



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 18th April 2011 at 6.00 p.m.** at the Council House.

Present

Councillor A.G. Clarke (Mayor) in the Chair

Councillor G. Perry (Deputy Mayor)

“ A.J.A. Andrew
“ R.E. Andrew
“ T.G. Ansell
“ D.A. Anson
“ M. Arif
“ I. Azam
“ J.M. Barton
“ L.A. Beeley
“ O.D. Bennett
“ M.A. Bird
“ C. Bott
“ P. Bott
“ R. Burley
“ R. Carpenter
“ B. Cassidy
“ K. Chambers
“ J. R. Cook
“ D. Coughlan
“ S.P. Coughlan
“ C.U. Creaney
“ B.A. Douglas-Maul
“ M. D. Flower
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ P.F. Hughes

Councillor L.D. Jeavons

“ M. Longhi
“ S.W. Madeley
“ Ms. R.A. Martin
“ Mrs. B.V. McCracken
“ M. Munir
“ Mushtaq Ahmed
“ M. Nazir
“ T.S. Oliver
“ A.J. Paul
“ D.J. Pitt
“ L.J. Rattigan
“ J. Rochelle
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ P.E. Smith
“ R.M. Thomas
“ C.D.D. Towe
“ D.J. Turner
“ F.J. Westley
“ G. Wilkes
“ V.G. Woodruff
“ M. Yasin
“ Zahid Ali

109. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Phillips, E.E. Pitt, Robertson and Tweddle.

110. **Minutes**

Resolved

That the minutes of the meeting held on 24th February 2011 copies having been sent to each member of the Council, be approved as a correct record and signed.

111. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Bennett]	
Councillor Flower]	
Councillor E. Hughes]	
Councillor Longhi]	
Councillor Martin]	
Councillor Nazir]	
Councillor D. Pitt]	
Councillor Sears]	
Councillor D.A. Shires]	Item 15 - Member of the Local
Councillor I. Shires]	Government Pension Scheme
Councillor Towe]	(personal and prejudicial)
Councillor A. Andrew]	
Councillor R. Andrew]	
Councillor McCracken]	
Councillor Smith]	
Councillor Rattigan]	
Councillor Douglas-Maul]	
Councillor Oliver]	
Councillor Arif		Item 13 - Member of West Midlands Police Authority (personal)
Councillor Westley		Item 12 – Portfolio holder briefing – transport (personal)
Councillor Flower		Item 14 – Provision of litter bins at takeaway food outlets (personal and prejudicial)

112. **Mayor's announcements**

Death of former Councillor Mrs. Hadley

The Mayor referred to the death of former Councillor Millie Hadley and paid tribute to her services to Walsall over a period of many years. Councillors Anson and Smith also paid tribute to Mrs. Hadley, following which it was **moved**, duly seconded and:

Resolved

That this Council expresses its regret at the death of Mrs. M.N. Hadley a member of Walsall County Borough Council from 1972 to 1974 and a member of Walsall Metropolitan Borough Council from 1974 to 1991, of which Council she was Deputy Mayor in 1990/91 and places on record their appreciation of her services to the town and people throughout the Borough and expresses its condolences to her family at this sad time.

Members and officers stood in silence as a mark of respect.

113. **Petitions**

The following petitions were submitted:

- (1) Councillor A. Andrew – Doe Bank Park – improved facilities for young people
- (2) Councillor Arif – Odell Road – anti-social behaviour
- (3) Councillor Flower – Better streets for Birchills
- (4) Councillor P. Hughes – New Invention Library
- (5) Councillor I. Shires – resurfacing of Bescot Road outside Slaney Court

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

(1) Proposed new library and children's centre at Bentley

Councillor Madeley asked the following question of Councillor Harris:

“Will the portfolio holder please advise me and this Council of the current situation regarding the proposed new combined facility of a new library and children's centre proposed for Bentley?”

Councillor Harris replied that these plans had been thwarted by the inability to realise capital because of the ongoing economic climate and its effect on land values. Planning on the library was on hold until there was more certainty around funding the build.

He said that three potential development sites had been identified by regeneration and planning applications would be submitted shortly and determined in Summer 2011. Assuming there was no call-in from the Secretary of State, the sites would be marketed and the level of interest from developers to purchase the sites, if any, would then become clear.

