

Open

Council

Agenda

6.00pm
Wednesday, 20th June 2012
The Council Chamber
Civic Centre
Stourport-on-Severn



PUBLIC INFORMATION

Access to the Meeting and Further Information

- **The Council meeting is open to the public except for any exempt / confidential items, which are normally taken at the end of the meeting.**
- **Agenda Item 5 - Public Participation. Guidance on how to have your say is available on the Council's website:**

http://www.wyreforestdc.gov.uk/wfdc_docs/policy/haveyoursay.pdf
- **If you have any queries about this Agenda or require any further information, please ask.**
- **If you have any mobility issues, please let us know before the meeting so that we can arrange for you to have a seat on the ground floor.**
- **This agenda can be made available in larger print on request.**

Please contact:

Penelope Williams

Democratic Services Manager

Civic Centre, Stourport-on-Severn

Telephone 01562 732728

e-mail: penelope.williams@wyreforestdc.gov.uk

COUNCIL MEETING

WEDNESDAY 20th June 2012

CIVIC CENTRE, STOURPORT-ON-SEVERN, WORCESTERSHIRE. DY13 8UJ

TO ALL MEMBERS OF THE COUNCIL, HONORARY ALDERMEN

PRESS AND PUBLIC

Dear Member

You are invited to attend a meeting of the Wyre Forest District Council to be held **at 6.00pm on Wednesday 20th June 2012**, in the Council Chamber, Civic Centre, Stourport-on-Severn.

The Agenda for the meeting is enclosed.

Yours sincerely

A handwritten signature in black ink that reads "I R Miller". The signature is written in a cursive style with a horizontal line underlining the first name.

Ian Miller
Chief Executive

2012/2013

Declarations of Interest - Guidance Note

Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

(A) TERMS OF REFERENCE OF THE COUNCIL

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council's business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

(B) MATTERS RESERVED TO THE COUNCIL

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council's Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

Wyre Forest District Council

Council

Wednesday, 20th June 2012

The Council Chamber, Civic Centre, Stourport-on-Severn

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Prayers To be read by Father Lamb of St. Ambrose Roman Catholic Church.	
2.	Apologies for Absence	
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 23 rd May 2012.	8
5.	Public Participation In accordance with the Council's scheme for public speaking at meetings of Council, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon Monday 11th June 2012. <i>If you wish to speak on an urgent matter that has arisen since the deadline and you could not reasonably have known about it at the time, you should register your interest in speaking no later than 9am on the day of the meeting of Council. In the case of a request to speak on an urgent matter, the Director of Community Assets and Localism will rule on whether or not the matter is urgent and that ruling will be final.</i>	

6.	<p>Questions</p> <p>To receive questions submitted in accordance with Standing Orders (Section 7, 1.9) by Members of the Council, details of which have been received by 12 noon Monday 11th June 2012, and the replies of the Leader of the Council or appropriate Cabinet member.</p> <p><i>In the case of an urgent matter that has arisen since the deadline above, and could not have been reasonably known at that time, it must be delivered in writing to the Director of Community Assets and Localism no later than 9am on the day of Council.</i></p>	
7.	<p>Chairman's Communications</p> <p>To receive a list of functions attended by the Chairman and Vice-Chairman since the previous meeting of the Council.</p>	15
8.	<p>Leader of the Council Announcements</p> <p>To receive announcements from the Leader of the Council.</p>	
9.	<p>Motions Submitted under Standing Orders</p> <p>To receive motions that have been received in accordance with Standing Orders. (Section 7, 4.1).</p>	16
10.	<p>Urgent Motions submitted under Standing Orders</p> <p>To consider motions in the order they have been received which, by reason of special circumstances, should be considered as a matter of urgency, in accordance with Standing Orders. (Section 7, 4.1 (vii)).</p>	-
11.	<p>Review of Polling Places</p> <p>To receive a report from the Chief Executive & Returning Officer which asks Council for a consultation to commence for a review of the polling places and districts.</p>	17
12.	<p>Policy and Budget Framework</p> <p>Matters which require a Decision by Council.</p> <p>Recommendations from Cabinet meeting on 19th June 2012.</p> <ul style="list-style-type: none"> • South Kidderminster Enterprise Park – Local Development Order • Wyre Forest District Local Development Framework <p>(To follow)</p>	-

13.	<p>Corporate Governance</p> <p>To receive a report from the Director of Community Assets and Localism on Corporate Governance.</p>	36
14.	<p>Community Housing Group Governance Review</p> <p>To receive a report from the Director of Economic Prosperity & Place which asks Council to consider the constitutional changes proposed to the Community Housing Group (CHG) arising from their governance review.</p>	67
15.	<p>To consider any other business, details of which have been communicated to the Director of Community Assets & Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
16.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

17.	<p>To consider any other business, details of which have been communicated to the Director of Community Assets & Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
-----	--	--

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

23RD MAY 2012 (6 PM)

Present:

Councillors: J Aston, G W Ballinger, R Bishop, C Brewer, J-P Campion, S J M Clee, L Davies, N J Desmond, H E Dyke, P Dyke, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, M B Kelly, N Knowles, H J Martin, D J McCann, B McFarland, C D Nicholls, F M Oborski, T L Onslow, J W Parish, J Phillips, M Price, M Rayner, C Rogers, A M Sewell, J A Shaw, D R Sheppard, N J Thomas, S J Williams, and G C Yarranton.

