that she felt that the policy was balanced and did not implement unreasonable charges. There was no evidence to suggest that fly tipping had increased as a result and felt that any relaxation of the policy may well result in an increase in the number of cases reported and a significant increase in costs to the Council,

Councillor Walker went on to list the charges levied by other authorities which showed that the charges levied by Walsall were not unreasonable.

Councillor Smith asked the following supplementary question:

That in noting that the response to his question was the same as the previous response to a question by Councillor Burley to a somewhat different question, under what circumstances would you consider reviewing your policy on this issue?

Councillor Walker replied none currently.

(2) **Smoking ban in public places**

Councillor Smith asked the following question of Councillor Griffiths:

“Given the fact that even after 1st July 2007, residents who wish to, still reserve the right to smoke in their own homes and also given the recently imposed ban on smoking in public places, can the portfolio holder with responsibility for the Council’s (or its Partnerships’) workforce, explain what guidelines, if any, have been given to its employees, such as Care workers, health workers, social workers, repair staff and any other home visitors who, in the course of their duties, would be working in the homes of residents who may well be exercising their right to smoke at home and in answering the question, can the portfolio holder give an assurance that residents will not be faced with an ultimatum of “stubbing out” their cigarettes, pipes, cigars, etc. or otherwise being refused the service to which they are entitled?”

Councillor Griffiths said that from 1st July 2007 the provisions of the Health Act 2006 relating to smoking restrictions come into effect. The Health Act 2006 will prohibit smoking in virtually all enclosed public places and workplaces including restaurants, public houses, bars, shops and shopping centres, indoor markets, club premises, factories, offices, work transport, public transport including taxis and private hire vehicles. Once the law takes effect, smoking will be illegal within public places and workplaces if they are wholly or substantially enclosed, including rooms previously designated as “smoking rooms”.

The new law affects the majority of public premises, including workplaces and work vehicles and will apply to staff, customers and visitors. Failure to comply with the law will be a criminal offence.

The Council has had in place a policy on smoking in workplaces since 1st July 2004 and the policy meets all requirements under the new legislation. The Council's policy prevents employees, elected members and members of the public from smoking in any Council premises or vehicles. The only exception to this is in residential homes where smoking lounges are provided for residents to use. Staff may not smoke in these lounges.

The policy allows for a "right to request". This allows an employee to request that a person does not smoke in their home whilst an employee is present. However, the policy does not give the employee the right to insist that a person does not smoke in their own home. The Health Act also allows people to smoke in their own home. The policy was produced in consultation with managers and trade union representatives and was widely communicated to staff. All newly appointed staff receive a copy of the policy when they start work with the Council. Support is also offered to employees who wish to quit smoking in conjunction with the PCT.

Councillor Smith asked the following supplementary question:

In noting your reply, would you be surprised if older people in residential homes in the borough are wheeled out to have a cigarette?

Councillor Griffiths replied that he would be very disappointed, as he understands that there are smoking lounges provided in care homes, as he referred to in his reply and asked Councillor Smith that if he could provide any evidence to show that this occurred could he provide him with that evidence.

(3) **Social care, health and housing needs for older people**

Councillor Smith asked the following question of Councillor McCracken:

"Given that Walsall has the highest population of "over 75's" in the Midlands and that the population of older people as a whole will increase significantly over the next few years, can the portfolio holder for Social care, health and housing outline the extent to which the Government is giving sufficient support to ensure that Walsall Council and its partners are positioned to fulfil their responsibilities and obligations to meet the growing social care, health and housing needs of older people in our Borough now and over the next few years?"

Councillor McCracken replied that this Council does have success in funding from partner organisations and that our budget was stretched further than other authorities. The position in Walsall is no worse than that in other authorities and funding for adult social care compares favourably. The Council has also been successful in attracting investment from the Housing Corporation to develop extra care housing and meet the housing needs of older people.

Councillor McCracken went on to say that we will be looking at budget headings to give more to the elderly and that nationally the elderly population are ill served and she went on to assure Councillor Smith that everything possible will be done to address this situation in the future.

Councillor Smith asked the following supplementary question:

Would you like to comment on the proposition that if finances fail to keep up with demand there will be even greater pressure to reduce demand by tightening criteria?

Councillor McCracken replied that all social care services faced a bottomless pit and therefore will never meet all needs, but Councillor Smith would not expect here to make policy on the hoof.

30. **Recommendations of Standards Committee**

The reports to the Standards Committee were submitted.

(1) **Monitoring officer protocol**

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

Resolved

That the Monitoring Officer protocol be included as an appendix to the Council's Constitution.

(2) **Code of Conduct**

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

Resolved

- (a) That the revised Code of Conduct for members be adopted with effect from 3rd July 2007;
- (b) That the Constitution be amended by the replacement of the old code and the insertion of the new Code of Conduct, subject to the following additional clauses:
 - (1) Meeting: means any meeting of the:
 - (a) authority
 - (b) the executive
 - (c) any of the authorities or its executive committees sub-committees, joint committees, joint sub-committees or area committees.
 - (d) informal meetings with other members/and or officers relating to the discharge of the authorities functions.

- (2) Duty to report: - a member must if he or she becomes aware of any conduct by another member which he or she reasonably believes involves a failure to comply with the authorities code of conduct make a written allegation to that effect to the Standards Board for England as soon as practicable for him to do so.

31. **Freedom of the Borough – The Staffordshire Regiment**

The report was submitted.

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

Resolved

That Freedom of the Borough status be re-affirmed to the 3rd Battalion The Mercian Regiment (Staffords) and that the Regiment be included on the Roll of Freemen.

