

# Report to Council

**7 December 2021**

<b>Subject:</b>	Written Questions
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer

The following written questions have been received:-

**8(a) Councillor W Gill to the Cabinet Member for Environment**

Will the cabinet member for Environment acknowledge that this Council does not do enough to protect greenspaces, including the Sheepwash Nature Reserve in my ward of Great Bridge, and agree to reinstate a park warden on the Sheepwash Nature Reserve, in order to enforce a set of byelaws (following the process of establishing them) for the reserve which can be found in the appendix to this written question, whilst committing to the fact that greenspaces like the Sheepwash Nature Park should not be built on?

**8(b) Councillor Williams to the Cabinet Member for Housing**

In regards to condition 10:10 of the proposed changes to the new tenancy agreement conditions, I fear the council is moving dangerous territory as it seeks to potentially control freedom of speech on social media.

Legal professionals have informed me that this proposal is unforceable.

The Human rights act 1998 article 10 supports freedom of expression without interference from authorities.



Under what legislation will the council enforce this proposal in court and in regards to false statements being made on social media, what procedure will you use to determine if a statement is true or false. and do you personally think it's fair to hold tenants accountable for the views their family, friends and other visitors have?

**8(c) Councillor Gavan to the Cabinet Member for Culture and Tourism**

With reference to the Aquatic Centre: Could I please have an up to date report on how the project is progressing

**8(d) Councillor Moore to the Cabinet Member for Environment**

When will the proposed 20 mph zone for Tantany Estate in West Bromwich be implemented?

**8(e) Councillor Fisher to the Deputy Leader**

Will the Deputy Leader of the Council ask the Budget and Corporate Scrutiny Management Board to review the rationale for the indemnity provided by the Council in relation to a recent litigation?

**8(f) Councillor Davies to the Leader**

Can I instead ask the leader why the Cox review of the Wragge report has not been made public?

**8(g) Councillor C S Padda to the Cabinet Member for Environment**

West Midlands Metro is affecting Tipton Green ward quite dramatically. Roadworks leading to long traffic delays. Businesses in the ward are being adversely effected as customers are being cut off from the shops and are going to other shops.

There appears to be no car parking facilities being provided at the station near Boscobel Housing Estate, which will lead to overparking on the Estate and blocking pavements. Elderly residents will find it difficult to park their vehicles

Can we have an update on the latest status of completion of the works so life can return to normality and how the parking situation is being addressed?



8(h) **Councillor Fenton to the Cabinet Member for Environment**

If the road safety campaign at Perryfields Primary is successful are there any intentions to roll that out across Sandwell to help alleviate problems at other schools?

8(i) **Councillor Kaur to the Cabinet Member for Housing**

What help is the Council receiving to rehome asylum seekers?

8(j) **Councillor McVittie to the Cabinet Member for Environment**

How many new trees has Sandwell Council planted this year?

8(k) **Councillor L Giles to the Cabinet Member for Adults, Social Care and Health**

What percentage of Sandwell Residents have taken up the offer of the Covid booster?



## Appendix A

### Sandwell Metropolitan Borough Council - Nature Reserves

Sandwell Metropolitan Borough Council in exercise of the powers conferred upon them by Sections 201, 21 (4) 2 and 1063 of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Sheepwash in the borough of Sandwell.

#### 1. In these byelaws

- a. "The Reserve" shall mean the pieces or parcels of land containing in the whole 39 hectares or thereabouts and in the borough of Sandwell. Declared to be managed as a Nature Reserve by declarations dated in the year 2000 made by the Sandwell Metropolitan Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. "The Council" shall mean Sandwell Metropolitan Borough Council.
- c. "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council when they are necessary to the proper execution of their duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

#### Damage to or disturbance of things in the Reserve

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.<sup>1</sup>

#### Bringing Animals into the Reserve

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze. (viii) exercising/flying any bird of prey.

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<sup>1</sup> 1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003. 2. Amended by the (NERC) Act 2006 3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)



- (viii) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.<sup>2</sup>

### **Areas of water**

- (ix) committing any act which pollutes or is likely to cause pollution of any water.
- (x) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xi) driving, riding, propelling, or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain equipment**

- (xiii) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xiv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

### **Use of firearms etc.**

- (xv) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.)
- (xvi) projecting any missile manually or by artificial means.

### **General Prohibitions**

- (xvii) erecting, occupying, or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xviii) flying any powered model aircraft.
- (xix) erecting any post, rail, fence, pole, booth, stand, building or other structure. a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xx) posting or placing any notice or advertisement.
- (xxi) selling or offering or exposing for sale or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service. a. engaging in any activity which is causing or likely to cause a disturbance. b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games...)
- (xxii) cycling, roller skating or skate boarding.

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<sup>2</sup> The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 to be extended to the Sheepwash Nature Reserve.



- (xxiii) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.
- (xxiv) letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- (xxv) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### **Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### **Permits**

- (i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.
- (ii) any such permit shall be issued subject to the following conditions:
  - a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
  - b) that it may be revoked by the Council at any time.

### **Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

- (i) by a person of
  - a) a right vested in him/her as owner, lessee or occupier of land in the reserve,
  - b) any easement or profit a prendre to which he is entitled,
  - c) any public right of way.
- (ii) of any functions of a local authority, statutory undertaker or drainage authority. (iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

### **Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction



