



# Walsall Council

Minutes of the **EXTRA-ORDINARY MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 11th August 2014 at 6.00 p.m.** at the Council House.

## Present

### Councillor P.E. Smith (Mayor) in the Chair

#### Councillor A. Underhill (Deputy Mayor)

“ A.J.A. Andrew  
“ D.A. Anson  
“ M. Arif  
“ D.J. Barker  
“ O.D. Bennett  
“ M.A. Bird  
“ C. Bott  
“ P. Bott  
“ R. Burley  
“ B. Cassidy  
“ K. Chambers  
“ A.G. Clarke  
“ C.E. Clews  
“ D. Coughlan  
“ S.P. Coughlan  
“ C.U. Creaney  
“ A. Ditta  
“ B.A. Douglas-Maul  
“ J. Fitzpatrick  
“ S.F. Fitzpatrick  
“ M. D. Flower  
“ A.D. Harris  
“ L.A. Harrison  
“ D.T. Hazell  
“ E.A. Hazell  
“ E.F. Hughes  
“ K. Hussain  
“ G. Illmann-Walker

#### Councillor D. James

“ L.D. Jeavons  
“ C. Jones  
“ T.J. Jukes  
“ P. Lane  
“ M. Longhi  
“ Mrs. R.A. Martin  
“ Mrs. B.V. McCracken  
“ J. Murray  
“ A.A. Nawaz  
“ M. Nazir  
“ G. Perry  
“ K. Phillips  
“ L.J. Rattigan  
“ I.C. Robertson  
“ J. Rochelle  
“ E.B. Russell  
“ H.S. Sarohi  
“ K. Sears  
“ Mrs. D.A. Shires  
“ I. Shires  
“ G.S. Sohal  
“ C.D.D. Towe  
“ S. Wade  
“ F.J. Westley  
“ V. Whyte  
“ T.S. Wilson  
“ R.V. Worrall  
“ A. Young

26. **Apology**

An apology for non-attendance was submitted on behalf of Councillor Craddock.

27. **Welcome**

The Mayor extended a welcome to the newly elected member of the Council, Councillor Jones.

28. **Declarations of interest**

There were no declarations of interest.

29. **Local Government (Access to information) Act 1985**

There were no items to be considered in private session.

30. **Active living (Leisure centres)**

The report to Council on 16th June 2014 was submitted.

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

That the 2014/15 capital programme be amended to include the capital investment required for the construction of two new leisure centres at Oak Park and Bloxwich (option 1) as set out in paragraph 2.1 of the report.

**Amendment** moved by Councillor S. Coughlan and seconded by Councillor Bird:

That in agreeing to the recommendation of Cabinet to amend the capital programme, Cabinet be requested to consider the following:

- (1) That a full site visit be undertaken to Leamore Park with relevant officers and local councillors together with other partners such as the police to identify areas of concern especially security issues of residents and members of the friends of the Park. This will be acted upon and supported financially by this council.
- (2) That detailed consultation be undertaken with all residents who back onto park led by local Councillors, on the layout of areas of the Park that are close to their rear gardens

- (3) That developers will hold regular meetings with local residents and Friends of the Park during the different phases of this development.
- (4) That there will be an appraisal of the old pavilion in Leamore Park on how this could possibly be enhanced for the use by the Sons and Daughters of Rest and by visiting football clubs.
- (5) That the current staff of the existing centres be given assurances that their jobs will not be put at risk due to the proposed new build.

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

**Resolved** (unanimously)

- (1) That the 2014/15 capital programme be amended to include the capital investment required for the construction of two new leisure centres at Oak Park and Bloxwich (option 1) as set out in paragraph 2.1 of the report.
- (2) That in agreeing to the recommendation of Cabinet to amend the capital programme, Cabinet be requested to consider the following:
  - (a) That a full site visit be undertaken to Leamore Park with relevant officers and local councillors together with other partners such as the police to identify areas of concern especially security issues of residents and members of the friends of the Park. This will be acted upon and supported financially by this council.
  - (b) That detailed consultation be undertaken with all residents who back onto park led by local Councillors, on the layout of areas of the Park that are close to their rear gardens
  - (c) That developers will hold regular meetings with local residents and Friends of the Park during the different phases of this development.
  - (d) That there will be an appraisal of the old pavilion in Leamore Park on how this could possibly be enhanced for the use by the Sons and Daughters of Rest and by visiting football clubs.
  - (e) That the current staff of the existing centres be given assurances that their jobs will not be put at risk due to the proposed new build.”

At this point in the meeting, the Council sat as charitable trustees. When considering the following item Council procedure rules did not apply.

## **Bloxwich and Leamore Recreation Ground**

A report was submitted.

The trustees noted that the District Valuer in a letter dated 8th August 2014 had confirmed that his original valuation dated 30th August 2013 set out in Appendix C was still valid.

It was **moved** by the Mayor, seconded by Councillor Harris and it was:

### **Resolved**

- (1) That the Trustee (being 'the Council') authorises the transfer of a portion of the Trust Land to the Council (which parcel is indentified on the plan at Annex A) for the purposes of constructing part of the proposed new Bloxwich leisure centre on the basis that the proceeds of the sale are to be held on an implied trust to support the use of the remaining trust land for the purposes of the charity; and that those proceeds of sale be spent upon the repositioning of the football pitches and new children's play area within the trust land.
- (2) That the Trustee authorises officers to make application to the Charity Commission for an Order confirming the disposal of the Trust Land to the Council, such sale being a disposal to a connected party;
- (3) That the Trustee confirms:
  - (a) that it is satisfied the trust land to be sold is not immediately required for the purposes of the charity;
  - (b) that it is satisfied the District Valuer's valuation represents the current market value for the land; and
  - (c) that it is satisfied the proposed sale to the Council for the purposes of a leisure centre is in the best interests of the charity.
- (4) That the Trustee acknowledges that it is usual practice for a trustee to advertise land that it intends to sell but that in this case the land is landlocked and surrounded by trust land and other land which is already in the ownership of the Council (and upon which the current leisure centre stands).
- (5) That the Trustee resolves:
  - (a) that it is not appropriate in this case to advertise the land for sale on the basis that the compensation being paid for the land represents the District Valuer's valuation; and
  - (b) that the terms of sale are the best that can reasonably be obtained for the charity; and

- (c) that the purpose of the sale to the Council is to enable the construction of a new leisure centre which will serve to improve leisure facilities within the Borough and enhance the recreation grounds.
- (6) That the Trustee notes the Plan at Annex A to this report which shows the trust land edged in black and the approximate area of land required for Bloxwich Leisure Centre hatched.

### 31. Notice of motion – Leader of the Council

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

In accordance with the provisions of the Local Government Act 2000, as amended, by paragraph 67 of the Local Government and Public Involvement in Health Act 2007, and as provided for in Article 7, paragraph 7.04 of the Council's Constitution, this Council resolves to remove Councillor Bird from the office of Leader with immediate effect and that also in accordance with the aforementioned Act, Councillor S. Coughlan be appointed the Leader of the Council.

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: S. Coughlan  
Anson  
Burley  
Cassidy  
Chambers  
Clews  
D. Coughlan  
Creaney  
Ditta  
J. Fitzpatrick  
S. Fitzpatrick  
Hussain  
Illmann-Walker  
James  
Jeavons  
Jones  
Jukes  
Lane  
Nawaz  
Nazir  
Phillips  
Robertson  
Russell

**Against the motion -  
12 members**

Cllr: Flower  
Harrison  
Hughes  
Longhi  
McCracken  
Murray  
Rochelle  
Sears  
D. Shires  
Sohal  
Towe  
Wilson

**Abstained -  
16 member**

Cllr: Bird  
I. Shires  
E. Hazell  
Andrew  
Arif  
Barker  
Bennett  
C. Bott  
P. Bott  
Clarke  
Douglas-Maul  
Harris  
D. Hazell  
Martin  
Perry  
Rattigan

Sarohi  
Smith  
Underhill  
Wade  
Westley  
Whyte  
Worrall  
Young

and it was:

**Resolved**

That in accordance with the provisions of the Local Government Act 2000, as amended, by paragraph 67 of the Local Government and Public Involvement in Health Act 2007, and as provided for in Article 7, paragraph 7.04 of the Council's Constitution, this Council resolves to remove Councillor Bird from the office of Leader with immediate effect and that also in accordance with the aforementioned Act, Councillor S. Coughlan be appointed the Leader of the Council.

The meeting terminated at 6.40 p.m.

Mayor:

Date: