

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 6th January 2020 at 6.00 p.m.** at the Council House.

Present

Councillor P. Bott (Mayor) in the Chair

Councillor R. Burley (Deputy Mayor)

“ G. Ali
“ B. Allen
“ A.J.A. Andrew
“ D.J. Barker
“ H. Bashir
“ M.A. Bird
“ C. Bott
“ O. Butler
“ B. Chattha
“ A.G. Clarke
“ S.J. Cooper
“ D. Coughlan
“ S.P. Coughlan
“ S.R. Craddock
“ C.U. Creaney
“ S.K. Ditta
“ B.A. Douglas-Maul
“ K. Ferguson
“ M. Follows
“ N.Z. Gultasib
“ A.D. Harris
“ L.A. Harrison
“ A.J. Hicken
“ K. Hussain
“ D. James
“ L.D. Jeavons
“ S. Johal

Councillor T.J. Jukes

“ P. Kaur
“ M. Longhi
“ Mrs. R.A. Martin
“ F. Mazhar
“ J. Murray
“ S. Nasreen
“ A.A. Nawaz
“ M. Nazir
“ A.S. Nazir
“ S.L. Neville
“ G. Perry
“ W. Rasab
“ L.J. Rattigan
“ S. Samra
“ H.S. Sarohi
“ K. Sears
“ I. Shires
“ G. Singh Sohal
“ C.A. Statham
“ M.A. Statham
“ C.D.D. Towe
“ A. Underhill
“ M. Ward
“ V.J. Waters
“ T.S. Wilson
“ R.V. Worrall
“ A. Young

66. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Fitzpatrick, Robertson and Wade.

The Mayor referred to Councillor Robertson's ill health and on behalf of the Council wished him a speedy recovery

67. **Minutes**

Resolved

That the minutes of the meeting held on 4th November 2019 copies having been sent to each member of the Council, be approved as a correct record and signed.

68. **Declarations of interest**

Councillor Wilson declared an interest in Item 14 – Notice of motion relating to food banks.

69. **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

70. **Mayor's announcements**

The Mayor congratulated Councillor Longhi on his recent election as the Member of Parliament for Dudley North.

He said that at the request of the Leader, Councillor Longhi had agreed to continue as an elected member until May 2020. In the light of the responsibilities that being an MP brings, Councillor Longhi had relinquished his role as portfolio holder for Health and Wellbeing with effect from 7 January 2020 and Councillor Craddock would take responsibility for that portfolio from thereon.

71. **Petitions**

Councillor Worrall submitted a petition "Stop the horrendous smell at Highfields waste disposal site Walsall Wood".

72. Questions

(a) Misuse of fireworks

Councillor Shires asked the following question of Councillor Perry:

“Does the portfolio holder for Community, Leisure and Culture share the concerns of many of my constituents about the misuse of fireworks and related anti-social behaviour that we have witnessed not just on bonfire night but throughout the year.

What action has he taken to prevent future anti-social behaviour related to the misuse of fireworks and what help if any has the Council given to the Police and the Fire Service to tackle this problem?”

Councillor Perry replied:

“National legislation heavily controls the sale and use of fireworks in England. There are controls on the manufacture and safety of the products, transportation, storage, sale and use.

Retailers who sell fireworks have to be registered and in the West Midlands, the registration and storage of fireworks is a matter dealt with by the fire service. They can only be sold for a restricted period of 15 October to 10 November, 26 to 31 December and 3 days before Diwali and Chinese New year. A licence is required to sell fireworks outside these periods.

The sale of fireworks is controlled by the size and suitability for use in certain circumstances. General retail sale for domestic use is limited to those below a certain size whilst larger fireworks , e.g. those used in organised displays may only be sold to professionals in that industry. There are age restrictions on the sale of adult fireworks to people over the age of 18. All fireworks must conform to British Standards.

There are restrictions on setting off fireworks in the street and there are limited hours when they can be set off. Unless the location where fireworks are being set off can be precisely identified or the perpetrator is known, this can be difficult to enforce as by the nature of fireworks the people setting them off can have left the location before people nearby have heard them.

Generally the levels of complaints or intelligence received about fireworks is very low. There were 23 complaints received across the whole of Regulatory Services in the last 12 months about the use and misuse of fireworks. These related to just 6 locations as 18 of these related to one perpetrator.

Where appropriate action will be taken. If residents notify the police or Council officers where there are particular problems with the misuse of fireworks in public places, then patrols may be targeted to those locations. In the instance referred to above with 18 complaints, Community Protection Officers served a noise abatement notice on a householder who was persistently setting off fireworks and causing other noise nuisance. Where

fireworks are being used to target an individual to cause them harassment, alarm or distress, then the Anti-Social Behaviour legislation can be brought into play to deal with the perpetrators.

Enforcement action is complemented by education campaigns targeted at the public in general and at other groups e.g. in schools. The work which is currently being undertaken by the Walsall Proud Programme on Resilient Communities includes strengthening residents and communities through “Personal Responsibility” and “Community Led Solutions” work streams. These will provide education and training, facilitate self-help initiatives, increase third sector involvement. Support for residents who find the use of fireworks particularly difficult to cope with is one example of how this programme might complement the work of the Council, police and other strategic partners.

Walsall Council also staged 4 bonfire events in 2019 encouraging residents to attend organised displays rather than setting off fireworks in their gardens.”

(b) Public Spaces Protection Orders in Beechdale

Councillor Jeavons asked the following question of Councillor Perry:

“How many penalty notices have the council issued in relation to the current PSPO in place in Beechdale?

How many of above tickets have been carried through to their conclusion in terms of enforcement?

How long on average does each ticket take to process?”

Councillor Perry replied:

When consultation on the Beechdale Public Spaces Protection Order (PSPO) began in early 2016 there was, even before the order was made a marked reduction in the level of anti-social behaviour (ASB) within the prohibited area. Shortly after its inception police reported a significant (in the region of 75%) reduction in ASB logs for the area. More recently and particularly over the last 12 months it is reported that ASB on the estate has increased. Since the order was made there have been 32 warning letters issued by the Local Authority, predominantly to individuals who are under 18 years of age. No fixed penalty notices have been issued by the Local Authority for Beechdale PSPO breaches but it should be noted that these would not be issued to anyone under 18 years of age. Prior to, and where warning letters have been issued other forms of intervention have where appropriate been put in place, including for example Acceptable Behaviour Contracts and other forms of early help. These have had a positive impact upon ASB levels on the estate.

Enforcement of the PSPO is undertaken jointly with the police and local housing providers. Enforcement activity undertaken by the Local Authority in relation to the Beechdale PSPO has not proceeded beyond the issue of a warning letter which has been effective in a large number of cases. The police are currently pursuing a prosecution of three individuals (one adult and two teenagers) for a number of offences, including a breach of this PSPO. Community Protection are supporting this prosecution as the body that made the order.

An average time cannot be given, as time on any given case is not recorded and it would depend entirely on the nature of the report and the final outcome. A warning letter, can be processed quite quickly upon receipt of notification of a breach. Other disposals, including for example an appearance at court, will require the preparation of a court file and a full investigation. If the offender is a young person, the process becomes more protracted. This is because the criminalisation of a young person, should understandably most often be the last resort and requires for example, the involvement of the Youth Offending Team and in most cases significant evidenced levels of intervention prior to prosecution taking place.

Breach of a PSPO is a criminal offence and like all criminal offences requires evidence of a breach if enforcement action is to be taken. Recently Community Protection have recruited on short term contracts, five Community Protection Enforcement Officers (CPEOs) who work within clearly defined areas and whose duties include PSPO enforcement. Beechdale PSPO patrols have been planned in conjunction with our police colleagues. Four are scheduled for January and more are to be diarised in the near future. The use of CPEOs is a new way of working for the Community Protection Team, designed to allow the proactive targeting of areas with identified greatest need. This includes enforcement of the boroughs two existing PSPOs.”

(c) New train stations at Willenhall and Darlaston

Councillor Shires asked the following question of Councillor Bird:

“Can the Leader of the Council please confirm that following his discussions with the Mayor of the West Midlands Combined Authority in the weeks leading up to Christmas, when he expects work to start on the new train stations at Willenhall and Darlaston?”

Can he also confirm that both stations will be operational in time for the Commonwealth Games in July 2022?”

Councillor Bird replied:

“Design work continues on both Willenhall and Darlaston stations and is progressing well. Positive progress has also been made with the rail industry on agreeing a workable timetable for rail services that will call at the new stations.

Updated flood risk assessments have been undertaken for both stations and the consequence of this is that further design work is required before the planning applications can be submitted, which is currently being undertaken by officers at Transport for West Midlands in conjunction with the Local Planning Authority.

It still remains the plan that the construction contracts will be procured during 2020, with work on site to be undertaken during 2021. I can confirm that the current expectation is that the stations will be open in advance of the Commonwealth Games.”

Councillor Shires asked the following supplementary question:

Can the leader inform me of the steps taken to close the funding gap that currently exists?

Councillor Bird replied

As mentioned, a further flood risk assessment has been undertaken, which will affect the completion of station designs. These are required prior to submitting a planning application. Therefore, the end cost of the projects are yet to be determined.

73. **Mayoralty 2020/21**

(a) **Mayor Elect**

It was **moved** by Councillor Underhill, seconded by Councillor Ward and:

Resolved

That Councillor M.R. Burley be nominated as Mayor of the Walsall Metropolitan Borough Council for the municipal year 2020/21.

(b) **Deputy Mayor Elect**

It was **moved** by Councillor Hussain, seconded by Councillor Gultasib and:

Resolved

That Councillor H. Sarohi be nominated as Deputy Mayor of the Walsall Metropolitan Borough Council for the municipal year 2020/21.

74. **Recommendation of Cabinet – Treasury Management mid-year position statement 2019/20**

The report to Cabinet was submitted.

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

Resolved

That Council note (in line with the requirements of the Treasury Management Code of Practice (2017)), the mid-year position statement for treasury management activities 2019/20 including prudential and local indicators (Appendix A).

75. Implementing new scrutiny guidance: Recommendations of Scrutiny Overview Committee

A report was submitted

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

Resolved

- (1) That the draft Co-option Scheme be approved and included in the Constitution as a new protocol;
- (2) That the amendments to the Constitution in Part 4.5 'Overview and Scrutiny Procedure Rules' and 'Member Code of Conduct' be approved.

76. Portfolio holder briefings

(a) Community, leisure and culture

A report was submitted.

Councillor Perry, the portfolio holder for Community, leisure and culture gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Perry.

(b) Health and wellbeing

A report was submitted.

Councillor Longhi, the portfolio holder for Health and wellbeing gave a presentation.

Members asked questions in relation to the presentation which were responded to by Councillor Longhi.

77. Notice of motion – Clean air outside schools

A report was submitted.

With the consent of the Council, Councillor Shires **moved** the following altered motion which was seconded by Councillor Nawaz:

This Council notes that:

- Our children, residents and staff, are exposed to what is considered to be unsafe levels of pollutants outside our schools at peak times during the “school run” in the morning and afternoon.
- Road transport is one of the biggest contributors to particulate matter and pollution across the Borough of Walsall.
- Epidemiological studies show that symptoms of bronchitis in asthmatic children increase in association to long term exposure to pollutants, as well as stunting growth.
- Only a handful of schools across England are trialling “No Vehicle Idling Zones” even though such trials have proven to bring many health benefits.
- Air pollution poses a serious threat to the health and development of young people. While many of the policy interventions to rectify this problem would have come from central Government and the West Midlands Combined Authority, this Council needs to do more to become more proactive on this issue.
- That there should be No Idling Zones around schools across the Borough.

This Council therefore resolves to request that Cabinet:

- Review the work done on No Vehicle Idling Zones by other local authorities across England in order to produce an Action Plan for Walsall on No Vehicle Idling Zones.
- Implement No Vehicle Idling Zones around all primary schools in the Borough by the end of 2022.
- Work closely with schools that are part of the scheme to engage with and inform parents and carers of the need for No Vehicle Idling Zones.
- Encourage all local businesses to sponsor “Green Walls” on school buildings and tree planting near to schools and that the appropriate Cabinet member include this in the Action Plan.
- Encourage local businesses in the vicinity of schools to allow parents to use their car park facilities to park their vehicles and drop off their children, reducing pollution outside the school and the health risk to children.
- Submits a report to the Economy and Environment Overview and Scrutiny Committee in 2020, 2021 and 2022, setting out progress made on the above points.

Amendment moved by Councillor Bird and seconded by Councillor Andrew:

This Council notes that:

- Our children, residents and staff, are exposed to what is considered to be unsafe levels of pollutants outside our schools at peak times during the “school run” in the morning and afternoon.
- Road transport is one of the biggest contributors to particulate matter and pollution across the Borough of Walsall.
- Epidemiological studies show that symptoms of bronchitis in asthmatic children increase in association to long term exposure to pollutants, as well as stunting growth.
- Only a handful of schools across England are trialling “No Vehicle Idling Zones” even though such trials have proven to bring many health benefits.
- Air pollution poses a serious threat to the health and development of young people. While many of the policy interventions to rectify this problem would have come from central Government and the West Midlands Combined Authority, this Council needs to do more to become more proactive on this issue.
- That there should be No Idling Zones around schools across the Borough.

This Council therefore resolves to request the Economy and Environment Overview and Scrutiny Committee to set up a Task and Finish Group to:

- Review the work done on No Vehicle Idling Zones by other local authorities across England in order to produce an Action Plan for Walsall on No Vehicle Idling Zones.
- Establish whether it is feasible to implement No Vehicle Idling Zones around all primary schools in the Borough by the end of 2022.
- Work closely with schools that are part of the scheme to engage with and inform parents and carers of the need for No Vehicle Idling Zones.
- Encourage all local businesses to sponsor “Green Walls” on school buildings and tree planting near to schools and that the appropriate Cabinet member include this in the Action Plan.
- Encourage local businesses in the vicinity of schools to allow parents to use their car park facilities to park their vehicles and drop off their children, reducing pollution outside the school and the health risk to children.
- Report to Cabinet on their findings.

On being put to the vote the amendment was declared carried.

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

Resolved

This Council notes that:

- Our children, residents and staff, are exposed to what is considered to be unsafe levels of pollutants outside our schools at peak times during the “school run” in the morning and afternoon.
- Road transport is one of the biggest contributors to particulate matter and pollution across the Borough of Walsall.
- Epidemiological studies show that symptoms of bronchitis in asthmatic children increase in association to long term exposure to pollutants, as well as stunting growth.
- Only a handful of schools across England are trialling “No Vehicle Idling Zones” even though such trials have proven to bring many health benefits.
- Air pollution poses a serious threat to the health and development of young people. While many of the policy interventions to rectify this problem would have come from central Government and the West Midlands Combined Authority, this Council needs to do more to become more proactive on this issue.
- That there should be No Idling Zones around schools across the Borough.

This Council therefore resolves to request the Economy and Environment Overview and Scrutiny Committee to set up a Task and Finish Group to:

- Review the work done on No Vehicle Idling Zones by other local authorities across England in order to produce an Action Plan for Walsall on No Vehicle Idling Zones.
- Establish whether it is feasible to implement No Vehicle Idling Zones around all primary schools in the Borough by the end of 2022.
- Work closely with schools that are part of the scheme to engage with and inform parents and carers of the need for No Vehicle Idling Zones.
- Encourage all local businesses to sponsor “Green Walls” on school buildings and tree planting near to schools and that the appropriate Cabinet member include this in the Action Plan.
- Encourage local businesses in the vicinity of schools to allow parents to use their car park facilities to park their vehicles and drop off their children, reducing pollution outside the school and the health risk to children.
- Report to Cabinet on their findings.

78. **Notice of motion – Food banks**

A report was submitted.

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

This Council:

- Notes that 41% of children that live in Walsall are living in poverty and that the number of people having to use food banks has dramatically increased since 2010 with over 3 million food parcels handed out in 18/19.
- Notes and thanks the many volunteers and organisations across the Borough that run and manage food banks to help those in need.
- Expresses great concern at the growing reliance on food banks across the Borough, particularly by families with children.

We call upon the Council to:

- Follow other local authorities and introduce Food Collection Points at the Civic Centre and other Council owned civic buildings.
- Request its partners across the public sector to introduce the same at their buildings.
- Write to all supermarkets in the Borough to ask them to donate any unsold food at the end of the day to local organisations that can help feed those in need.

Amendment moved by Councillor Bird and seconded by Councillor Andrew:

This Council:

- Notes that 41% of children that live in Walsall are living in poverty and that the number of people having to use food banks has dramatically increased since 2010 with over 3 million food parcels handed out in 18/19.
- Notes and thanks the many volunteers and organisations across the Borough that run and manage food banks to help those in need.
- Expresses great concern at the growing reliance on food banks across the Borough, particularly by families with children.

We call upon the Council to:

- Write to all supermarkets in the Borough to ask them to donate any unsold food at the end of the day to local organisations that can help feed those in need.
- Set up a Task Force to examine ways to assist in reducing food poverty.

On being put to the vote the amendment was declared carried.

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

Resolved

This Council:

- Notes that 41% of children that live in Walsall are living in poverty and that the number of people having to use food banks has dramatically increased since 2010 with over 3 million food parcels handed out in 18/19.

- Notes and thanks the many volunteers and organisations across the Borough that run and manage food banks to help those in need.
- Expresses great concern at the growing reliance on food banks across the Borough, particularly by families with children.

We call upon the Council to:

- Write to all supermarkets in the Borough to ask them to donate any unsold food at the end of the day to local organisations that can help feed those in need.
- Set up a Task Force to examine ways to assist in reducing food poverty.

The meeting terminated at 7.45 p.m.