



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 14th January, 2008, at 6.00 p.m.** at the Council House.

Present

Councillor M.G. Pitt (Mayor) in the Chair

Councillor T.G. Ansell (Deputy Mayor)

“ A.J.A. Andrew
“ D.A. Anson
“ M. Arif
“ C.M. Ault
“ J.M. Barton
“ L.A. Beeley
“ Mrs. J. Beilby
“ M.A. Bird
“ C. Bott
“ P. Bott
“ B. Cassidy
“ K. Chambers
“ A.G. Clarke
“ S.P. Coughlan
“ C.U. Creaney
“ B.A. Douglas-Maul
“ M. D. Flower
“ A.E. Griffiths
“ A.D. Harris
“ L.A. Harrison
“ E.F. Hughes
“ P.F. Hughes
“ A.D. Johnson
“ H. Khan
“ M. Longhi
“ S.W. Madeley

Councillor Mrs. C. Micklewright

“ Mrs. B.V. McCracken
“ Mushtaq Ahmed
“ M. Nazir
“ J.G. O'Hare
“ T.S. Oliver
“ A.J. Paul
“ G. Perry
“ J.D. Phillips
“ K. Phillips
“ D.J. Pitt
“ I.C. Robertson
“ J. Rochelle
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ P.E. Smith
“ C.D.D. Towe
“ D.J. Turner
“ W.T. Tweddle
“ A. Underhill
“ R.A. Walker
“ V.G. Woodruff
“ M. Yasin
“ P.A. Young
“ Zahid Ali

78. **Apologies**

Apologies for absence were submitted on behalf of Councillors Cook and Mrs. E.E. Pitt.

79. **Minutes**

Resolved

That the minutes of the meeting held on 5th November 2007, copies having been sent to each member of the Council be approved as a correct record and signed.

80. **Declarations of interest**

The following members declared their interest in the items indicated:

Councillor Arif	Item 16 – Member of the Koubar Friendship Committee
Councillor Sears	Acorn Home Care

81. **Mayor's announcements**

(1) **New Year Honours**

The Mayor on behalf of the Council congratulated the following persons who had received honours in the New Year list 2008:

Elizabeth Mary Buggins (CBE)	Chair, NHS West Midlands – services to healthcare
Nina Dawes (OBE)	Chief Executive, Lichfield – services for local government and flood rescue in Staffordshire
Jeanne Monckton (OBE)	Lately Head Teacher of Watling Street Primary School – services to education
George Terence Edis (MBE)	Chair, National Federation of Tenant Management Organisations – services to community in Walsall
John Charles Howard Oaker (MBE)	Lately Deputy Head Teacher Alumwell Junior School – services to education

(2) Councillor Cook

The Mayor informed the Council that Councillor Cook had broken his leg in the period before Christmas and expressed his wishes for a speedy recovery.

82. Petitions

Councillor Barton presented a petition relating to objections to building within the recognised boundaries of Reedswood Park.

83. Questions from members of the Council

(1) Walsall Society of Artists

Councillor Oliver asked the following question of Councillor O'Hare:

Has the Leader of the Council yet issued an apology for statements made at the Council meeting on 10th September 2007, as requested by the Walsall Society of Artists?

Councillor O'Hare informed the Council that he had written to the Chairman of the Society but that the letter was not an apology.

Councillor Oliver asked the following supplementary question:

The response stated that a significant number of artists did not come from the borough and does not this attitude therefore display a failure by the Leader and his administration to support the voluntary sector in the town?

Councillor O'Hare replied that our commitment is much greater than that given by comparable boroughs. The facilities offered are free of charge and first class which more than underpins our support.

(2) European Social Fund grants

Councillor Robertson asked the following question of Councillor Andrew:

What assurances can you give that the Programme Performance Management Board are successfully monitoring progress and success of the use of European Social Fund grants by this Council and will you make public the records of their meetings with decisions made and if there is any change in profiling what effect will this have on the community and voluntary sector?

Councillor Andrew said that the Walsall European Programmes and Performance Board is chaired by Tim Johnson, Executive Director with members from the Learning and Skills Council, the Teaching Primary Care Trust, West Midlands Police and officer support from economic regeneration, finance, neighbourhood partnerships and programmes. The remit is to ensure that organisations in receipt of European funds deliver their contracted outputs and outcomes. They have in the past, as part of their overall monitoring role held organisations to account by inviting them to attend the board meetings and explain how their current performance will be brought back on track. It is made clear to organisations that funding can be reduced and/or withdrawn if they cannot deliver their contracted targets. Records of board meetings are kept and retained as evidence in order to ensure that the Council is meeting the rules and regulations of the European Commission. These records are retained in the programme team office and can be obtained from members of the team. Councillor Andrew went on to say that they would be available on the Council's website in future.

