

WYRE FOREST DISTRICT COUNCIL

COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

WEDNESDAY 20 JULY 2005 (6PM)

PRESENT:

Councillors S J Williams (Chairman), J C Simmonds (Vice-Chairman), Mrs M B Aston, J Baker, G W Ballinger, A J Buckley, J-P Campion, S J M Clee, N J Desmond, Mrs I M Dolan, J W Dudley, Mrs H E Dyke, P Dyke, Mrs L Edginton, Mrs J Fairbrother-Millis, B T Glass, P B Harrison, M J Hart, Mrs P V Hayward, Mrs S M Hayward, Mrs A T Hingley, J Holden, Mrs L Hyde, W G Jones, M B Kelly, Mrs R L Lewis, Miss M A Mason, Miss S C Meekings, C D Nicholls, M M G Oborski, M W Partridge, Mrs A R A Poole, Mrs P A Rimell, Mrs J L Salter, J A Shaw, M J Shellie, K J Stokes, R Wheway and A D Williams.

CM.33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs M H Baillie, M A W Hazlewood and Mrs F M Oborski.

CM.34 DECLARATION OF INTERESTS

The following interests were declared:

- Councillor N J Desmond - personal interest in Agenda Item 13, Refurbishment of Changing Facilities at Wyre Forest Glades Leisure Centre, being a member of the gymnasium at the Glades.
- Councillors M B Kelly and G W Ballinger - personal interest in Agenda Item 13, Refurbishment of Changing Facilities at Wyre Forest Glades Leisure Centre, being members of Wyre Forest Community Leisure Association Limited's Local Partnership Board.
- Councillor J W Dudley - personal interest in Agenda Item 8(b), Integrated Economic Development and Tourism Plan, being a Director of Opportunity Bewdley.

CM.35 MINUTES

DECISION:

The minutes of the meeting held on 18th May 2005 be confirmed as a correct record and signed by the Chairman.

CM.36 **PUBLIC PARTICIPATION**

No business was considered under this item as no member of the public had given notice that they wished to speak.

CM.37 **QUESTIONS**

The Council received a report setting out a range of questions from Councillor M M G Oborski, directed at the Cabinet Member for Commercial Services. The questions and answers are set out in full in Appendix 1 (attached)

CM.38 **CHAIRMAN'S COMMUNICATIONS**

The Council received a list of functions attended by the Chairman or Vice-Chairman since the Council's last meeting.

The Chairman thanked the Vice-Chairman and his consort for attending functions which he and his consort had been unable to attend.

CM.39 **LEADER'S ANNOUNCEMENTS AND REPORT**

There were no Leader's announcements.

CM.40 **POLICY AND BUDGET FRAMEWORK – MATTERS WHICH REQUIRE A DECISION BY COUNCIL****Recommendations from the Cabinet - 25th May 2005****(a)** **Safeguarding Children Policy**

The Council considered a recommendation from the Cabinet regarding the Safeguarding Children Policy .

DECISION:

The Safeguarding Children Policy, as set out in the separate appendix to the report to the Cabinet on 25th May 2005, be adopted.

Recommendations from the Cabinet - 30th June 2005**(b)** **Best Value Performance Plan 2005**

The Council considered a recommendation from the Cabinet regarding the Best Value Performance Plan which contained a summary of the Council's strategic objectives and priorities for improvement. The Plan also outlined arrangements for addressing improvement priorities, particularly those identified under Comprehensive Performance Assessment (CPA), and the outcomes expected.

The Corporate Performance Advisor and his Team were thanked for the work they had undertaken on the Plan.

DECISION:

The Best Value Performance Plan for 2005, as referred to in the report to Cabinet on the 30th June 2005, be approved.

(c) Benefits Service - Vision and Objectives - Update

The Council considered a recommendation from the Cabinet regarding an update of the Vision and Objectives of the Benefit Service.

The Financial Services Manager (Audit and Benefits) was thanked for her work in this connection.

DECISION:

The Vision and Objectives of the Benefits Service, as contained in Appendix 1 to the report to the Cabinet on 30th June 2005, be endorsed.

(d) Housing Benefits - Overpayments Policy - Update

The Council considered a recommendation from the Cabinet regarding an update of the Housing Benefits Overpayments Policy.

