

WYRE FOREST DISTRICT COUNCIL

COUNCIL

THE COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

28TH JULY 2010 (6.00PM)

PRESENT:

Councillors: M Ahmed, J Aston, J Baker, G Ballinger, R Bishop, A Buckley, J-P Champion, S Clee, N Desmond, P Dyke, N Gale, B Glass, D Godwin, J Greener, I Hardiman P Harrison, M Hart, P Hayward, M Hazlewood, A Hingley, J Holden, T Ingham M Kelly, H Martin, D McCann, D Millis, C Nicholls, F Oborski, J Parish, J Phillips, M Price, K Prosser, M Salter, J Shaw, DSheppard, K Stokes, J Thomas, N Thomas, S Williams, and G Yarranton.

C.26

Prayers

Prayers were said by Dr John Jenkins, Elder, Offmore Evangelical Church, Kidderminster.

C.27

Apologies for Absence

Apologies for absence were received from Councillors H Dyke and T Onslow.

C.28

Declaration of Interests

No declarations of interest were made.

C.29

Minutes

Decision: The minutes of the meeting held on 19th May 2010 be confirmed as a correct record and signed by the Chairman.

C.30

Public Participation

In accordance with the Council's rules on public participation, a petition was submitted by Councillor H Martin, containing 155 signatures which urged the Council to support the adoption of a road at Waterside Grange, Kidderminster and asked for a Council Tax rebate to reflect the services not received but for which Council Tax had been deducted.

Councillor N J Desmond, the Cabinet Member for Resources responded that as the County Councillor for the area concerned he concurred with the residents' wish for the matter to be resolved speedily and satisfactorily. He stated that he would be writing to all the residents concerned to set out the background to the case and to inform them how the matter was proceeding. He informed Councillor Martin that the County Council was doing all it could to get the road adopted.

With regard to the request to have a Council Tax rebate, Councillor Desmond stated that it would not be possible to give a pro rata rebate as

the residents still enjoyed a plethora of services from the County and District Councils.

Decision: The Petition be received and the Cabinet Member for Resources to write to residents to outline the action that will be taken.

C.31

Questions

The Council received a report setting out a range of questions from Councillors D Millis, J Shaw, F Oborski and M Price, directed to the Leader of the Council and Cabinet Members.

**Question 1 – From Councillor D Millis to Councillor M J Hart
Cabinet Member for Housing and Environmental Services**

Following the Wyre Forest Car Parking Review where it is intended to make the car park in Vale Road, Stourport, chargeable from October, is it not a fact that this land was given by Thomas Vale for the benefit of the residents of Stourport-on-Severn and making it a chargeable car park is totally inappropriate?

Answer from the Cabinet Member for Housing and Environmental Services

It is premature to comment on this matter as we will be making a decision on the matter later in the agenda. If the decision is voted on later the issue of charging is going to consultation and a final decision will not be made until later in the year. The proposition re: Thomas Vale giving land for the benefit of residents of Stourport-on-Severn has no factual documentation but that it is not say that this did not happen. Even if he did give the car park for the benefit of residents of Stourport-on-Severn I would be surprised if it was just for the use of people of Stourport over anyone else.

Supplementary question from Councillor D Millis

I note from the item which will be discussed that the consultation is to be completed by October 2010 as outlined in point 4.2.4 of the report?

Answer from the Cabinet Member for Housing and Environment Services

We have not voted on this matter. It will be considered later in the agenda.

**Question 2 - From Councillor D Millis to Councillor J-P Campion -
Leader of the Council**

I note from the programme for the single Office Accommodation that the Option Appraisal (RIBA Stage B) should have been completed by 6th July 2010 and the Preferred Option agreed by the client, bearing in mind that there was no information available at the Transformation Board on the 6th July and Outline Design (RIBA Stage C) is programmed for completion by 6th August 2010, can Members be reassured that progress is being made and there will be sufficient time set aside for member consultation.

Answer from the Leader of the Council

I would like to reassure Members that they will have time to consider the consultation and yes, their views will be taken into consideration with a large part of the design brief process.

Supplementary question from Councillor D Millis

As the Leader knows the programme of works is tight and we did not receive information about the outline options on the 6th July so one assumes no drawings are available so we don't know what options have been agreed. As the client you should have agreed this. When are we as Members going to see real drawings about the options in time for 11th August as this is the preferred date for signing off?

Answer from the Leader of the Council

The Project Plan is an indicative time line. I don't expect Members expect us to be a slave to a timeline. The project will be delivered. It will be the right building at the right cost. If we don't make the timeline I make no apology. At the seminar tomorrow the design team will present a detailed design brief. Also the Transformation Board, at which Councillor Millis attended as an observer, will receive a full copy of the technical detail which he will understand with his background prior to the Transformation Board meeting next week. We are making progress on our ultimate goal of delivering savings. There might be slippage in the agreed plan but this is a goal. I have been reassured by the Design Team and Officers that Members' opinions will inform the design process and that this mechanism is in place.

Question 3 – From Councillor J A Shaw to Councillor N J Desmond - Cabinet Member for Resources

Half-size recycling bins. With reference to Steve Brant's email of 12.07.10, should Councillors advise residents seeking a smaller bin that there exists a list to which they can add their names, presumably via the Hub, or should the advice be to await an announcement by the Council about availability?

Answer from the Cabinet Member for Resources

We are in the process of ordering half size recycle bins. It is a flexible service mainly for elderly people and people who don't want a larger bin can have a smaller 120 litre bin. The crux of the question is about extra capacity and I can tell the Chamber that we are offering a second full sized wheelie bin to families of over 6 and above. Under the old policy these families got a black wheelie bin but this policy was inefficient and in its place we will give a green recycling bin and simply state that anyone who has a large number of recyclables or has a large family and want extra capacity, they too can have an extra wheelie bin.

Supplementary question from Councillor J A Shaw

I would explain that quite a number of people phoned. I don't know if you can phone the Hub and say that you want one or whether the Council hasn't got the bins yet and let them know when they are available. Hence my question.

Agenda Item No. 4

Answer from the Cabinet Member for Resources

The answer is simple. There is a list at the hub and you can phone up the hub and request an additional wheelie bin. At present we are offering the 240 litre bins as we have not got the 120 litre bins yet. Phone the Hub and Steve Brant and his team will monitor all requests.

Question 4 – From Councillor J A Shaw to Councillor M J Hart – Cabinet Member for Housing and Environmental Services

Lengthsman. With reference to Mike Parker's email of 9.7.10, do any of the tasks listed encompass the clearing of weeds from highways, footpaths and associated infrastructure?

Answer from the Cabinet Member for Housing and Environmental Services

The short answer is yes: we will be undertaking the clearing of weeds from highways, footpaths and associated infrastructure.

Supplementary question from Councillor J A Shaw

Has anyone made a request about weeds lining the ring road in Kidderminster?

Answer from the Cabinet Member for Housing and Environmental Services

There are 2 pots of money - £6,000 from the County Council and £6,000 from the District Council. The email to Members was about Wyre Forest District Council functions. In terms of cleansing of weeds from highways, this is a County Council function and we will administer it on their behalf. Therefore County Councillors have to report the need for clearing of weeds.

Question 5 – From Councillor F M Oborski to Councillor Campion – Leader of the Council.

Following an initiative from Monica Boehmer, a member of Greenhill TCC, local County Councillors (Fran Oborski, Graham Ballinger and Mumshad Ahmed) directed over £9,000 of County Councillors' Community Leadership for Health Fund monies towards the provision of "grey play" fitness equipment in Baxter Gardens Park.

The remaining £6,000 was donated by the Community Housing Group. Can the Cabinet Member please explain why each piece of equipment now bears a metal plate saying it was funded by a joint venture between Wyre Forest District Council, and the Community Housing Group?

Answer from the Leader of the Council

I am not aware of any obligation to recognise the Community Leadership Fund on equipment but partners should be recognised.

Supplementary question from Councillor Mrs F M Oborski

The point of the question is that the money came from County Councillors' Community Leadership fund monies and Community Housing Group monies but the plaques imply that the money came from the Community Housing Group and Wyre Forest District Council. We (the Council) did not pay for this please rectify.

Answer from the Leader of the Council

Part of the capital money for the scheme came from the County Council but the design and maintenance is funded by this Council and it will bear the ongoing cost of maintaining the equipment and this significantly outweighs the capital cost. Nevertheless the County Council should have been recognised on the plaque placed on the equipment .

Question 6 – From Councillor F M Oborski to Councillor Champion – Leader of the Council.

With our Council agendas, Members received a leaflet about next year's Census. Can she tell me:

1. Has the Council appointed a Census Liaison Manager and Assistant Census Liaison Manager? If so who are they?
2. What efforts are being made to involve the knowledge of local Members to help build the address register?
3. Do we have a Census Page on our intranet and website?
4. What steps are being taken to ensure the registration of the non English speaking migrant population?

Response from Councillor J-P Champion, Leader of the Council

Alison Braithwaite is the Census Liaison Manager. Pam Hill is the Assistant Census Liaison Manager.

The Council's Liaison Officers have a meeting scheduled with the West Midlands Regional contact on 16 August 2010. Following this meeting officers will produce a briefing note for Members and will particularly welcome input from Members as the process continues.

The Liaison Managers will invite Members to input ideas, knowledge and suggestions via e mail, a focus group meeting or one to one meetings if required.

Information will be included on the web site and the intranet as it is finalised following the meeting on 16 August 2010. The Census office has published a Media toolkit which officers are following.

The Census Liaison Officers will greatly appreciate any help that Members and partners can offer to ensure that the non English speaking population register for the Census.

Once the briefing note has been circulated to Members, after the 16 August meeting, the Liaison Managers will contact Members to arrange individual meetings, if required to explore ways in which local knowledge and suggestions can be incorporated into the planning and preparation process.

Supplementary question from Councillor Mrs F M Oborski

If there is any help I can give to help maximise the help to Eastern European migrants I am happy to help.

Answer from the Leader of the Council

I am always happy to recognise your help.

Question 7 – From Councillor M Price to Councillor A Hingley – Cabinet member for Legal and Corporate Services.

From the days when this Council first let a Bar Contract at Kidderminster Town Hall it was always accepted that if a Hirer wished to operate a pay bar at an event they were bound to use the services of the holder of the bar contract. However hirers using for example the King Charles Room to host Private Parties, Reception or, for instance local Clubs and Societies holding AGMs and wish to give their Guests/Members a free drink or drinks were free to purchase their drink from wherever they chose and bring it on to the premises. The new Town Hall bar contract forces all hirers to purchase their drink at the charges levelled by the Bar Contractor (typically £12.99 for wine which can be purchased for £3.99 in local supermarkets).

Can I please be told exactly which Elected Members approved this change in the contract and on what date and at which meeting this change was approved?

Answer from the Cabinet Member for Legal and Corporate Services

Following a tender exercise whereby six companies were invited to tender for the contract for bar services at the Civic Halls, the contract was awarded to a local company – Bars on the Run. The contract commenced on 1st April 2010 with their first functions occurring on 16th April 2010 with events both at the Town Hall and Civic Centre. A review of the existing contract specification was carried out at the time of tender to make the contract attractive to more suppliers and this included the contractor holding sole rights for the sale of alcohol at both venues. The Charter Trustees of the Town of Kidderminster were advised of the change and the reasons behind this change. The management of Bars on the Run are also very keen to help to promote our venues and have already included a link on their website to the Civic Halls web-page.

Supplementary question from Councillor M Price

There are Members of Council who ran private parties in the King Charles Room and have taken their own drinks and not been charged. It is a bad change of policy and this should have come to Council or a scrutiny committee for consideration. This is a radical change and there are a lot of people who will not hire the King Charles Room now.

Answer from the Cabinet Member for Legal and Corporate Services

We have had to make some radical changes as in 2008 attendance in the Town Hall was slipping and we were losing income. We had to have a plan of action to remedy the situation and this was one of a range of ideas that came through. I am happy to say that now attendances at the Town Hall are going up and I believe we are now fully booked for the next 12 months.

C.32 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 highlighted the following:

- A Raising of the Flag ceremony had been held in honour of the armed forces.
- The Day Centre in New Street had been renamed in honour of Alderman Elizabeth Mills. The Chairman had presented a framed photo of Alderman Mills to the Day Centre and paid tribute to the service she had given to the Council.

The Vice-Chairman wished to report that with the help of Members and Officers his charity had raised £1,400 which had been donated to the Millbrook Suite.

C.33 Leader's Announcements and Report

Members had received a copy of the Leader's announcements which had been circulated at the meeting.

The Leader drew attention to a seminar on the single site which was to be held on Thursday 29th July 2010 at 6 pm in the Earl Baldwin Suite, Duke House, Kidderminster.

Decision: The Leader's announcements be noted.

C.34 Policy And Budget Framework – Matters which require a decision by Council

Review of Human Resources Arrangements

The Council considered a recommendation from the Cabinet meeting of 20th July 2010 regarding the Review of Human Resources Arrangements.

The Cabinet Member for Resources presented the recommendations and commented that the proposal to transfer the current Human Resources Team from 1st November 2010 to the County would give greater resilience and access to Human Resources services than allowed by the current service.

In response to concerns raised by Members, the Cabinet Member for Resources reiterated that the number of human resources staff within the current department was too small for the Council's requirements. He confirmed that the human resources team would be transferred to the County Council as a stand alone transfer and would not be part of the Worcestershire Enhanced Two Tier (WETT) arrangements.

Following a lengthy debate the Cabinet Member summarised that this was a sensible way to share a service that delivered effective outcomes that benefited both the Council and its staff; and that it built capacity, enhanced the service and added resilience.

Decision: The proposal to transfer the current Human Resources team to the County Council be approved and a contract agreed until 31st March 2015.

Review of Staff Mileage Rates

The Council considered a recommendation from the Cabinet meeting of 20th July 2010 regarding the current mileage rates payable to Officers and recommendations for future rates.

Members were advised that in line with the mileage rate paid to Members it was proposed that the Council would pay 40p per mile for all staff. It was noted that the essential car allowance would also be removed. The proposal would result in savings of approximately £40,000 and provided a fair, transparent and consistent approach to mileage rates.

Further debate followed and Members were advised that negotiations with the Unions were ongoing and that an agreement had yet to be agreed.

Decision:

- 1. A single rate of reimbursement of 40p per mile for all purposes should be introduced, with an additional allowance of 5p per mile for carrying a passenger from 1st December 2010 or as soon as possible thereafter.**
- 2. All existing essential car user allowances are removed from 1st December 2010 or as soon as possible thereafter.**
- 3. The Head of Paid Service be authorised to take all necessary steps, including further negotiation with unions and consultation with staff, to secure implementation of the changes outlined in this report.**

Annual Report 2009/2010

The Council considered a recommendation from the Cabinet meeting of 20th July 2010 regarding the Council's end of year performance for 2009/10 with regard to the Corporate Plan Priorities, National and Local Indicators and achievements in the form of an Annual Plan.

The Leader of the Council advised that the report outlined the successes that had been achieved during a challenging year. He commented that the report was the final chapter of the Corporate Plan but he invited Members to get involved in the new Corporate Plan proceedings.

A brief discourse ensued on the availability of a hard copy of the Annual Report which concluded that in future years Members wished to be provided with a hard copy of the Annual Report.

Decision: The Annual Report 2009/10 be approved, with the good progress noted in achieving more affordable housing, new arrangements for collecting garden waste and recycling, the launch of the Rewyre prospectus for economic regeneration and the achievement of significant savings.

Wyre Forest Car Parking Review

The Council considered recommendations from the Cabinet meeting of 20th July 2010 regarding matters in connection with car parking provision within the District and proposed changes as a way forward for site specific proposals.

Members were advised that there were inconsistencies and anomalies in the car parking regulations. Members were reminded of the Review Panel that had investigated and scrutinised parking in the District. He concluded that a consistent approach across the District was needed that was fair and equitable for all users. The Cabinet Member explained that the Value Added Tax (V.A.T.) increase would be reflected in the car park fees and charges from January 2011.

Councillor F M Oborski presented an amendment to the recommendations below:

The following paragraph to replace recommendation 3:

In recognition of the fact that when the previous Labour Government reduced VAT temporarily from 17.5% to 15% this Council did not reduce the hourly "Pay and Display" rates on its Car Parks, thus making excess profits from local motorists; Council resolves not to increase hourly "Pay and Display" parking Charges from January 2011 until the normal "charge increase date" of October 2011.

It was also proposed that the following paragraph replaced recommendation 4:

Council recognises that due to changes in the type of car parks it now provides, and due to the changes in accountancy rules in force, since the inception of the Council Policy that Car Parking was a "break even" service and not a revenue raising service, the level of "surplus" now being generated from Car Parks brings that "policy" into disrepute. Council therefore resolves to review, via the Scrutiny process if appropriate, its "break even, not for profit" policy on Car Park charges; with a view to achieving a more open and transparent policy.

Councillor Oborski spoke on her amendment and commented that a "one size fits all" approach was not a good one. She acknowledged that there were inconsistencies with charging and concluded that Sunday charging had been introduced to generate money from tourists and Sunday shoppers.

Councillors Ballinger, Martin, and Kelly spoke in favour of the amendment. Councillors Hart, Campion and Phillips spoke against the amendment.

Agenda Item No. 4

In response to a question from a Member, the Chief Executive clarified that the Council made a profit from charges for off street car parking and the legislation which prevented Councils from making a profit from parking applied to on street car parking only.

Upon a vote the amendment was lost.

The Cabinet Member for Housing and Environmental Services spoke to the substantive proposal and advised Members that the proposals sought to make parking arrangements fair for everyone. He recognised that there would be some vociferous arguments during the consultation period especially with regard to the proposal to withdraw Residents' passes.

Upon a vote the substantive proposal was agreed subject to amending recommendation 4 bullet point 5, to read 'from October 2010.'

Decision:

1. The Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 be amended and consulted upon as required to accommodate the following changes:

- **The car park at Vale Road, Stourport be made chargeable from 1st October 2010, or as soon as reasonably practicable thereafter, depending on response to consultation, as set out in paragraph 4.2iv of the report to Cabinet and that Restricted Season Tickets be made available once the charge is introduced.**
- **The land at 8 & 8a Bridge Street, Stourport be included as a future pay & display car park to be charged for in the same way as Raven Street Car Park, Stourport.**
- **The land at Worcester Street, Kidderminster (Coronation Gardens) be included as a future pay & display car park to be charged as set out in paragraph 4.7 of the report to Cabinet.**
- **If there is no agreement reached with the Parish Council on the transfer of the land to them, then the car park at The Avenue, Blakedown be made chargeable from 1st October 2010, or as soon as reasonably practicable thereafter, depending on response to consultation, as set out in paragraph 4.2i of this report.**
- **The Order be amended as appropriate to reflect Blue Badge holder dispensations.**
- **The exemption from the 23 hour maximum stay in any 24 hour period for a period not exceeding two months for holders of Full, Restricted and Resident Season Tickets.**

- The removal of Westbourne Street car park as a public car park.
- Reference to 'Other Season Tickets' to be added to ensure consistency with the provisions of the Financial Strategy;

and that Cabinet be given delegated authority to consider any representations made as a result of public consultation on the above and to finalise the revisions to the Order.

