



Walsall Council

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 15th January, 2007, at 6.00 p.m.** at the Council House.

Present

Councillor Mrs. B.V. McCracken (Mayor) in the Chair

Councillor M.G. Pitt (Deputy Mayor)

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

Councillor S.W. Madeley

“ Mrs. C. Micklewright
“ M. Nazir
“ J.G. O’Hare
“ T.S.Oliver
“ A.J. Paul
“ G. Perry
“ J.D. Phillips
“ K. Phillips
“ D.J. Pitt
“ Mrs. E.E. Pitt
“ I.C. Robertson
“ R.S. Robinson
“ J. Rochelle
“ B. Sanders
“ H.S. Sarohi
“ K. Sears
“ Mrs. D.A. Shires
“ I. Shires
“ C.D.D. Towe
“ D.J. Turner
“ W.T. Twedde
“ A. Underhill
“ R.A. Walker
“ G. Wilkes
“ V.G. Woodruff
“ M. Yasin
“ Zahid Ali

64. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Harris, Martin and Young.

65. **Minutes**

Resolved

That the minutes of the meeting held on 6th November 2006 copies having been sent to each member of the Council be approved as a correct record and signed.

66. **Declarations of interest**

Councillor Sears declared a personal interest in Acorn Home Care.

67. **Mayor's announcements**

(a) **Councillor Sears 30 years service**

The Mayor informed the Council that Councillor Ansell would be making a presentation to Councillor Sears to mark his 30 years of service as member of the Council. The presentation would take place following this announcement and before the commencement of formal business.

(b) **Award of honours**

The Mayor referred to the awards of MBE in the Queen's New Years Honours list to Sonia Dickson and Tom Perrett. She went on to say that Sonia Dickson had been awarded an MBE for her commitment to helping set up a thriving reading group and her commitment to her role as the African and Caribbean services manager for Walsall Council and Tom Perrett had been awarded his MBE for his services to the community through being Chair of Walsall New Deal for Communities.

(c) **Brian Ellwood**

The Mayor announced to the Council that Brian Ellwood who had completed 23 year service as Curator to the Council would be retiring shortly from his position. She went on to thank him for his many year service and these sentiments were echoed by several members of the Council.

68. **Urgent item of business – Report of the Social Care and Inclusion Scrutiny and Performance Panel – Community meals service**

The Mayor announced that she intended to allow an urgent item of business which would be taken before ordinary business to enable the people present in the gallery to hear the debate. She went on to say that in accordance with the Scrutiny procedure rules this matter had to be considered within 28 days of the meeting of the panel which was held on 11 January 2007. She gave the reason for allowing this item as an urgent item in order to avoid the unnecessary expense of calling a special meeting of the Council before the expiry of the said period and that there was not another meeting of the Council scheduled to take place until the 26 February 2007.

69. **Long service award to Councillor Sears**

Councillor Ansell said that he was delighted to present an award to Councillor Sears this evening in recognition of over 30 years service as a member of the Council. He said this was a staggering achievement and demonstrated his dedication to the borough and its people. During this time Councillor Sears had the honour and privilege of being Mayor. Councillor Ansell congratulated Councillor Sears and thanked him on behalf of the people of Walsall.

Councillor Sears thanked the Leader for his kind words and said that he was proud to be honoured in this way. He went on to thank the people of the Aldridge North and Walsall Wood for their support together with that of his wife.

70. **Community meals service**

The report was submitted.

It was **moved** by Councillor Oliver and duly seconded:

This Council calls upon the Cabinet to reconsider pursuing all (legal and imaginative) avenues to ensure that users of our meals-on-wheels service retain the option for a freshly (prime) cooked daily meal.

Councillor Paul said that he had been advised that it was within the policy framework for the Council to provide meals on wheels and this service had in fact been carried out for some considerable time. The decision as to how these meals are provided was a decision for the Cabinet to make and was within budget. He went on to say that he had been advised that in the circumstances the option available to the Council tonight was to refer this matter back to Cabinet for reconsideration and this would be done taking into account the views set out in the scrutiny report.

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

Resolved

That this Council calls upon the Cabinet to reconsider pursuing all (legal and imaginative) avenues to ensure that users of our meals-on-wheels service retain the option for a freshly (prime) cooked daily meal.

71. Petitions

The following petitions were submitted:

- (1) Councillor Barton – Installation of puffin pelican crossing by ambulance station on Bloxwich Lane.
- (2) Councillor I. Shires – against the proposed Vodaphone base station at 74 Cannock Road.
- (3) Councillor Burley – removal of double yellow lines on south side of Pinfold Street between Blackhorse Close and 24C Pinfold Street.
- (4) Councillor Creaney – alternate access to and from Willenhall Trading Estate onto the Keyway.
- (5) Councillor M.G. Pitt – repair/resurface of Aspen Grove, Woodlands Estate, Short Heath.

72. Questions by members of the Council

(1) Brownhills Eastern By-Pass

Councillor Cassidy asked the following question of Councillor Ansell:

Following the failure of the Council's original proposals for the Brownhills Eastern By-Pass and recent press statements by the Leader of the Council, that there is now an alternative route, could you please outline to the Council details of this alternative route and its associated environmental impact?

Councillor Ansell replied that there were several options for an alternative route for the Brownhills By-Pass. However assessment of the options available to us have been complicated by a recent decision of the Department for Transport about the development of major schemes. Councils now have to do much more work up front to assess the risks related to a scheme and will have to contribute up to one quarter of the overall cost of each project. This meant that we will in future have to find extra sums of money to pay for major new transport schemes such as the Brownhills By-Pass.

At present we do not have the funding to support the development of all the major schemes that the Council has listed in the Local Transport Plan and therefore needed to prioritise the major ones which we wanted to focus our attention on over the next 5 years. This was currently underway and would be reported to Cabinet in March as part of the West Midlands Local Transport Plan. This would, of course, need to take account of the amount we can afford.

Councillor Cassidy asked the following supplementary question:

Where does the Brownhills By-Pass come in order of priority?

Councillor Ansell referred to his previous reply where he said that work to prioritise major schemes was currently underway and would be reported to Cabinet in March.

(2) **Peter Francis case**

Councillor Oliver asked the following question of Councillor Ansell:

Could the Leader of the Council inform us of progress towards publication of the report commissioned by Walsall Council into the Peter Francis case and related issues, and also to the District Auditor's investigation?

Councillor Ansell said that the District Auditor has recently written to all group leaders and informed them that he has concluded reviewing all of the documentary material and interviewing witnesses in connection with his investigation. Production of a first draft of his report was delayed due to difficulties in meeting with all relevant individuals. A draft has now been produced and he is currently seeking advice upon the report from his lawyers and within the Audit Commission on its contents. He hopes to be a position to seek comments from interested parties within the next few weeks and thereafter issue his report.

With respect to the Independent investigation that I commissioned, the investigator has produced a draft which was delayed for similar reasons as the District Auditors. Due to the nature of the report he too is currently taking independent legal advice upon its contents and hopes to be position shortly when he can issue the report.

Both reports are close to being issued. Once they have been issued it will allow both reports to be considered together as they are complimentary and it will provide an opportunity for all members to have the facts before them and the recommendation proposed by both authors. Together they will provide a mechanism for an informed debate and the actions to be taken as a result.

Councillor Oliver asked the following supplementary question:

Will the Leader guarantee his support to ensure that the full content will be made available to the public in order to allow us to make up our own minds.

Councillor Ansell replied that he had no control over the District Auditor's report.

73. By-election result

The Council noted the result of the by-election for the Aldridge North and Walsall Wood ward held on 23rd November 2006:

Name of candidates	Votes cast	Candidate elected
Bugler, Dominic Marsh James	160	
Flower, Michael David	1157	
Greveson, Mark Robert	132	Michael David Flower
Lenton, Anthony	309	
Pearson, Ian	222	

74. Mayoralty 2007/2008

It was **moved** by Councillor Ansell, duly seconded and:

Resolved

That Councillor M.G. Pitt be nominated as Mayor of the Walsall Metropolitan Borough Council for the Municipal Year 2007/2008.

It was **moved** by Councillor J.G. O'Hare, duly seconded and:

Resolved

That Councillor T.G. Ansell be nominated as Deputy Mayor of the Walsall Metropolitan Borough Council for the Municipal Year 2007/2008.

75. Statement by the Leader re: Employment Tribunal matters

Councillor Ansell said that on 4th December two special Cabinet meetings were held to discuss the approach to be taken by the Council at an Employment Tribunal that had commenced that day. In the spirit of openness that I have committed to in all dealings on this matter, in addition to the requirement under the Constitution which requires me make a statement to the next available full Council, I wish to make a statement on that case.

On 24th May last year I made a comprehensive statement to the Council regarding the Peter Francis case and do not intend to repeat the detail provided then. Additionally, I have already responded to questions providing information on the enquiries being conducted by the District Auditor and the Independent Inquiry that I undertook to commission.

I stated in May that the assessment of the level of compensation was a complex and subjective matter and we would be taking the advice of our barrister. Further that the council had no plans at that stage to settle the case.