DECISION:

The Housing Benefits - Overpayments Policy - June 2005, as set out in a separate appendix to the report to the Cabinet on the 30th June 2005 be adopted.

(e) Clean Neighbourhoods and Environment Act 2005

The Council considered a recommendation from the Cabinet regarding the Clean Neighbourhoods and Environment Act. This sought approval for authority to be delegated to the relevant Heads of Service to implement and undertake enforcement action, where it was expedient, as specified in the Act.

DECISION:

- 1. The Scheme of Delegation to Officers be amended to give delegated powers to the Head of Cultural, Leisure and Commercial Services and the Head of Planning, Health and Environment to take any required action, including the issuing of fixed price penalty notices, under the provisions of the Clean Neighbourhoods and Environment Act 2005.**

2. **The Head of Legal and Democratic Services be authorised to take legal proceedings, where necessary, against persons failing to comply with the provisions of the Clean Neighbourhoods and Environment Act 2005.**

(f) Integrated Economic Development and Tourism Plan

The Council considered a recommendation from the Cabinet regarding an Integrated Economic Development and Tourism Plan.

DECISION:

The District Council's integrated Economic Development and Tourism Plan 2005 - 2007, as set out in a separate appendix to the report to Cabinet on 30th June 2005, be approved.

(g) Budget Scrutiny Process

The Council considered a recommendation from the Cabinet on ways of streamlining the budget process to make more time for scrutiny of financial strategy.

DECISION:

1. **The Budget Review Group, as part of the Budget Scrutiny process, scrutinise and prioritise all Council activities to assist with one of the points identified in the Comprehensive Performance Assessment Report, that the Council did not identify "lower or non priorities," with a view to re-allocating resources to services with higher priority or to new activities. This will also assist in identifying possible 'Gershon' efficiency savings.**
2. **The Budget Review Group/Finance and Corporate Affairs Policy and Scrutiny Panel report to December Cabinet outlining recommendations relating to the Base Budget in order to assist in formulating the Finance Strategy for the next three years.**
3. **Income Service Options be forwarded to the Budget Review Group/Finance and Corporate Affairs Policy and Scrutiny Panel in November for scrutiny and recommendations prior to being considered by Cabinet in December.**
4. **Expenditure Service Options be replaced with:**
 - (a) **Fully costed recommendations from Policy and Scrutiny Panels.**

- (b) **Cabinet proposals in relation to new policy/changes to levels of existing services.**

NOTE: With the Government contemplating the issuing of 3 year Finance Settlements to Local Authorities, it should be possible from 2006 (even this year if the Settlement comes out early enough in November), for the Cabinet to issue Draft Budget Proposals in December. This would allow further time for the scrutiny and the consultation process.

Council may wish to have an 'understanding' that all alternative amendments go through the Scrutiny process before the day of Budget Setting Council, and as a consequence, a specific meeting is set as part of the Budget Timetable for scrutiny of alternative budgets.

The Leader placed on record the Cabinet's appreciation of the work of the Budget Review Group under the Chairmanship of Councillor G W Ballinger.

(h) Refurbishment of Changing Facilities at Wyre Forest Glades Leisure Centre

The Council considered a recommendation from the Cabinet which sought approval for a virement of £350,000 capital to contribute to the refurbishment of the changing / health suite facilities at Wyre Forest Glades Leisure Centre.

The Cabinet Member for Community and Leisure Services advised that the refurbishment project was being undertaken in partnership with DC Leisure, the contractor managing Wyre Forest Glades. He stressed that the Council's contribution would be funded from within its existing capital budget.

DECISION:

- 1. Approval be given to a Capital Grant of two-thirds of the cost of refurbishment of the changing/health suite facilities at Wyre Forest Glades Leisure Centre up to a maximum of £350,000.**
- 2. The Grant be funded out of usable Capital Receipts following a virement from the Capital Programme provision in respect of the Vicar Street Lease not being surrendered, £300,000 and £50,000 from KTC 1 capital residual contingency.**

(The above item, which was listed under Part 2 of the Council's agenda, was taken in open session, as negotiations with DC Leisure, had taken place.)

CM.41 MOTIONS SUBMITTED UNDER STANDING ORDER NO. D1 (1)

No notices of motion were received in accordance with Standing Order D1(1).

CM.42 URGENT MOTIONS SUBMITTED UNDER STANDING ORDER NO. D1 (7)

No notices of motion were received in accordance with Standing Order D1(7).

CM.43 EXCLUSION OF THE PRESS AND PUBLIC**DECISION:**

Under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of “exempt Information” as defined in paragraph 13 of Part 1 of Schedule 12A of the Act.

CM.44 SUMMARY OF MINUTE

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minute relating to this item has been made as 'Exempt Information' would be disclosed if the minute was published in full.

MINUTES

The exempt minutes of the meeting held on 18th May 2005 were confirmed as a correct record and signed by the Chairman, subject to an amendment to correct the property address referred to in the preamble to minute number CM.28.

The meeting ended at 7.02 p.m.

WYRE FOREST DISTRICT COUNCIL**COUNCIL MEETING – 20TH JULY 2005****AGENDA ITEM 5****QUESTION TIME AT COUNCIL MEETINGS - STANDING ORDER A5****Questions from Councillor M M G Oborski****To the Cabinet Member for Commercial Services**

Will the Cabinet Member:

1. Explain how much money was spent in total on recent "safety checks" on graves at Kidderminster Cemetery?
2. Explain how many graves and what percentage of the total was identified as potentially "dangerous"?
3. Tell us how many recorded personal injuries have been caused by falling grave stones in Kidderminster Cemetery in the lifetime of the Wyre Forest District Council?
4. Explain the exact legislation under which the Council was ordered to carry out this whole action?
5. Agree to apologise to relatives who have been extremely distressed by the actions of the Council?

Answer from the Cabinet Member for Commercial Services:

I will take the 5 points as one question and answer each point in turn.

With regard to safety checks, the total amount spent was £16,900. The percentage of the total identified as potentially dangerous was 14%. This equates to 841 gravestones out of a total of approximately 6,400.

In respect of your third point, I don't have accurate records going back to the 1970's; however I am pleased to say there were no serious recorded personal injuries at the Wyre Forest District cemetery.

I would like to draw your attention to the Health and Safety at Work Act 1974, which requires us to ensure the safety, not only of our employees, but also members of the public who visit the cemetery. The 1999 Health and Safety Regulations require the work to be carried out. In respect of an apology I do not think it is necessary, as work that has been carried out has been sensitive and fair and in the interests of all who visit the cemetery.

With regard to your question whether any individuals had suffered when they visited graves and whether they had concerns about the work, Members will have seen another press release in The Shuttle apologising for any distress or discomfort as a result of the work that has been carried out.

Supplementary Question from Councillor M M G Oborski

Thank you for your helpful answer. I would be grateful if the Portfolio Holder would arrange for the Officer to let me know the appropriate part of the 1999 Health and Safety Regulations which governs their actions.

I would also like to revisit the way we handle the situation to minimise distress. Would you agree that through political correctness we have identified all the stones where there might be a problem and yet there have been no incidents. There is something a little bit peculiar when the chief cause of the problem is the solution.

Reply from the Cabinet Member for Commercial Services

In respect to your first point I am happy to provide you or any Member with the details.

With regard to looking at the way we deal with this situation, it would appear that we deal with it more appropriately than other local authorities. One local authority was criticised on television for laying down gravestones. Not a single headstone in Wyre Forest has been laid down as a result of the work carried out. Members will know that there has been quite detailed information for some time on the Council's website regarding gravestone safety checks. This information includes 8 questions that might be asked regarding the execution of this work. For those who do not have access to the website and internet, there have been items in Express and Star, Chronicle and Shuttle warning members of the public about inspections and the work to be carried out. Not only have notices been placed in papers, but 50 notices have been placed around the perimeter of the cemetery advising members of the public about what is going on and advising which officers to contact if they have any queries.

There is an individual notice advising all members of the public and press and it deals with the situation sensitively and humanely. Members may wish to see the Health and Safety at Work Act. The requirements under this legislation are excessive as there have been three fatalities in the country and twenty-one serious injuries. However in Wyre Forest there have been no injuries at the cemetery.

A lot of the time people do not report their injuries. If we did not implement the Health and Safety recommendations, we could be closed down. If this were to happen, it would be an invidious position.

With regard to costs, the work has been carried out from existing budgets and has cost approximately £15,000. £96,000 has been identified for maintenance this year and the money for this work will be coming from existing budgets.