Regular performance reviews are held between the programme management team in the Council and Government Office West Midlands. The purpose of these meetings is to provide evidence to GOWM that the two European programmes running in Walsall are meeting their output and spend targets and profiles.

Re-profiling of funds can be requested by the organisation in receipt of the EU funding or by the Council. This occurs by negotiation with the primary aim of ensuring targets (spend and outputs) as set out in the contract can be achieved.

Councillor Robertson asked the following supplementary question:

Would you agree that the normal split in the Objective 2 plan of ERDF to matched funds is 45-55% and that there are projects where only 20% of ERDF funds have been allocated leaving a serious shortfall of £1 million for which this Council is liable as the accountable body and also there may be similar over-commitment in the co-financing plan as revealed by the current audit of WMBC by Government Office West Midlands?

Councillor Andrew replied that he did not have this information to hand but that he would arrange for this to be sent in writing to Councillor Robertson within the next 7 days.

(3) Radio interview re: Peter Francis Case

Councillor Cassidy asked the following question of Councillor O'Hare:

Will the Leader please explain why he took the decision to deny the BBC Radio 4 File On Four team an interview following the full Council meeting held on 27th September to debate the Peter Francis affair; furthermore, can he tell us why his initial response was to grant an interview then withdraw only to re-grant and refuse again at a later date?

Councillor O'Hare replied that he took advice of professional officers.

(4) NRF grant

Councillor Robertson asked the following question of Councillor Griffiths:

Do you accept that a requirement of receipt of NRF grant for 2006/2007 was that the Chief Internal Auditor complete a certificate confirming that the statement of use "in all material respects, fairly presents the eligible expenditure in the specified period in accordance with the definitions and conditions in this determination" and therefore has the Chief Internal Auditor been able to complete such a certificate and if he has how did he come to his judgement. For example is he able to explain how each project listed for funding in 2006/2007 supported the aims of NRF in reducing the gap between the poorest residents and the rest?

Councillor Griffiths replied that he did not accept the Councillor's proposition, though he did understand his confusion in this matter. The Neighbourhood Renewal Fund grant requirements laid out the grant conditions applicable to those NRF areas which included their NRF in local agreements (i.e. pooling). It required under paragraph 13 that the recipient authority's Chief Internal Auditor shall prepare and submit to the Government Office an annual audit report. Under annex B of this grant determination, that is grant conditions applicable to those neighbourhood renewal fund areas which are not including their NRF in local area agreements there is no requirement for an annual audit report. The Department for Communities and Local Government confirmed for Walsall for 2006/2007 that NRF had not been pooled with local area agreements and there was therefore no requirement for an annual audit report for NRF in 2006/2007.

Councillor Robertson asked the following supplementary question:

Do you accept that in the NRF report it is stated that the target of 30% of schools achieving 5+ GCSE grade A to C 94% of pupils achieved this both in 2002/2003 and in 2005/2006. However, how do you explain the latest figures showing the 2006 target was only achieved by 72% of pupils and in 2008 only 50% achieved this target? And that this shows why not targeting the NRF money to the disadvantaged children in my ward has not given them the support they needed?

Councillor Griffiths replied that he did not have the answer to hand but would supply this to Councillor Robertson within the next few days.

84. Mayoralty 2008/2009

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

Resolved

That Councillor T.G. Ansell be nominated as Mayor of the Walsall Metropolitan Borough Council for the Municipal Year 2008/2009.

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

Resolved

That Councillor Mrs. C. Micklewright be nominated as Deputy Mayor of the Walsall Metropolitan Borough Council for the Municipal Year 2008/2009.

85. **Neighbourhood Renewal Fund**

The report of the Regeneration Scrutiny and Performance Panel was submitted.

It was **moved** by Councillor D. Pitt and seconded by Councillor Bird:

- (1) That the following recommendation of the Regeneration Scrutiny and Performance Panel be noted;

“Following consideration of the Executive report on the use (past and present) of Neighbourhood Renewal Fund (NRF) the Regeneration Scrutiny and Performance Panel find that NRF has been clearly spent and accounted for. The Panel accepts that the administration of NRF was flawed in its early years and that these problems have been addressed and there are no missing millions.”

- (2) That the Executive report be noted.

Amendment moved by Councillor Oliver and seconded by Councillor Coughlan:

That in receiving the report of the Regeneration Scrutiny and Performance Panel into Neighbourhood Renewal Fund, this Council:

- notes that Walsall Council is the accountable body for Neighbourhood Renewal Fund programme, monitoring and spend.
- notes the consensus that the administration of the Neighbourhood Renewal Fund was “flawed in its early years”.
- notes that a number of reports, including several produced by the Council’s internal audit function, conclude that there is not a proper audit trail relating to significant amounts of Neighbourhood Renewal Fund spend.
- therefore does not accept that there is sufficient evidence to conclude that the multi-million Neighbourhood Renewal Fund budget was spent for best purpose to tackle inequalities and the needs of the most disadvantaged communities in our borough.

- congratulates Peter Francis on the stance he took to expose this maladministration and formally apologises to him for his subsequent treatment.
- notes that no necessary and appropriate remedial action has been taken – at the time or subsequently – in relation to those responsible for this flawed administration.
- resolves to co-operate fully with any further investigation which may be undertaken by external bodies.

On being put to the vote the amendment was declared lost – the voting at the request of several members of the Council be recorded as follows:

**For the amendment -
24 members**

Cllr: Oliver
I. Shires
Anson
Barton
C. Bott
P. Bott
Cassidy
Chambers
Coughlan
Creaney
P. Hughes
Johnson
Khan
Madeley
Nazir
J. Phillips
K. Phillips
Robertson
Saroji
D.A. Shires
Smith
Underhill
Woodruff
Young

**Against the amendment -
31 members**

Cllr: O'Hare
Ahmed
Andrew
Ansell
Arif
Ault
Beeley
Beilby
Bird
Clarke
Douglas-Maul
Flower
Griffiths
Harris
Harrison
E. Hughes
Longhi
McCracken
Micklewright
Paul
Perry
D.J. Pitt
M.G. Pitt
Rochelle
Sears
Towe
Turner
Tweddle
Walker
Yasin
Zahid

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

Resolved

- (1) That the following recommendation of the Regeneration Scrutiny and Performance Panel be noted;

“Following consideration of the Executive report on the use (past and present) of Neighbourhood Renewal Fund (NRF) the Regeneration Scrutiny and Performance Panel find that NRF has been clearly spent and accounted for. The Panel accepts that the administration of NRF was flawed in its early years and that these problems have been addressed and there are no missing millions.”

- (2) That the Executive report be noted.

86. Welfare Rights Service

The report of the Corporate Scrutiny and Performance Panel was submitted.

It was **moved** by Councillor Longhi and seconded by Councillor Flower:

That the draft business case for the transfer of the Welfare Rights Service to charitable trust status be endorsed.

Amendment moved by Councillor E. Hughes and duly seconded:

That the Council notes the report and recommendations of the Corporate Scrutiny Panel and requests that Cabinet when determining the matter gives consideration to those recommendations in the light of the cessation of NRF funding.

On being put to the vote the **amendment** was declared carried and became the **substantive motion**.

Further **amendment** moved by Councillor J.D. Phillips and seconded by Councillor Oliver:

That this Council endorse this report and recommends Cabinet to adopt its recommendations at the earliest opportunity.

Council note the conclusions of the all party Corporate Scrutiny Committee were approved unanimously by that Committee and bearing in mind the possibilities of redundancies to staff in the Welfare Rights Unit, recognises that action needs to be taken urgently to retain the expertise of the staff so that an independent Welfare Rights Service can prosper and expand to best serve the people of Walsall.

On being put to the vote the amendment was declared lost – the voting at the request of several members of the Council being recorded as follows:

**For the amendment -
23 members**

Cllr: Oliver
I. Shires
Anson
Barton
C. Bott
P. Bott
Cassidy
Chambers
Coughlan
Creaney
P. Hughes
Khan
Madeley
Nazir
J. Phillips
K. Phillips
Robertson
Sarohi
D.A. Shires
Smith
Underhill
Woodruff
Young

**Against the amendment -
31 members**

Cllr: O'Hare
Ahmed
Andrew
Ansell
Arif
Ault
Beeley
Beilby
Bird
Clarke
Douglas-Maul
Flower
Griffiths
Harris
Harrison
E. Hughes
Longhi
McCracken
Micklewright
Paul
Perry
D.J. Pitt
M.G. Pitt
Rochelle
Sears
Towe
Turner
Tweddle
Walker
Yasin
Zahid

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

Resolved

That the Council notes the report and recommendations of the Corporate Scrutiny Panel and requests that Cabinet when determining the matter gives consideration to those recommendations in the light of the cessation of NRF funding.

87. Independent member on Standards Committee

The report was submitted.

It was **moved** by the Mayor, duly seconded and:

Resolved

That Mrs. Harjan Bashir be appointed as an independent member to the Standards Committee for a period of three years until the end of the municipal year 2009/10.

88. Appointment of Electoral Registration Officer, Returning Officer and Deputy Electoral Registration Officer

The report was submitted.

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

Resolved

- (1) That the Chief Executive, Mr. Paul Sheehan, be appointed Electoral Registration Officer and Returning Officer for the District in accordance with the requirements of the Representation of the People Act, 1983, with effect from 7th January 2008.
- (2) That the Electoral Service Manager, postholder, be appointed the Deputy Electoral Registration Officer to determine objections and reviews.
- (3) That in the event that the postholder is unable to perform the role for any reason, the Assistant Electoral Services Manager be appointed to perform the role and duties of the Deputy Electoral Registration Officer.

89. Standing Advisory Council for Religious Education (SACRE) Annual Report

The report was submitted.

It was **moved** by Councillor Zahid Ali, duly seconded and:

Resolved

That the Annual Report of the Standing Advisory Council for Religious Education be received and noted.

90. **Notice of motion – Excessive packaging**

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

That this Council welcomes the growing concern and consensus at the damaging and wasteful impact on our environment of excessive and unrecyclable packaging.

We note that:

- A recent research shows that up to 40% of household shopping cannot be recycled and that 5% of the total weight of shopping baskets is packaging.
- The lowest levels of packaging and highest proportion of recyclables are through independent retailers and markets, whilst despite efforts already being made it is in supermarkets and large chains stores where most urgent action is needed.

The Council therefore resolves:

- To publicly campaign for a reduction in packaging and “throwaway” non-degradable plastic bags.
- To work with retailers to target consumers in shops as they are making their choices.
- To contact all supermarkets/chains operating in the Borough seeking their co-operation, comments and policies.

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

Resolved

That this Council welcomes the growing concern and consensus at the damaging and wasteful impact on our environment of excessive and unrecyclable packaging.

We note that:

- A recent research shows that up to 40% of household shopping cannot be recycled and that 5% of the total weight of shopping baskets is packaging.
- The lowest levels of packaging and highest proportion of recyclables are through independent retailers and markets, whilst despite efforts already being made it is in supermarkets and large chains stores where most urgent action is needed.

The Council therefore resolves:

- To publicly campaign for a reduction in packaging and “throwaway” non-degradable plastic bags.

- To work with retailers to target consumers in shops as they are making their choices.
- To contact all supermarkets/chains operating in the Borough seeking their co-operation, comments and policies.

91. **Notice of motion – Canal restoration**

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

That this Council notes:

- (1) the proven major economic and regeneration benefits of canal restorations that result from the ability to accommodate volumes of through canal cruising traffic;
- (2) that the Borough of Walsall's links to national canal network are poor, and the scope for through cruise navigation traffic is nil, as its northward connections between Ogley Junction and Huddlesford (the "Lichfield Canal"), and the Hatherton Branch of the Staffordshire and Worcestershire Canal were severed many years ago;
- (3) that the Lichfield and Hatherton Canals Restoration Trust has been campaigning for a number of years to achieve the restoration of these two canal links;
- (4) the Trust's many successes on the ground, in particular the negotiation and construction of two toll motorway crossings, a navigable culvert at Churchbridge, and an aqueduct north of Brownhills, thus conserving the possibility of the future restoration of these canals when this can be achieved;
- (5) that the Council have recently met with representatives of the Trust.

The Council accordingly:

- (1) confirms its policy position as being supportive of the restoration of the said canal links, in recognition both of the regeneration benefits to Brownhills and the whole Borough, and the enhanced leisure and employment opportunities for local people that restoration will bring;
- (2) accordingly expresses its in-principle support for the aims and work of the Canal Restoration Trust;
- (3) requests that further discussions take place aimed at:
 - (i) identifying and budgeting for a modest amount of grant aid, for example, from regeneration funds, to demonstrate tangible support for the Trust's ongoing work;

- (ii) with LHCRT, taking the initiative in seeking to create a wider partnership of interested parties to take the restoration project to the next level, involving the following: the British Waterways Board; Staffordshire County Council; Cannock Chase, Lichfield and South Staffordshire District Councils; the Inland Waterways Association; and any others as deemed appropriate by the partners;
- (iii) taking forward, with partners, an up-to-date feasibility report, to include an economic impact assessment, of the restoration of the Brownhills - Lichfield canal, similar in scope to the Arups' 2006 study for the Trust of the Hatherton Canal Restoration.