In parallel with this, alternative ways to deliver the library service in Bentley were being considered as part of the review of the Library Service. These included investigating the feasibility of delivering the service through a local community organisation from their premises, using volunteers and self-service technology.

Councillor Harris said that the Children's Centre at Bentley West had been delivering services to children and their families since September 2005 when it was designated by the DfE. Staff offered support to families from a variety of linked sites including County Bridge Primary School, King Charles Primary School, St. Andrew's Church and Old Hall People's Partnership.

Walsall like many other authorities had completed its development programme for Children Centres and there were currently no plans to build or re-develop any new provision to increase the number of centres from the current number of 18 which gave borough wide coverage.

Councillor Madeley asked the following supplementary question:

Could we have a commitment to the new Bentley Library by using the slippage in finance to start the building process of the new library considering all the money that has already been spent on the design of the new library and the clearing of the new library site and support the commitment shown by the Bentley residents in helping with the design and regeneration of the area?

Councillor Harris replied that he would explore the issue and reply in writing to Councillor Madeley. He went on to say that we must get a first class service in place for the community following the questionnaires and face to face and telephone interviews that had been undertaken.

(2) Poet's Estate and former Goscote Estate

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

“Would the Portfolio holder inform me, this Council and the public of the monetary value to date in lost rents, Council tax and the consequential demands on the resources of Street Pride, the Police and the Fire Services as a result of the decision several years ago to demolish hundreds of structurally sound properties on the Poet’s Estate in Harden and the former Goscote Estate, which have left large swathes of empty and derelict land that are fast becoming the biggest fly tipping magnets in the Borough?”

Councillor Andrew replied that he would not be answering on behalf of Walsall Housing Group as they were an independent organisation. He went on to say that Council tax was calculated and collected based on the market value of the property. Following demolition of properties the loss of Council tax was clearly offset against the savings accrued from the reduced need to deliver services, such as refuse collection.

Council tax also took account of demographic and other circumstances of the occupant, where in certain circumstances exemptions and discounts applied. For example, the full Council tax bill assumed that there were at least two adults living in a dwelling. If only one adult lived in a dwelling (as their main home), for example a single elderly person, the Council tax bill was reduced by 25%. Additionally, Council tax benefit might also apply, which could be in addition to single occupancy discount, and was calculated on the basis of age, income and capital, and disability. Therefore, based on the demographics and statistical data of the demolished area, there was a high likelihood that these exemptions and discounts would have applied.

Councillor Andrew said that since 2010/11 Council tax charges had also been frozen. This meant that lost revenue was less than it potentially could have been if it had not been for the policy of the Administration in these difficult economic circumstances.

Since the peak demolition period Councillor Andrew said that streetpride had undertaken a total of 187 separate visits to Poets and Goscote Estate to remove fly-tipping costing approximately £9,600 in staff time.

With regard to the Fire Service, he said that the total number of incidents and estimated minimum cost (based on Special Service Calls charge of £336 per hour for a fire engine and crew) incurred from attending fires at Poets and Goscote Estates following the respective demolition periods to date was 293 arson incidents at a minimum cost of £98,448.

Since April 2007 it was estimated that the average minimum monthly cost for the fire service attending incidents of arson at Poets Estate equated to £1,360 and since January 2008 it was estimated that the average minimum monthly cost for the fire service attending incidents of arson at Goscote Estate equated to £940.

Councillor Andrew said that since 2007 the number of police incidents at Poets Estate was 1225 and since 2009 the number of incidents at Goscote Estate was 64. The incidents generally related to disorder or fires and equated to a policing cost of between £80,000 to £100,000. In relation to the demolition of Poets and Goscote Estates, since 2007 it was estimated that the average minimum monthly policing cost equated to £1,670.

Councillor Smith asked the following supplementary question:

Would Councillor Andrew make a public apology on behalf of the Conservative, Liberal and Labour Groups who made the decision to demolish these properties without being 100% sure that money was available for the regeneration of the area?

Councillor Andrew said that he could not give an apology for the Labour or Liberal Democrat Groups, but the Project Reference Group on this matter was led by local people and local Councillors and the decisions were made by the group chairman, Councillor Robertson for the changes. The Council would shortly be going to the market in partnership with Walsall Housing Group.

(3) Discretionary housing payments

Councillor D. Coughlan asked the following question of Councillor A. Andrew:

Considering this authority received in the region of £32,000 for Discretionary Housing Payments from Central Government for the year 2010/2011 and the Council actually awarded around £33,000, can you tell me how many households received a Discretionary Housing Payment and how much funding the authority will receive for the year 2011/2012".

Councillor Andrew replied that in 2010/11 a discretionary housing payment was paid to 157 households, including 150 housing benefit awards and 7 Council tax awards in Walsall. The government contribution towards discretionary housing payments for the year 2011/12 for Walsall was £60,411.

Councillor Coughlan asked the following supplementary question:

Taking into account the number of families already benefiting from the hardship fund and the increase in funding from government, can we take this as an acceptance that the government are knowingly creating hardship by the changes to housing benefit system and what is this authority doing to address the inevitable increase in demand for homeless services?

Councillor Andrew said that he was not speaking on behalf of the Government and that this matter was being taken very seriously by the Conservative Group. He would give Councillor Coughlan a written answer by the end of the week.

(4) Hot food takeaway outlets in Walsall Town Centre

Councillor Smith asked the following question of Councillor Ali:

“Could the Portfolio holder inform me, this Council and the public how many hot food take-away outlets are located within a half a mile radius of the Sister Dora Statue on the “Bridge” in Walsall Town centre?”

Councillor Bird answered that there were 79 hot food takeaways within a half mile radius of the Sister Dora statue in Walsall Town Centre.

(5) Planning applications for hot food take-away outlets

Councillor Smith asked the following question of Councillor Bird:

“Given that there is a perception held by many that Walsall Council is obsessed with bringing as many hot food take-away outlets into the Borough as possible, would the Portfolio holder assure me, this Council and the public that he and his colleagues will give serious consideration to the proposition that any future applications for planning permission for such establishments, especially in the town centre areas, should have as a condition for granting planning permission that they provide toilet facilities on the premises, since many town centre businesses and many residents in households near to hot food outlets, are absolutely fed up with their doorways, shop windows and gardens being used as toilets as well as dumping grounds for take-away food left-overs?”

Councillor Bird replied that the Council could not require either through planning conditions or other legal remedies, toilet provision in takeaways because the food sold was not consumed on the premises. Urinating in public places was an offence under the Public Order Act 1986 and was dealt with by the Police. The Police were aware of this provision and he was sure they used it in appropriate circumstances.

115. Recommendation of Cabinet – Corporate Plan

The report to Cabinet was submitted.

Resolved

That the Corporate Plan 2011-14 ‘Building Pride in Walsall’, incorporating the new Council Operating Model – “Delivering. Right, Fast and Simple” be approved.

116. **Pay and grading**

The report was withdrawn.

117. **Designation of Statutory Officer post**

The report was submitted.

Resolved

That the post of Head of Legal and Constitutional Services be designated Monitoring Officer for the foreseeable future pending future decisions on a review of the management structure within the service.

118. **Local Government Act 1972 – attendance at meetings**

The report was submitted.

Resolved

That approval be granted for an extension of absence until 30th September 2011 to Councillor Twedde as a consequence of his ill health.

119. **Portfolio holder briefing- Transport**

Councillor Ansell, portfolio holder for Transport gave a presentation.

Members made comments on the presentation which were responded to by Councillor Ansell.

120. **Notice of motion – Police Commissioners**

The report was submitted.

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

This Council notes that the Government wants to have directly elected Police Commissioners with the intention also to axe Police Authorities and that the LGA is opposing this change.

The Council expresses deep concern that this will lead to the politicisation of the Police and jeopardise their operational independence. Such a radical change would be a diversion in precious resources away from front-line policing.

This Council believes accountability of the Police would be best served in strengthening the ties, by other means, between our local neighbourhoods and Councillors.

This Council therefore asks the Leader of the Council to write to the Borough's MPs informing them of this motion and asking them to oppose the Government's proposals for elected Police Commissioners.

