



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 11th September, 2006, at 6.00 p.m.** at the Council House.

Present

Councillor Mrs. B.V. McCracken (Mayor) in the Chair

Councillor M.G. Pitt (Deputy Mayor)

“ A.J.A. Andrew
“ T.G. Ansell
“ D.A. Anson
“ M. Arif
“ A. Aslam
“ C.M. Ault
“ J.M. Barton
“ L.A. Beeley
“ Mrs. J. Beilby
“ M.A. Bird
“ P. Bott
“ M.R. Burley
“ B. Cassidy
“ K. Chambers
“ J. R. Cook
“ S.P. Coughlan
“ C.U. Creaney
“ B.A. Douglas-Maul
“ A.E. Griffiths
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ A.D. Johnson
“ H. Khan

Councillor M. Longhi

“ S.W. Madeley
“ Ms. R.A. Martin
“ Mrs. C. Micklewright
“ J.G. O'Hare
“ A.J. Paul
“ G. Perry
“ J.D. Phillips
“ K. Phillips
“ D.J. Pitt
“ Mrs. E.E. Pitt
“ I.C. Robertson
“ R.S. Robinson
“ J. Rochelle
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ I. Shires
“ D.J. Turner
“ W.T. Twedde
“ A. Underhill
“ R.A. Walker
“ G. Wilkes
“ Zahid Ali

39. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Bentley, Clarke, Martin, Oliver, D.A. Shires, Towe, Woodruff and Young.

40. **Minutes**

Resolved

That the minutes of the meeting held on 3rd July, 2006 copies having been sent to each member of the Council be approved as a correct record and signed.

41. **Declarations of interest**

The following members declared an interest in the items indicated:-

Councillor Sanders	Community associations (personal)
Councillor Sears	Acorn Home Care (personal)
Councillor Robinson	Collingwood Community Association (personal)
Councillor Andrew	Collingwood Community Association (personal)
Councillor Coughlan	Any matter relating to Dudley Metropolitan Borough Council (personal/prejudicial)

42. **Mayor's announcements**

Councillor Collins

The Mayor referred to the recent death of Councillor Roger Collins and paid tribute to his services to the Borough over a period of many years. Councillors Ansell, Madeley, Bird, Sanders, Sears, Wilkes and Harris also paid tribute to Councillor Collins and it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council have heard with deep regret of the death of Councillor Roger Collins a member of the Walsall Metropolitan Borough Council from May 1984, of which Council he was Mayor in 2002/2003 and place on record their appreciation of his services to the borough over a period of many years and extend to the members of his family their sincere sympathy in their bereavement.

Former Councillor Clews

The Mayor to referred to the death of former Councillor Miss Olive Clews. Councillors Ansell and Wilkes paid tribute to her services to the Borough over a period of many years and it was **moved** by the Mayor, duly seconded and:

Resolved

That this Council have heard with deep regret of death of Miss Olive Clews, a member of the Walsall Metropolitan Borough Council from 1999 to 2003 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.

Before asking members to stand in silence as a mark of respect, the Mayor reminded the Council that today was the 5th anniversary of the terrorist attack in New York on 11th September 2001.

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

The Mayor reminded the Council that the new procedure rules which had been adopted by Council at its meeting in April now applied to proceedings from this evening.

43. Petitions

Councillor Robinson submitted a petition from residents of Forest Place, Hawbush Road and Chestnut Road with regard to fly tipping in rear gardens.

44. Questions by members

(a) Employment Tribunal

Councillor Mrs. E.E. Pitt asked the following question of Councillor Ansell:

“Can the Leader confirm whether in the recent Employment Tribunal proceedings brought against the Council by Peter Francis all deadlines and directions of the Tribunal for the submission and/or exchange of statements or other evidence were complied with fully and on time?”

Councillor Ansell said that both sides had failed to comply with the timetable.

Councillor Mrs. Pitt asked the following supplementary question:

Will the Leader ask the clerk to the Tribunal to confirm this situation in writing.

Councillor Ansell replied that he would consult with the Council's solicitors on this matter.

(b) **Fly tipping**

Councillor Roberston asked the following question of Councillor Walker:

“What cost is there to this Council on average per month over the last 6 months to remove fly tipping from our streets which is in addition to the costs incurred by WHG in removing fly tipping from their property? Can the figures be split into wards or number of cases per ward and also the number of prosecutions undertaken by the Council against the culprits?”

