



Walsall Council

Dear Councillor,

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **MONDAY 18TH day of NOVEMBER, 2013 at 6.00 p.m.** at the Council House, Walsall.

Dated this 8th day of November, 2013.

Yours sincerely,

Chief Executive.

The business to be transacted is as follows:

1. To elect a person to preside if the Mayor and Deputy Mayor are not present.
2. Apologies.
3. To approve as a correct record and sign the minutes of the meeting of the Council held on 23rd September, 2013.
4. Declarations of interest.
5. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda. There are no items to be considered in private session.
6. Mayor's announcements.
7. To receive any petitions.

8. To answer any questions in accordance with Council procedure rules:

- (a) From the public - None
- (b) From members of the Council

(1) Councillor Worrall – Brush Garage

“With reference to the Notice of Motion passed at the last Council meeting concerning the Brush Garage, and, specifically, to the advice of the Council's legal officers set out in paragraph 4, that *'Council has given full delegated powers to Planning Committee to determine planning applications, so that, if there were to be any decision to revisit enforcement issues, then this would need to be initiated, not by Full Council, but with the consent of the Chair of Planning Committee'*, may I now ask Cllr. Perry whether, (given the Ombudsman's finding of injustice arising from multiple instances of maladministration involving both elected members and officers) he is minded to consent to Planning Committee revisiting issues of enforcement in the case of the Brush Garage?”

(2) Councillor Smith – Discretionary housing payment (“bedroom tax”)

“Would the Portfolio holder give me, this Council and the public a statement on how the 2013/14 budget allocation of £817,745 for Discretionary Housing Payment (to assist those most adversely affected by the so called “bedroom tax”) is being used, hopefully covering such issues as: the amount spent to date, any projected under-spend or over-spend by the end of the financial year, the number of requests received for DHP compared to the number granted, the average amount and other types of assistance provided and any associated costs to the Council for administering this policy such a staffing costs, adaptations to properties disabled people are downsizing to and for attending First Tier Tribunals regarding tenants appealing under-occupancy policy decisions?”

(3) Councillor Ditta – Street sweepers

“Could the portfolio holder for regeneration and transport please inform members as to how many vehicles such as street sweepers are or were owned by the Council; how many (if any) of these have been leased or sold to contractors such as Tarmac group ;how many members of staff have been transferred to Tarmac; how many of these contractors are providing training schemes and apprenticeships for the young people of Walsall?”

(4) Councillor Worrall – Council House forecourt

“Given the Council's professed policies of encouraging green travel and healthy lifestyles, can Cllr. Andrew explain why the cycle stands that were located prominently to the right hand side of the entrance to the Council House were removed in the course of the resurfacing of the forecourt, and whether they will be reinstated in that position?”

(5) Councillor Ditta – Palfrey Park

“Will the portfolio holder for leisure and culture please consider support from Walsall Council for the creation of an "outdoor gym" to supplement the facilities within Palfrey Park, which is well used by our local community for health and exercise, and, if so, outline what form this support would take?”

(6) Councillor Smith – Rent arrears “bedroom tax”

“Would the Portfolio holder inform me, the Council and the public of the amount of rent arrears owed to Walsall’s biggest social landlord, WHG, as a result of the introduction of the spare room subsidy legislation, more commonly known as the “bedroom tax” after the first 6 months of it being operational?”

(7) Councillor Smith – “Bedroom tax” – size of spare bedrooms

Given that a recent ruling by Mr. Simon Collins, QC, acting as a judge in an appeal tribunal in Fyfe, Scotland, (Nelson v Fife Council) ruled that a room less than 50 square feet is not a bedroom and that a room measuring between 50 and 70 square feet is only suitable for children under 10 and given further that since the legislation underpinning the “bedroom tax” says nothing about room size, the judge thought it reasonable to be guided by the 1987 Housing Act (1985 in England & Wales, section 326) which states that an adult bedroom should be no smaller than 70 square feet, and guided also by Housing Benefit Circular A4/2012 which indicates that a room was only to be considered a “bedroom” for bedroom tax purposes if it could be occupied by an adult, do you think that in the light of this, Walsall Council’s Benefits section should now satisfy itself on the size of so called spare bedroom/s prior to making individual assessments on “bedroom tax” charge in order to avoid possible successful and potentially costly appeals?

9. Annual Audit letter 2012/13:

- (a) Reports to Audit Committee on 11th November 2013 reproduced in the reports booklet for this meeting.
- (b) Any recommendation of the Audit Committee from its meeting on 11th November 2003 will be circulated prior to the meeting.

10. To confirm the following recommendation of the **Brownhills, Pelsall, Rushall and Sheffield Area Panel**:

Co-opted members

That the following individuals be appointed as co-opted members of the Brownhills, Pelsall, Rushall, Sheffield Area Panel for the remainder of the 2013/14 municipal year:

- Mr. Francis Hodgkinson
- Mrs. Janet Davies
- Mr. Simeou Mayou
- Mr. Gerald Bradley
- Mrs. Dawn Munday
- Mr. Douglas Birch MBE
- Mr. Harry Poxon
- Mr. Ron Carpenter
- Mrs. Victoria Murrell
- Mr. Ian Roberts
- Mr. Nasib Bassi

11. **Annual Scrutiny Report 2012/13.** Report reproduced in the reports booklet for this meeting.

12. **Protection of Freedom Act – Disclosure and Barring checks (formerly CRB checks).** The Standards Committee at its meeting on 7th October 2013 requested that the report on this matter be referred to the Council for noting. The report is reproduced in the reports booklet for this meeting.

13. **Portfolio holder briefing.** To receive a 5 minute presentation from the portfolio holder for Social care (Councillor McCracken).

(Note: A member of the Council may ask the portfolio holder any question and another associate question without notice upon the each report. Questioning by members is limited to 10 minutes for each report presented.)

14. To consider the following motion, notice of which has been duly given by **Councillors Smith, P. Bott and C. Bott:**

As there is no overall control of Walsall Council given the finely balanced political composition of Councillors, namely 28 Labour, 24 Conservatives, 5 Liberals, 2 Independents and 1 Democratic Labour and further given that all 3 main Parties feel that to produce a balanced budget, further cuts to Council services and jobs need to be made, this Council not only calls on the present Conservative/Liberal administration to present its budget proposals for 2014/15 to Council at a meeting in February 2014 but also strongly recommends that in the interests of openness and transparency, the Labour Opposition Group, being the Party with the most seats, also present their alternative budget at the same meeting, in order that it is open and transparent before any vote is taken, as to what would be the difference, if any, between the present administration and the Labour Opposition, with regard to their budget proposals for 2014/15.

This Council further reminds its members and the public that its most senior Council Officers are there to give equal assistance and the fullest cooperation to the Labour Group in order for it to be in a position to present its alternative budget at the same meeting in February 2014.

15. To consider the following motion, notice of which has been duly given by **Councillor Smith:**

This Council resolves to give consideration, in principle, to conferring the honour of Freedom of the Borough of Walsall on Neville John Holder, better known as Noddy Holder, who was born in Caldmore, Walsall in 1946 moved to the Beechdale Estate, Walsall in the 1950s and later attended TP Riley School in Bloxwich before becoming famous locally, nationally and internationally as a singer-songwriter, musician, writer, broadcaster, actor and voice over artist spanning more than 40 years, most famously associated with the rock band, Slade.

16. To consider the following motion, notice of which has been duly given by **Councillors I. Shires, D. Shires and Barker:**

Council recognises the important role local pubs play in the life of our borough by providing a community hub for residents to meet, relax, debate and do business.

Council notes with regret the decline of community pubs in recent years, as the use of properties for other means has become more financially lucrative.

Council supports campaigns by CAMRA to reverse this decline and put local pubs back at the heart of our communities.

Council calls on the Cabinet to reflect the Council's commitment by:

- (i) supporting community groups who wish to register their local pubs as assets of community value;
- (ii) submitting a request to the Secretary of State for Communities and Local Government under the Sustainable Communities Act for full planning powers to be returned to the Council to allow it to prevent pubs from being converted to alternative uses; and
- (iii) amending Walsall's local planning policies to stipulate that no pub will be allowed to change use unless it is demonstrated that continued trading is not economically viable, the premises has been marketed as a pub unsuccessfully for a stipulated minimum period, and the change will not create a shortage of pubs within easy walking distance of the premises.

(Note: Report reproduced in the reports booklet for this meeting.)