The case was due to commence at the tribunal on Monday 4th December for a five day hearing. Prior to the hearing date the Council's advisors were approached by Mr Francis' advisor seeking to negotiate a settlement. There is nothing unusual about this as between 70 – 80 % of cases are resolved without the tribunal having to make an order. The Council could not refuse to hold discussions on settlement if they held the possibility of reaching an agreement for a sum less than the tribunal may have awarded and our costs in servicing a 5 day hearing with expert witnesses, a barrister and solicitors.

The Council's barrister and external solicitors provided detailed advice which essentially gave best and worst case outcomes and it was decided that the Council should commence negotiations with Mr Francis' advisors to establish what Mr Francis would be prepared to settle the claim for. Negotiations continued for several days and agreement could not be reached by the time of the hearing.

A cabinet meeting was called for the Monday morning when the cabinet were provided with the barristers advice. The interim Chief Executive with our legal team were at the tribunal awaiting a decision from the cabinet informing them what if any the negotiating limit was. The cabinet resolved

- (1) That the Interim Chief Executive (client officer), be authorised on behalf of the Council to instruct Counsel to continue, if possible, to negotiate settlement of this matter, where Counsel has advised that the settlement figure is in the best interests of the Council, subject to recommendation (2);
- (2) That an overall settlement be negotiated in relation to the outstanding claim, subject to an overall maximum (gross) payment of £280,000 (plus grossing up costs and allied expenses), including making the necessary payments and administrative arrangements.

The team negotiated with Mr Francis's advisor during the course of the morning and the gap between the parties gradually became smaller however by midday no agreement had been reached.

A further cabinet meeting was called for 2 o'clock the same day. The cabinet were briefed on the progress made so far and what our barrister and the external solicitor believed to be Mr Francis's final offer of settlement. Our barrister and external solicitor had advised that the figure was well within a range of values that he considered would be in the Council's interests to settle. The cabinet resolved

That the interim Chief Executive (client officer), be authorised on behalf of the Council to negotiate settlement in the sum of £298,200 plus ancillary costs as illustrated in the schedule circulated to include a figure capped at £7,400 for cognitive behavioural therapy.

Details of the settlement have already been widely published, some more accurate than others. Despite what the papers have reported, in May Mr Francis had already decided not to pursue his whistle blowing claims and reached an economic settlement, where the council agreed to pay him £30,000 without admission of liability on the basis it was cheaper for the Council to settle the claim than defend it over ten days at the tribunal.

Thus his outstanding claims were under the DDA and unfair dismissal. The Council had already paid £35,000 for injury to feeling and aggravated damages in May. In December the Council agreed to settle the claims for £584,000. This included the £25,000 paid on account in May and included sums for Mr Francis legal costs which were claimed to be in the region of £95,000 and also his tax liability. Additionally the Council agreed to pay up to £7400 for medical treatment and counselling. The sum paid to Mr Francis was considerably less than the amount he had originally sought from the Council.

I appreciate that Members will wish to discuss this matter. I would urge members that the best time to do that is when the DA's report and the independent report have been issued. This would allow for a fully informed debate following the consideration of the facts, conclusions of the DA and the independent investigator, and also consideration of actions that may arise from reports and thus allowing for the matter to be considered as a whole.

The Mayor reminded the Council that this was a statement by the Leader and that the Constitution did not allow for any discussion.

76. **Members' allowances**

The report was submitted.

It was **moved** by Councillor Ansell and duly seconded:

- (1) That the Council note the recommendations of the Independent Review Panel and thanks them for their work in producing a report.
- (2) That the Council approves a scheme of allowances to be implemented from 1 April 2007.
- (3) That the Council agrees the specified annual inflator (paragraph 11.2 of the IRP report) to be applied to the scheme and that authority be delegated to the Chief Finance Officer to undertake all necessary steps to implement the same.

- (4) That the Council delegates authority to the Monitoring Officer to advertise, in a form that he is content with, the new scheme of allowances and payments made thereunder, as required under statute this year and each year thereafter.

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

Resolved

- (1) That the Council note the recommendations of the Independent Review Panel and thanks them for their work in producing a report.
- (2) That the Council approves a scheme of allowances to be implemented from 1 April 2007.
- (3) That the Council agrees the specified annual inflator (paragraph 11.2 of the IRP report) to be applied to the scheme and that authority be delegated to the Chief Finance Officer to undertake all necessary steps to implement the same.
- (4) That the Council delegates authority to the Monitoring Officer to advertise, in a form that he is content with, the new scheme of allowances and payments made thereunder, as required under statute this year and each year thereafter.

77. High Hedges

The report was submitted.

Resolved

That the arrangements for dealing with requests made under Section 8 of the Anti-Social Behaviour Act 2003, including a set of delegations to officers as set out in Appendix 2 of the report, be approved.

78. Standing Advisory Council for Religious Education (SACRE)

The report was submitted.

Resolved

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

79. **Welfare Rights Services**

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

It was **moved** by Councillor Griffiths and duly seconded:

That it be noted that consultants are to be engaged to undertake a comprehensive options appraisal to identify whether it is in the best interests of Walsall Council for the Welfare Rights Service to become an Independent Trust.

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

Resolved

That it be noted that consultants are to be engaged to undertake a comprehensive options appraisal to identify whether it is in the best interests of Walsall Council for the Welfare Rights Service to become an Independent Trust.

80. **Changes in membership of Committees**

Resolved

That the following changes in membership be noted:

- (a) Audit Committee –Councillor Khan has replaced Councillor Chambers for the remainder of the municipal year with effect from 6th November 2006.
- (b) Children and Young People Scrutiny and Performance Panel – Councillor Arif has replaced Councillor Bird as Chairman for the remainder of the municipal year with effect from 15th November 2006.

81. **Notice of motion – Fly posting**

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

The Council recognises the importance of the appearance of the street scene to the citizens perception of tidiness; fly posting whether authorised or not, is a major contributor to this.

To improve the street scene and improve the environment, the political groups and all candidates will, from today, not affix or erect any posters seeking election for a candidate to the Council within the Borough.

Further, if such posters are placed upon street furniture belonging to the Council, it authorises all officers of the Council to remove the same. Also, the Council requests the Chief Executive to contact all of the Council's partner organisations to seek their commitment to remove any election posters that may be attached to their assets within the Borough.

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

Resolved (Councillor Bott voting against)

That the Council recognises the importance of the appearance of the street scene to the citizens perception of tidiness; fly posting whether authorised or not, is a major contributor to this.

To improve the street scene and improve the environment, the political groups and all candidates will, from today, not affix or erect any posters seeking election for a candidate to the Council within the Borough.

Further, if such posters are placed upon street furniture belonging to the Council, it authorises all officers of the Council to remove the same. Also, the Council requests the Chief Executive to contact all of the Council's partner organisations to seek their commitment to remove any election posters that may be attached to their assets within the Borough.

82. Notice of motion – Walsall – Brownhills – Lichfield rail link

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

This Council:

- (a) confirms its policy position as being that it wishes to see the re-instatement of the Walsall – Brownhills – Lichfield rail link, so restoring Rushall, Pelsall and Brownhills to the national rail network and improving rail links to/from the north-east for the whole of the Borough;
- (b) agrees that the strategy for building towards this longer-term goal should be to urgently develop a project for an early intermediate form of rail-based transport for the Walsall – Brownhills corridor using light-rail technology;
- (c) considers that the proposal of Centro's consultants for a bus-based approach to this corridor is inadequate to meet the needs and aspirations of WMBC and of local people, who wish to see a segregated rail link based largely on the track bed of the Walsall – Brownhills line;
- (d) notes that the Parry People Mover has been in successful service on the national rail network, having provided a reliable, cost-effective, popular and environmentally-friendly Sunday rail service on the Stourbridge town branch;

- (e) resolves, in the light of the foregoing, to accept in principle the offer of JPM Parry and Associates, Cradley Heath, to develop project proposals for a Parry People Mover-based light rail link between Walsall and Brownhills in the first instance, and instructs officers to discuss and agree with the company the terms of the study, based on the appended draft proposal from Parry Associates, so as to have the work carried out and completed at the earliest possible date.

Amendment moved by Councillor Andrew and seconded by Councillor Clarke:

That paragraphs (c) and (e) be deleted and the following new paragraph inserted:-

The Council refers this issue to the Regeneration Scrutiny Panel Working group on Rail Transport and asks that they incorporate this issue into their research and discussions regarding the development of a borough wide rail transport policy. The Council asks that they include their findings in their final policy report.

On being put to the vote the amendment was declared carried

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

Resolved

That this Council:

- (a) confirms its policy position as being that it wishes to see the re-instatement of the Walsall – Brownhills – Lichfield rail link, so restoring Rushall, Pelsall and Brownhills to the national rail network and improving rail links to/from the north-east for the whole of the Borough;
- (b) agrees that the strategy for building towards this longer-term goal should be to urgently develop a project for an early intermediate form of rail-based transport for the Walsall – Brownhills corridor using light-rail technology;
- (c) notes that the Parry People Mover has been in successful service on the national rail network, having provided a reliable, cost-effective, popular and environmentally-friendly Sunday rail service on the Stourbridge town branch;
- (d) refers this issue to the Regeneration Scrutiny Panel Working group on Rail Transport and asks that they incorporate this issue into their research and discussions regarding the development of a borough wide rail transport policy. The Council asks that they include their findings in their final policy report.

The meeting terminated at 8.20 p.m.