



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 7th November, 2005, at 6.00 p.m.** at the Council House.

Present

Councillor J.R. Cook (Mayor) in the Chair

Councillor B.V. McCracken (Dep Mayor)

“ A.J.A. Andrew
“ T.G. Ansell
“ D.A. Anson
“ A. Aslam
“ C.M. Ault
“ A.G. Bentley
“ Mrs. J. Beilby
“ M.A. Bird
“ P. Bott
“ M.R. Burley
“ B. Cassidy
“ K. Chambers
“ A.G. Clarke
“ R.J.H. Collins
“ S.P. Coughlan
“ C.U. Creaney
“ B.A. Douglas-Maul
“ A.E. Griffiths
“ L.A. Harrison
“ E.F. Hughes
“ A.D. Johnson
“ H. Khan
“ M. Longhi
“ S.W. Madeley
“ Ms. R.A. Martin
“ Mrs. C. Micklewright

Councillor M. Munir

“ J.G. O'Hare
“ T.S. Oliver
“ A.J. Paul
“ K. Phillips
“ D.J. Pitt
“ Mrs. E.E. Pitt
“ M.G. Pitt
“ I.C. Robertson
“ R.S. Robinson
“ J. Rochelle
“ C.E.M. Rose
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ C.D.D. Towe
“ D.J. Turner
“ W.T. Tweddle
“ A. Underhill
“ R.A. Walker
“ G. Wilkes
“ M. Yasin
“ P.A. Young
“ Zahid Ali

53. Apologies

Apologies for non-attendance was submitted on behalf of Councillors Arif, Barton, Beeley, Harris, Perry and Woodruff.

54. Minutes

Resolved

That the minutes of the meeting held on 12th September 2005, copies having been sent to each Member of the Council, be approved as a correct record and signed

55. Declarations of interest

The following members declared an interest in the items indicated:

Councillor Sears	Acorn Home Care (personal)
Councillor Burley	Non-Executive Director Walsall PCT (personal)

56. Petitions

The following petitions were submitted:-

- (a) Councillor McCracken – opposition to location of care home for young people at 63 Lichfield Road, Walsall
- (b) Councillor Sanders – traffic problems Skip Lane between Birmingham Road and Sutton Road to Park Hall Estate

57. Questions by members of the Council

(1) Shopmobility

Councillor Chambers asked the following question of Councillor Zahid

“I am sure that we would all welcome that, after far too much prevarication, the Council has finally made positive moves towards establishing Shopmobility in Walsall town centre; however, would the Cabinet member please comment on concern raised in relation to the proposed base in the Saddlers car park for people without access to car transport?”

Councillor Zahid said that concerns have been expressed relating to the location in the car park of the Saddlers Centre. He is not sure where these concerns have come from.

Councillor Zahid read from a letter from the member organisations of the disability forum, which had been forwarded to the press, the Council and himself. The disability forum have been fully involved and consulted by the Council to place the shopmobility scheme in the Saddlers Centre and he was concerned that the press denigrated the request for the scheme in the Town Centre.

He read from a letter of the disability forum. The disability forum welcomed the scheme and looked forward to further discussions once approval has been obtained.

Councillor Zahid said that the concerns that Councillor Chambers refers to are a couple of articles in the press coming from an organisation which he had responded to and have invited them to a meeting to discuss those concerns. Invitations were refused and the reason given was that they would hold a meeting after full Council has taken place.

Demand for the Shopmobility scheme arose following the vision consultation, community voluntary sector conference in 2004/5 and the diversity conference. The Council has committed itself to investment in the shopmobility scheme, recognising the requirements of the disabled community in Walsall. We have respected their needs and we should deliver our promises. The scheme has been tested against the guidelines set by the National Federation of Shopmobility schemes.

Shopmobility in the Saddlers Centre is the only option that gives access to car parking facilities, shopping facilities and the railway station without crossing the road.

Councillor Zahid went on to say that in 1994/95 the Labour administration asked for a report and he read from it. The main point being that the recommendations were published at that time with a start date for 1995/96 municipal year, but nothing was done.

Councillor Chambers asked the following supplementary question:-

“In the reply you refer to a meeting being refused by shopmobility representatives have you any idea why?”

Councillor Zahid said that in an e-mail from shopmobility the reason given was that they would not want to meet with us until they had discussed it themselves.

On 20 September 2005, shopmobility were invited to a meeting to comment on the report of the consultant, their comments were relating to locations. They were asked today to attend a meeting on 7 November and they refused.

(2) **Walsall Libraries**

Councillor Oliver asked the following question of Councillor Perry:-

“Given the recent Council “consultation” with regard to libraries which gives the following two “options”:

- I think that it is more important that Walsall Libraries keeps all its existing libraries open even if it means the service cannot improve
- I think Walsall Libraries should develop and improve its services in the most cost effective way

would you support also giving the people of Walsall the following options:

- The current Council Cabinet, with no possibility of improvement
- A smaller number of new improved Cabinet members?”

Councillor Ansell replied to the question in the absence of Councillor Perry.

Councillor Ansell said that consultation on this matter had been widespread and comments had been taken onboard. He went on to say that he had received a number of letters supporting local libraries, together with a letter from an employee on behalf her mother which related to large print books – neither the employee or the mother lived in the borough.

Councillor Ansell continued that the administration were proceeding with the modernisation of the library service and pointed out that only 22% of people in the borough used libraries at this present time and he went on to stress that libraries were not just about book lending, but were also available for access to computers.

In response to the second part of the question, Councillor Ansell said that some Cabinet members would like to work on Council business full-time if they had the choice. He went on to refer to the present Cabinet and former members which he had brought together as a team at the beginning of the improvement process when this Council had been heavily criticised and said that their combined work had resulted in the improvements which were clearly obvious.

Councillor Oliver in his supplementary question asked if he could be provided with the figures on how many people opted for either of the two options and how many libraries would close.

Councillor Ansell replied that he would provide this information in writing

58. Recommendation of Cabinet – Recognition of continuous service for transferred staff

The report to Cabinet was submitted.

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

Resolved

That with regard to recognition of continuous employment service for staff who transfer or voluntarily join organisations undertaking functions on behalf the Council, the Council commits to the West Midlands protocol of recognising service with the organisations for certain service related employment benefits

59. Arrangements for scrutinising the reconfiguration of health services in Walsall

The report was submitted.

It was **moved** by Councillor Ansell and seconded by Councillor O'Hare:-

That in the light of the decision that a merger of hospitals trusts has been dropped and in the context of an ongoing consultation on proposals for a level of clinical realignment the Council:

- (1) note the work of the Time Limited Health Scrutiny Panel in scrutinising the available information regarding the proposals and disestablish the Panel as the substance of consultation is now outside their remit;
- (2) in consideration of the information presented in this report, delegate to the Health and Social Care Scrutiny and Performance Panel the authority to enter into joint scrutiny arrangements when required under legislation and in accordance with the Council's constitutional arrangements.

Amendment moved by Councillor Oliver and duly seconded:-

That all words be deleted after "proposals" and that the following be added:-

"and believes there is a requirement for continuation until a full report on possible realignment of secondary health provision in the Black Country has been considered by the strategic health authority and forwarded to the Minister for decision."

Councillor Bird stood and spoke on a point of order this being that the amendment was a direct negative and he asked for a legal ruling.

At this point in the meeting the time being 6.30 p.m. the Mayor adjourned the meeting for 10 minutes.

The meeting recommenced at 6.40 p.m.

The Council's legal officer referred to the Council procedure rules paragraph 15.6 relating to amendments to motions which in essence said that amendments would be allowed as long as the effect of them is not to negate the motion and in his opinion, this amendment fell into that definition. He went on to say that the reason behind establishing the Committee at the July meeting of Council was because of the merger proposals and that the existing scrutiny panel already had the powers to deal with these issues.

The Chief Executive read out the following resolution from the meeting of Council held on 4th July 2005:-

"We believe that this Council should be committed to the long term and genuine development of local services for local people. These policies should include the aim to develop health services which are as local as possible, and to fight to keep a Walsall Hospital which is managed on behalf of Walsall people therefore:-

- (1) This Council therefore establishes, with immediate effect, a time limited scrutiny panel to receive information from the NHS trust boards of Walsall and New Cross hospitals on their proposals for the future delivery of hospital services in the Borough, including the full consultation documents and that the following members be appointed to the panel in accordance with the political balance requirements, names to be supplied by 15th July 2005:-

Cons: 5 Lab: 3 Lib/Dem: 1

- (2) That the scrutiny panel be delegated authority to consider in detail the proposals of the trust boards in the light of the information provided and to submit their views on the matter to the Cabinet/Council."

The Chief Executive said that the motion therefore was specific concerning hospital trust boards and that the short life scrutiny panel was only established to consider this particular issue. She went on to say that after discussing this matter with the Council's legal representative she was of the opinion that the amendment sought to negate the motion and was therefore contrary to Council procedure rules.

The Mayor accepted the advice and ruled the amendment out of order.

Upon being put to the vote the motion was declared carried – 29 members voting in favour and 20 against and it was:-

Resolved

That in the light of the decision that a merger of hospitals trusts has been dropped and in the context of an ongoing consultation on proposals for a level of clinical realignment the Council:

- (1) note the work of the Time Limited Health Scrutiny Panel in scrutinising the available information regarding the proposals and disestablish the Panel as the substance of consultation is now outside their remit;
- (2) in consideration of the information presented in this report, delegate to the Health and Social Care Scrutiny and Performance Panel the authority to enter into joint scrutiny arrangements when required under legislation and in accordance with the Council's constitutional arrangements.

60. Notice of motion – Microgeneration

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

Council recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issues of climate change and reducing carbon dioxide emissions.

Council therefore, welcomes the introduction of the Climate Change and Sustainability Energy bill and the Management of Energy in Buildings bill into Parliament by a cross party group of MPs on 22nd June, noting that together these bills will:

1. Require the Prime Minister to report annually to Parliament on the level of greenhouse gas emissions;
2. Require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency;
3. Require the government to set national targets for microgeneration and enable local authorities to set such targets if they deem it appropriate;
4. Extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects;
5. Require utility companies to purchase, at a reasonable rate, any surplus energy generated by householders via microgeneration;
6. Require future revisions to building regulations to take into account the desirability of promoting microgeneration and of introducing an energy generating rating system in new buildings;
7. Enable householders who generate electricity by microgeneration to have access to “renewables obligation certificates” and

8. Establish a “renewable heat obligation” requiring utility companies to support certain amount of heat from renewable sources.

Council therefore supports the bills and resolves to inform the government of the Council’s view, urges the government to support the bills; and urges our three local MPs to be present in Parliament to back these bills when they are debated in the House of Commons on 11th November.

Council therefore urges our three local MPs to sign House of Commons early day motion 391 in support of these bills.

Amendment moved by Councillor Coughlan and duly seconded:-

Council recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issues of climate change and reducing carbon dioxide emissions.

Council therefore, welcomes the introduction of the Climate Change and Sustainability Energy bill and the Management of Energy in Buildings bill into Parliament sponsored by Mark Lazarowicz Labour MP for Edinburgh North and Leith and Alan Whitehead Labour MP for Southampton, noting that together these bills will:

1. Require the Prime Minister to report annually to Parliament on the level of greenhouse gas emissions;
2. Require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency;
3. Require the government to set national targets for microgeneration and enable local authorities to set such targets if they deem it appropriate;
4. Extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects;
5. Require utility companies to purchase, at a reasonable rate, any surplus energy generated by householders via microgeneration;
6. Require future revisions to building regulations to take into account the desirability of promoting microgeneration and of introducing an energy generating rating system in new buildings;
7. Enable householders who generate electricity by microgeneration to have access to “renewables obligation certificates”;
8. Establish a “renewable heat obligation” requiring utility companies to support certain amount of heat from renewable sources;

9. Promotion of community energy – The Secretary of State for Trade & Industry will be given a duty to promote “community energy”. This could include the encouragement of community co-operatives and other local community energy schemes.

Council therefore supports the bills and resolves to inform the government of the Council’s view, urges the government to support the bills; and urges our three local MPs to be present in Parliament to back these bills when they are debated in the House of Commons on 11th November.

Council therefore urges our three local MPs to sign House of Commons early day motion 391 in support of these bills.”

Upon being put to the vote the amendment was declared carried – 33 members voting in favour and less than 33 voting against.

The amendment was put as the substantive motion, declared carried and:-

Resolved

Council recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issues of climate change and reducing carbon dioxide emissions.

Council therefore, welcomes the introduction of the Climate Change and Sustainability Energy bill and the Management of Energy in Buildings bill into Parliament sponsored by Mark Lazarowicz Labour MP for Edinburgh North and Leith and Alan Whitehead Labour MP for Southampton, noting that together these bills will:

1. Require the Prime Minister to report annually to Parliament on the level of greenhouse gas emissions;
2. Require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency;
3. Require the government to set national targets for microgeneration and enable local authorities to set such targets if they deem it appropriate;
4. Extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects;
5. Require utility companies to purchase, at a reasonable rate, any surplus energy generated by householders via microgeneration;
6. Require future revisions to building regulations to take into account the desirability of promoting microgeneration and of introducing an energy generating rating system in new buildings;

7. Enable householders who generate electricity by microgeneration to have access to “renewables obligation certificates”;
8. Establish a “renewable heat obligation” requiring utility companies to support certain amount of heat from renewable sources;
9. Promotion of community energy – The Secretary of State for Trade & Industry will be given a duty to promote “community energy”. This could include the encouragement of community co-operatives and other local community energy schemes.

Council therefore supports the bills and resolves to inform the government of the Council’s view, urges the government to support the bills; and urges our three local MPs to be present in Parliament to back these bills when they are debated in the House of Commons on 11th November.

Council therefore urges our three local MPs to sign House of Commons early day motion 391 in support of these bills.”

61. **Notice of motion – Compulsory ID cards**

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

Council notes the government bill introducing compulsory ID cards to the UK.

Council believes that the disadvantages of such a scheme will outweigh any benefits to the people of Walsall.

Council believes that the cards will do nothing to prevent terrorism and crime or fraud.

Council believes according to government estimates the cost of such a scheme could reach £6 billion, with independent commentators predicting costs of as much as £18 billion, they estimate cards between £220 and £300 each. On the government’s own predictions, requiring the residents of Walsall to pay an estimated £28 for a stand-alone card or £93 for a passport and ID card together.

Council believes this will hit the most vulnerable and poorest in our society those on low pay, who usually don’t drive, don’t go abroad and as a consequence have no need for a driving licence or passport, yet will be forced to pay up to £100 for a card they don’t want or need.

Council therefore resolves to:

1. Affiliate to the “No2D” campaign, which already includes MPs across several political parties;

2. Make representations at every possible stage, reiterating this Council's opposition to ID cards;
3. Take no part in any pilot scheme or feasibility work in relation to the introduction of the national identity cards;
4. Make it a policy of the Council to ensure that national identity cards would not be required to access Council services or benefits unless specifically called to do so by an Act of Parliament;
5. Only co-operate with the national identity card scheme where specifically required to do so by law;
6. Mandate the Chief Executive to write to the Home Secretary expressing these views and asking him to reconsider his decision to push forward this legislation.

On being put to the vote the motion was declared lost – 8 members voting in favour and more than 8 members voting against.

62. **Notice of motion – Chewing gum litter**

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

notes the serious problems caused by chewing gum litter, including its unsightliness, difficulty of removal and the damage to public realm it creates.

Council supports the campaign for a 1p per packet levy on chewing gum to be passed onto local authorities to assist with the costs of removal.

Council calls for further action on education on the disposal of chewing gum with consideration for the environment and others.

Amendment moved by Councillor Phillips and duly seconded:-

That the following words be added to the motion:-

“Walsall Council be called upon to take serious action to clear up our streets of this filthy mess which is clearly a health hazard to our residents.”

Councillor Mrs. Shires moved suspension of Council procedure rule 9 in order to allow the meeting to continue.

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

Resolved

That Council procedure rule 9 be suspended in order to allow the meeting to continue.

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

Resolved

Council notes the serious problems caused by chewing gum litter, including its unsightliness, difficulty of removal and the damage to public realm it creates.

Council supports the campaign for a 1p per packet levy on chewing gum to be passed onto local authorities to assist with the costs of removal.

Council calls for further action on education on the disposal of chewing gum with consideration for the environment and others.

Walsall Council be called upon to take serious action to clear up our streets of this filthy mess which is clearly a health hazard to our residents.”

The meeting terminated at 9.25 p.m.