2. That the Director of Legal & Corporate Services be authorised to progress the lease of spaces at Westbourne Street car park, Bewdley in consultation with the Cabinet Member for Legal & Corporate Services and Cabinet Member for Housing & Environmental Services and to determine criteria for selection of lessees.
3. That car park charges and season ticket prices be increased from January 2011 to reflect the increase in VAT from 17.5% to 20%.
4. In response to the Community & Regeneration Committee recommendations:
 - i. That the maximum stay period of 23 hours in any 24 hour period be retained in the Car Park Order but that the Order be amended to exempt Full, Restricted and Residents' Season Ticket holders from having to meet this requirement for a period of no more than two months at one time.
 - ii. That Resident Season Tickets be withdrawn on a phased basis, commencing in April 2011 with the withdrawal of the 12 month Season Ticket and in October 2011 with the withdrawal of the 6 month Season Ticket.
 - iii. That from October 2011, Dog Lane and Gardners Meadow car parks be included in the list of car parks where a Restricted Season Ticket may be purchased.
 - iv. That, until October 2011, the issue of new Residents' Season Tickets be limited to those streets set out in paragraph 4.4iii of the report to Cabinet.
 - v. That the Director of Planning & Regulatory Services investigates the introduction of tickets purchased from machines the previous evening to continue into the following day and 2 day tickets, subject to there being no software impediment or financial cost to the Council, and introduces them from October 2010.

Councillor D R Sheppard left the meeting at 8 pm returning at 8:03

Recommendation from the Licensing and Environmental Committee, 18th June 2010

Sexual Encounter Venue Fees

Council considered a recommendation from the Licensing and Environmental Committee regarding Sexual Encounter Venue fees.

The Chairman of the Licensing and Environmental Committee explained that the legislation covered lap dancing clubs.

Decision:

1. **To adopt Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from 30th July 2010.**
2. **To set a Licensing fee for a Sexual Encounter Venue i.e.**
 - **Grant** **£3994.00**
 - **Renewal** **£1534.00**
 - **Transfer** **£277.00**
3. **To delegate to the Director of Planning and Regulatory Services all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and Section 27, paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.**

C.35

Corporate Governance

A report (copies of which had been circulated) was considered from the Director of Legal and Corporate Services that outlined changes to the political balance of the Council's Committees and changes to the Chief Executive's Appraisal Panel.

The Leader of the Council outlined the content of the report and explained that the political balance was fair and equitable.

Councillor Kelly advised that Councillor Nicholls would be the Labour representative on the Audit Committee. Councillor Oborski announced that Councillor Price would no longer sit on the Planning Committee and she would step down from Community and Regeneration Committee to be replaced by Councillor Price.

Decision:

1. **The revised political balance of the Council as set out in Appendix 1 of the report to Council be agreed.**
2. **The membership of the Appraisal Panel for the Chief Executive be amended to include the Leaders of the two largest opposition groups.**

- C.36 Appointment of a Member – Joint Independent Remuneration Panel for Members’ Expenses**
Council received a report (copies of which were circulated) from the Director of Legal and Corporate Services regarding the appointment of a Member to the Joint Independent Remuneration panel for Members’ Expenses.
- Decision: That Councillor A Hingley be appointed onto the Joint Independent Remuneration Committee for Members’ expenses in order to review and agree the Terms of Reference of the Panel, the operating arrangements and other relevant details.**
- C.37 Motions Submitted Under Standing Order No. D1 (1)**
No notices of motion/The following notices of motion were received in accordance with Standing Order D1(1).
- C.38 Urgent Motions Submitted Under Standing Order No. D1 (7)**
No notices of motion/The following notices of motion were received in accordance with Standing Order D1(7).

There being no further business the meeting ended at 20.10 pm.