Amendment moved by Councillor Andrew and seconded by Councillor Bird:

This Council notes that the Government wants to have directly elected Police Commissioners with the intention to axe Police Authorities and that the LGA is opposing this change.

That this Council supports the campaign to have a Royal Commission on policing to establish precisely what is required by the British Police to ensure that it continues to deliver a service to the public that is fit for purpose.

This Council believes accountability of Police would be best served in strengthening the ties, by other means, between our local neighbourhoods and Councillors.

This Council therefore asks the Leader of the Council to write to the Borough's MPs informing them of this motion and asking them to support the call for a Royal Commission.

On being put to the vote the amendment was declared **carried** – 29 members voting in favour and 23 against.

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

Resolved

This Council notes that the Government wants to have directly elected Police Commissioners with the intention to axe Police Authorities and that the LGA is opposing this change.

That this Council supports the campaign to have a Royal Commission on policing to establish precisely what is required by the British Police to ensure that it continues to deliver a service to the public that is fit for purpose.

This Council believes accountability of Police would be best served in strengthening the ties, by other means, between our local neighbourhoods and Councillors.

This Council therefore asks the Leader of the Council to write to the Borough's MPs informing them of this motion and asking them to support the call for a Royal Commission.

121. **Notice of motion – Takeaway food outlets – litter problems**

Councillor Flower left the room during consideration of the item.

The report was submitted.

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

Council recognises the litter problems created, especially in those areas designated District Centres, where there are a high proportion of takeaway food outlets.

Council therefore requests that, unless there are pressing local reasons not to do so, a standard planning condition for planning applications for such developments will automatically be imposed for the provision and emptying of a litterbin at the applicant's expense in the vicinity of the development.

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

Resolved

Council recognises the litter problems created, especially in those areas designated District Centres, where there are a high proportion of takeaway food outlets.

Council therefore requests that, unless there are pressing local reasons not to do so, a standard planning condition for planning applications for such developments will automatically be imposed for the provision and emptying of a litterbin at the applicant's expense in the vicinity of the development.

122. **Notice of motion – Local Government Pension Scheme**

The report was submitted.

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

(1) This Council notes:

- That the LGPS is a sustainable, good quality pension scheme that benefits from being funded and locally managed. It is valuable to employers and employees alike. Successive governments have failed to recognise the distinctiveness of the LGPS in setting policy, most notably in the proposal announced by the Chancellor in the last CSR to impose an extra 3.2% contribution tax on scheme members, increasing scheme average member contributions from 6.6.% to 9.8%. This tax does not benefit the scheme or scheme members or employers. This proposal is in addition to pension reductions caused by being indexed against CPI instead of RPI and is in advance of expected benefit reform recommendations from the Hutton Review.

(2) This Council agrees:

- An increase in member contributions as proposed will lead to mass opt outs from the LGPS and that would be undesirable and damaging. The views expressed by the LGA in its letter to the Chancellor dated 16 February 2011 on this subject are also the views of this Council.

(3) This Council resolves to:

- Write to the Chancellor of the Exchequer and the Chief Secretary to the Treasury and the Secretary of State for Local Government within the next month stating this Council's support for the LGA letter referred to above and calling for government to rethink it's proposed increases to LGPS member contributions. Council will work with Trade Unions to ensure employees are made aware of the proposals for the LGPS and encouraging them to support the Council's representations to defend their pension scheme.

On being put to the vote the motion was declared **lost** – 13 members voting in favour and 19 against.

123. **Willenhall Memorial Park – deed of dedication**

Members were reminded that at this point in the meeting they were sitting as charitable trustees and that Council procedure rules did not apply.

The report was submitted.

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

Resolved

- (1) That Council, acting as Trustees of Willenhall Memorial Park, approve the entering into of a Deed of Dedication and agree to the terms thereof, for the purpose of safeguarding £200,000 external funding from the Big Lottery Fund.

- (2) That the Council, acting as Trustees of Willenhall Memorial Park, note and acknowledge that they are agreeing not to sell, transfer or otherwise part with possession of the land which forms the park, or use the land for another purpose other than that of a park, or to damage or destroy the play area which will be created as a result of the Children's Play Fund Project.

The meeting terminated at 8.25 p.m.