32. **Review of the Constitution with regard to public protection**

The report was submitted.

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

Resolved

- (1) That the scheme of delegations as set out in the appendix to this report be approved.
- (2) That these delegations take immediate effect.

33. **The Gambling Act 2005**

The report was submitted.

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

Resolved

- (1) That the proposed fees to be charged in respect of the Gambling Act 2005 as set out in the report be approved.
- (2) That authority to determine future fees in respect of the Gambling Act 2005 be delegated to the Licensing and Safety Committee.

34. **Children and Young People's Plan 2007-10**

The report was submitted.

It was **moved** by Councillor Zahid Ali, duly seconded and:

Resolved

That the Children and Young People's Plan 2007-10 be approved.

35. **Change in membership of Regeneration Scrutiny and Performance Panel**

The Council noted that Councillor Clarke had replaced Councillor E. Hughes as a member of the Regeneration Scrutiny and Performance Panel for the remainder of the current municipal year.

36. **Walsall Hospice**

Resolved

That Councillor Ansell be appointed a trustee of the Walsall Hospice for the municipal year 2007/2008.

37. **Notice of motion – Scrap and associated business from home**

The report was submitted.

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

This Council recognises that those residents who deal in scrap and associated businesses from their home without planning permission are guilty not only of breaking the law but also of serious anti social behaviour contributing to ruining our neighbourhoods.

This Council resolves to make every effort via a full strength enforcement team to stop this activity and to urge and give every assistance to our partners such as the environmental agency and the police. This Council will also share such information with Walsall Housing Group urging them to enforce their tenancy agreements which are clearly being broken in these cases and where appropriate information will be shared with our statutory partners.

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 -
51 members**

**Against the motion -
1 member**

Cllr: O'Hare
Oliver
I. Shires
Ahmed
Andrew
Ansell
Anson
Arif
Ault
Barton
Beeley
Beilby
Bird
C. Bott
P. Bott
Cassidy
Chambers
Cook
Coughlan
Creaney
Douglas-Maul
Flower
Griffiths
Harris
Harrison
E. Hughes
P. Hughes
Khan
Longhi
Madeley
Martin
McCracken
Micklewright
Nazir
Paul
J.D. Phillips
D.J. Pitt
E.E. Pitt
M.G. Pitt
Robertson
Rochelle
Saroji
D.A. Shires
Turner
Tweddle
Walker

Cllr: Smith

Wilkes
Woodruff
Yasin
Young
Ali

and it was:

Resolved

That this Council recognises that those residents who deal in scrap and associated businesses from their home without planning permission are guilty not only of breaking the law but also of serious anti social behaviour contributing to ruining our neighbourhoods.

That this Council resolves to make every effort via a full strength enforcement team to stop this activity and to urge and give every assistance to our partners such as the environmental agency and the police. This Council will also share such information with Walsall Housing Group urging them to enforce their tenancy agreements which are clearly being broken in these cases and where appropriate information will be shared with our statutory partners.

38. Notice of motion – Affordable housing

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

This Council acknowledges the severe shortage of affordable housing for rent in the Borough of Walsall and indeed across the Country. This shortage is driving up the market prices for properties to let, resulting in difficulty and hardship for many citizens and their families. Given that previous and future regeneration plans invariably involve the demolition of former rented Council properties, to be replaced in the main by properties for sale, there is an ever growing difficulty on the part of Housing Agencies to satisfy the desperate need for affordable properties for rent.

Council therefore calls on the Government to accept its responsibility for this growing and worrying situation and to take the necessary action to increase the supply of affordable homes to rent, thus relieving the stress experienced by a growing number of citizens and their families in our Borough

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 -
30 members**

Cllr: Oliver
I. Shires
Ansell
Anson
Barton
Beeley
C. Bott
P. Bott
Cassidy
Chambers
Cook
Coughlan
Creaney
P. Hughes
Khan
Madeley
Nazir
Paul
J.D. Phillips
E.E. Pitt
M.G. Pitt
Robertson
Sarohi
D.A. Shires
Smith
Turner
Tweddle
Wilkes
Woodruff
Young

Neutral – 22 members

Cllr: O'Hare
Ahmed
Andrew
Arif
Ault
Beilby
Bird
Douglas-Maul
Flower
Griffiths
Harris
Harrison
E. Hughes
Longhi
Martin
McCracken
Micklewright
D.J. Pitt
Rochelle
Walker
Yasin
Zahid

and it was:

Resolved

That this Council acknowledges the severe shortage of affordable housing for rent in the Borough of Walsall and indeed across the Country. This shortage is driving up the market prices for properties to let, resulting in difficulty and hardship for many citizens and their families. Given that previous and future regeneration plans invariably involve the demolition of former rented Council properties, to be replaced in the main by properties for sale, there is an ever growing difficulty on the part of Housing Agencies to satisfy the desperate need for affordable properties for rent.

That the Council therefore calls on the Government to accept its responsibility for this growing and worrying situation and to take the necessary action to increase the supply of affordable homes to rent, thus relieving the stress experienced by a growing number of citizens and their families in our Borough

39. **Notice of motion – Replacement of wheelie bins**

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

This Council calls upon the portfolio holder for Environment to reconsider the Council's present policy of charging householders a flat charge for the replacement of wheelie bins, irrespective of householder's ability to pay or the circumstances surrounding the need for a replacement bin and such a reconsideration to be reported to the next meeting of the Council.

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

Resolved

That Council procedure rules be suspended to enable the meeting to continue beyond 9.00 p.m.

The motion was put to the vote with 24 Members voting in favour and 24 against. The motion was declared lost on the Mayor's casting vote.

The meeting terminated at 9.02 p.m.