Councillor Walker replied that the figures for the 6 month period between February to July 2006 equated to approximately £8,061.50 per month. In relation to wards the figures for the 6 month period between February 2006 compared with the same period in 2005 were as follows:

Ward	2005	2006
Aldridge Central and South	16	16
Aldridge North and Walsall Wood	15	9
Bentley and Darlaston North	53	62
Birchills Leamore	40	32
Blakenall	29	50
Bloxwich East	10	13
Bloxwich West	17	12
Brownhills	6	17
Darlaston South	35	27
Paddock	12	25
Palfrey	8	36
Pelsall	6	13
Pheasey Park Farm	9	23
Pleck	28	54
Rushall Shelfield	8	32
Short Heath	9	11
St. Matthews	23	57
Streetly	1	4
Willenhall North	8	4
Willenhall South	29	17

Making a total of 362 cases in 2005 compared to 514 cases in 2006.

There have been no successful prosecutions either by the Council or Environment Agency in the last 6 months.

However, there has been an increase in enforcement activity in terms of investigations into fly-tipping. Public protection's public health team is currently carrying out four investigations where it is hoped to identify sufficient evidence to institute legal proceedings and around 20 cases have just been referred to the Council for investigation by WHG relating to instances of fly tipping on their land.

Councillor Robertson asked the following supplementary question:

Can you please explain why despite members of the Cabinet appearing in the media sitting in a pile of rubbish the tipping levels are increasing and causing great distress to the public we represent and why is there apparently so little joined up partnership activity to nail and make an example of these criminals who continue increasingly to tip, An example could be in my ward where Dryden Road has been completely closed by tipped rubbish three times over the last 10 days?

Councillor Walker replied that she did not know why there had been an increase in tipping. She went on to say that there had been an increase in joint working with the Environment Agency in attempt to tackle this West Midlands wide problem. She said that there had been several schemes undertaken with the Highways Agency to close unadopted roads.

45. Black Country Joint Core Strategy

The report was submitted.

Resolved

- (1) That approval be given to the Core Strategy being prepared on a joint basis between Walsall, Dudley, Sandwell and Wolverhampton Councils to support the delivery of the Black Country Study;
- (2) That joint working on the preparation of the Core Strategy (and any other joint development plan documents) be on the basis of a legal agreement between Walsall and Dudley, Sandwell and Wolverhampton Councils and that approval of this agreement be delegated to the Executive Director for Regeneration in consultation with the portfolio holder for Regeneration and Enterprise.

46. Appointment of independent members to Standards Committee

The report was submitted.

Resolved

That Mr. Roy Meller and Mr. L Bates be appointed as independent members of the Standards Committee, for 3 years, until the end of the 2008/2009 municipal year.

47. **Appointment of Interim Chief Executive**

The report was submitted.

Resolved

That the decision of the Appointments Board from its meeting on 21st August 2006 to appoint Dave Martin, presently Executive Director for Social Care and Inclusion to the post of Interim Chief Executive with effect from 1st September 2006, be ratified.

48. **Appointment of Electoral Registration Officer and Returning Officer**

The report was submitted.

Resolved

That the Interim Chief Executive, David Martin, be appointed Electoral Registration Officer and Returning Officer for the Borough in accordance with the requirements of the Representation of the People Act, 1983, with effect from 12th September, 2006.

49. **Membership of political groups**

The Council noted that Councillors Aslam and Khan had left the Conservative Group and with the agreement of Councillor Oliver, Leader of the Labour Group had joined the Labour Group

50. **Notice of motion – West Midlands Rail Franchise draft proposals**

Councillor Andrew informed the Council that he had been made aware of an amendment which the Labour Group proposed to move which read as follows:-

Delete the third sentence in paragraph 7 that begins “We ask for progression” and substitute the following:

This Council supports the development of intermediate stations along the route to serve the Darlaston Strategic Development Area and the Willenhall district centre and that the developments are progressed by the Council in association with appropriate stakeholders with due diligence.

Add the following paragraph:

8. This Council welcomes the support that Centro – PTA have given to Walsall rail services through the Central Trains franchise and requests that the DfT includes the PTE as a co-signatory in the new West Midlands franchise.

Councillor Andrew said that he was prepared to amend his notice of motion in accordance with the Labour Group's amendment and **moved** the following motion which was seconded by Councillor Ansell:-

That this Council is totally opposed to the Department for Transport's (DfT) West Midlands Rail Franchise draft proposals to sever two of our direct connections to InterCity services and to threaten the third.

This Council:

1. Demands that the DfT recognises the ambitious growth agenda and urban renaissance which will make the Borough of Walsall one of the leading towns in the West Midlands.
2. Asks that the DfT recognises that the franchise proposals would severely segregate the borough from the wider region and the country as a whole. This is totally unacceptable and will jeopardise our ambition to bring about long term economic success and sustained viability to the districts and communities of Walsall Borough.
3. Seeks confirmation from DfT that major changes to the West Coast main line timetable will not in any way restrict our existing four trains an hour in peak times specifically to Birmingham New Street and our connectivity to Birmingham International Airport. Any change will hamper Walsall's connectivity to the rest of the region and the country.
4. Is opposed to the curtailment of the current Stafford service at Rugeley Trent Valley and would ask that the services through to Stafford are retained within the franchise, with an enhanced frequency during peak times.
5. Asks that the DfT investigates ways of having improved rail services and facilities for the borough of Walsall rather than reduce our services.
6. Requests that the Regeneration Scrutiny Panel investigates and develops a Rail Service and facilities improvement plan for the borough of Walsall, in order to inform future decisions made by the DfT and to assist an investigation by the DfT for improved rail services and facilities.

7. Reiterates our strong opposition to the termination of the Walsall – Wolverhampton rail service. It asks that DfT retain it within the base specification as a shuttle between the two key centres with an enhanced frequency, particularly during peak times. This Council supports the development of intermediate stations along the route to serve the Darlaston Strategic Development Area and the Willenhall district centre and that the developments are progressed by the Council in association with appropriate stakeholders with due diligence. We ask that the future development and potential of this link is taken into serious consideration.
8. This Council welcomes the support that Centro – PTA have given to Walsall rail services through the Central Trains franchise and requests that the DfT includes the PTE as a co-signatory in the new West Midlands franchise.

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

Resolved (unanimously)

That this Council is totally opposed to the Department for Transport's (DfT) West Midlands Rail Franchise draft proposals to sever two of our direct connections to InterCity services and to threaten the third.

This Council:

1. Demands that the DfT recognises the ambitious growth agenda and urban renaissance which will make the Borough of Walsall one of the leading towns in the West Midlands.
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6. Requests that the Regeneration Scrutiny Panel investigates and develops a Rail Service and facilities improvement plan for the borough of Walsall, in order to inform future decisions made by the DfT and to assist an investigation by the DfT for improved rail services and facilities.
7. Reiterates our strong opposition to the termination of the Walsall – Wolverhampton rail service. It asks that DfT retain it within the base specification as a shuttle between the two key centres with an enhanced frequency, particularly during peak times. This Council supports the development of intermediate stations along the route to serve the Darlaston Strategic Development Area and the Willenhall district centre and that the developments are progressed by the Council in association with appropriate stakeholders with due diligence. We ask that the future development and potential of this link is taken into serious consideration.
8. This Council welcomes the support that Centro – PTA have given to Walsall rail services through the Central Trains franchise and requests that the DfT includes the PTE as a co-signatory in the new West Midlands franchise.

51. **Notice of motion - Community associations and neighbourhood resource centres**

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

This Council:

- supports the role which community associations and neighbourhood resource centres can play in creating safer and stronger communities;
- notes current Government thinking and recognised good practice to promote greater community ownership and management of assets, such as community centres;
- agrees with previous Scrutiny Committee resolution of concern at current Council policy on leases to community associations and neighbourhood resource centres, which offers short term leases based from a commercial valuation;
- notes that to date no community organisations have signed leases on these terms, and recognises that this represents a major potential loss of external funding revenue to the borough, which would add to local resource and improve the condition of community buildings.

This Council therefore supports a full review of current lease arrangements as above, based on the following principles:

- to offer leases of sufficient length to enable organisations to seek appropriate external funding, to be negotiated on an appropriate basis (between five to twenty five years), subject to evidence as to the viability and sustainability of individual organisations and standard terms and conditions to protect the interest of the Council as landlord;

- to leases based on a “peppercorn rent”, in line with previous Council policy;
- to support an appropriate division of responsibility in relation to structural and upkeep issues as between the landlord (the Council) and the tenant, along with an annual review of stock condition.

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

Resolved (unanimously)

This Council:

- supports the role which community associations and neighbourhood resource centres can play in creating safer and stronger communities;
- notes current Government thinking and recognised good practice to promote greater community ownership and management of assets, such as community centres;
- agrees with previous Scrutiny Committee resolution of concern at current Council policy on leases to community associations and neighbourhood resource centres, which offers short term leases based from a commercial valuation;
- notes that to date no community organisations have signed leases on these terms, and recognises that this represents a major potential loss of external funding revenue to the borough, which would add to local resource and improve the condition of community buildings.

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- to leases based on a “peppercorn rent”, in line with previous Council policy;
- to support an appropriate division of responsibility in relation to structural and upkeep issues as between the landlord (the Council) and the tenant, along with an annual review of stock condition.

The meeting terminated at 8.00 p.m.