Amendment moved by Councillor Andrew and duly seconded:

That everything after paragraph 3 be deleted and replaced with the following:

- (4) that the Lichfield and Hatherton Canals Restoration Trust has undertaken considerable practical work in restoring stretches of redundant canal.
- (5) that serious and practical environmental problems relating to the restoration of the canals remain unresolved.
- (6) that the proposed line of the Hatherton Branch remains unresolved.
- (7) that it will not make planning policy on the hoof and will follow government guidelines through the Joint Core Strategy process.

The Council accordingly: -

- (1) Condemns Government for the huge slash in funding for British Waterways to fund canal projects, putting miles of canal at risk
- (2) confirms that, in principle, it is very supportive of the restoration of the canal restoration proposals and will continue support the inclusion of this project within the Joint Core Strategy and Walsall Local Development Framework and will encourage other authorities to support its inclusion providing that:-
 - (a) There will be no adverse impact on the Cannock Extension Canal Special Area of Conservation, a site recognised as important in law by the European Union and UK Government.

- (b) Water could be supplied to the restored canals without an adverse environmental impact and to be agreed with by government agencies such as Natural England and the Environment Agency.
- (c) An environmentally acceptable route for the Hatherton Branch restoration can be agreed in consultation with government agencies, such as Natural England and the Environment Agency.
- (d) all other environmental issues which may arise in the future are also resolved.

During the course of the proceedings, it was **moved** by Councillor Oliver and duly seconded:

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

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

Resolved

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

On being put to the vote the **amendment** was declared carried and became the **substantive motion**.

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

Resolved

That this Council notes:

- (1) the proven major economic and regeneration benefits of canal restorations that result from the ability to accommodate volumes of through canal cruising traffic;
- (2) that the Borough of Walsall's links to national canal network are poor, and the scope for through cruise navigation traffic is nil, as its northward connections between Ogley Junction and Huddlesford (the "Lichfield Canal"), and the Hatherton Branch of the Staffordshire and Worcestershire Canal were severed many years ago;
- (3) that the Lichfield and Hatherton Canals Restoration Trust has been campaigning for a number of years to achieve the restoration of these two canal links;

- (4) that the Lichfield and Hatherton Canals Restoration Trust has undertaken considerable practical work in restoring stretches of redundant canal.
- (5) that serious and practical environmental problems relating to the restoration of the canals remain unresolved.
- (6) that the proposed line of the Hatherton Branch remains unresolved.
- (7) that it will not make planning policy on the hoof and will follow government guidelines through the Joint Core Strategy process.

The Council accordingly: -

- (1) Condemns Government for the huge slash in funding for British Waterways to fund canal projects, putting miles of canal at risk
- (2) confirms that, in principle, it is very supportive of the restoration of the canal restoration proposals and will continue support the inclusion of this project within the Joint Core Strategy and Walsall Local Development Framework and will encourage other authorities to support its inclusion providing that:-
 - (a) There will be no adverse impact on the Cannock Extension Canal Special Area of Conservation, a site recognised as important in law by the European Union and UK Government.
 - (b) Water could be supplied to the restored canals without an adverse environmental impact and to be agreed with by government agencies such as Natural England and the Environment Agency.
 - (c) An environmentally acceptable route for the Hatherton Branch restoration can be agreed in consultation with government agencies, such as Natural England and the Environment Agency.
 - (d) all other environmental issues which may arise in the future are also resolved.

92. **Notice of motion – Koubar in Palestine**

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

That this Council is pleased to note the recent visit to our Borough by a delegation from Koubar in Palestine, which was welcomed to Walsall by the Mayor, the Labour Group and the Liberal Democrat Group. We would therefore send a message of friendship to the people of Koubar on behalf of the Council, and our hopes toward a just and peaceful solution for a land in turmoil.

Amendment moved by Councillor McCracken and duly seconded:

That this Council congratulates the Walsall Friends of Koubar for organising this non-party political visit to our borough which was welcomed to Walsall by the Mayor. We would therefore send a message of friendship to the people of Koubar on behalf of the Council, and our hopes toward a just and peaceful solution for all communities in a land of turmoil.

Councillor Oliver said that he was prepared to accept the **amendment** which was put to the vote as the **substantive motion** and declared carried and it was:

Resolved

That this Council congratulates the Walsall Friends of Koubar for organising this non-party political visit to our borough which was welcomed to Walsall by the Mayor. We would therefore send a message of friendship to the people of Koubar on behalf of the Council, and our hopes toward a just and peaceful solution for all communities in a land of turmoil.

The meeting terminated at 9.10 p.m.