C.01

Prayers

Prayers were said by Reverend Simon Gudger of Kidderminster Baptist Church.

C.02

Election of Chairman

Councillor S Clee was nominated as Chairman. This was moved by Councillor Campion and seconded by Councillor M Hart.

Decision: Councillor S Clee be elected Chairman of the Council for the current Municipal Year.

C.03

Chairman – Investiture and Declaration of Acceptance of Office.

The Chairman of the Council expressed his thanks for his re-election and for the endorsement he received from the Leader of the Council.

C.04

Appointment of Vice-Chairman

Councillor Oborski was nominated as Vice-Chairman by Councillor Campion and seconded by Councillor Price.

Councillor Thomas nominated Councillor B Glass as Vice-Chairman and this was seconded by Councillor Ballinger. However upon a vote Councillor Oborski was elected as Vice Chairman.

Decision: Councillor F Oborski be elected Vice-Chairman of the Council for the current Municipal Year.

C.05

Vice-Chairman – Investiture and Declaration of Acceptance of Office

After being invested with her Badge of Office, Councillor Oborski took her Declaration of Acceptance of Office as Vice-Chairman.

C.06 Vice-Chairman's Response

Councillor Oborski thanked Members for the confidence that had been placed in her to fulfil this role and that she would support the Chairman to the best of her ability over the next 12 months.

The Vice Chairman also asked that when the Council moved to the new Head Quarters a collection point for food parcels for the Churches in Kidderminster should be considered.

C.07 Apologies for Absence

Apologies for absence were received from Councillors: N Gale, T Ingham and M Salter.

C.08 Declaration of Interests

The Chairman, Councillor Clee declared a prejudicial interest in agenda item 23 as an employee of Rock Parish Council.

C.09 Minutes

Decision: That subject to the amendment of the minutes on page 11, the supplementary question by Councillor Shaw and the response from Councillor Phillips being deleted, the minutes of the meeting held on 29th February 2012 be confirmed as a correct record and signed by the Chairman.

C.10 Public Participation

In accordance with the Council's scheme for public participation at meetings of Full Council, Mr Jones-Percival addressed the meeting. During his address he raised the following points.

- Ribbesford residents were all opposed to the proposal to incorporate Ribbesford with Rock.
- Historically and ecclesiastically Ribbesford was linked with Bewdley and not Rock.
- Roads in Ribbesford connected to Bewdley and not Rock.
- The vast majority of the services offered by Rock did not apply to Ribbesford, for example bus shelters and public open space.
- Increasing the size of an already large parish did not seem a sensible way forward.
- The objections to the merger were not based on the application of the precept, rather the best interests of the residents of Ribbesford.
- The proposed merger would not reflect the best interests of the community in Ribbesford and would not meet the published criteria for a community governance review and that the proposal should be rejected.

C.11 Questions

There were no questions to Council.

C.12 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 welcomed new Members to the Chamber and advised the Chamber that he had written to all of the retiring Councillors thanking them for their contribution. Members' attention was drawn to Councillor Salter and Members were reminded that a card was being circulated. Further that there was a seminar on 30th May regarding the Community Housing Group and Members were encouraged to attend. The Chairman concluded his communication by reflecting on the life of Michael Brinton explaining that he had sent a condolence card to his widow and family on behalf of the Council.

As an aside he wished the Director of Community Assets and Localism a very happy birthday and presented her with a small gift.

C.13 Leader's Announcements and Report

The Leader of the Council announced that Councillor Hardiman would be joining the Cabinet as Cabinet Member for Community Well-Being and would be replacing Councillor Onslow. Council was advised that Councillor Hardiman had a plethora of experience that would be invaluable to the work of the Cabinet and Council. The Leader moved on to thank Councillor Onslow for her work, remarking that she had served the Cabinet with distinction, and dynamism, adding that he sent her his very best wishes.

Members were also advised that the Olympic torch would be arriving in Wyre Forest on 24th May, firstly in Bewdley and arriving in Kidderminster via the Severn Valley Railway where it would be greeted by the Mayor of Kidderminster before moving on toward Droitwich. The Leader observed that that it was a once in a life time opportunity and he was proud that the District was part of it.

Members were further advised that the Council had received the first dividend payment of £930k in relation to the £3m Landbanki investment and was hopeful of receiving a second payment shortly. The overall investment could now be close to 100% exceeding the 95 - 98% previously reported.

Good progress had been made in relation to the recovery of the investments with Heritable and Kaupthing Singer and Friedlander was regular dividend payments being received. Moreover on 2nd May a further 10p in the pound was received in respect of the KSF investment, giving a receipt of over £500K (including interest) which brings the overall return for the investment to 73%. A further smaller dividend had also been received from the Heritable.

Members were further advised that currently the Council had received just over £5.2m in dividends from the investments, with further payments continuing to be made. Given the excellent results achieved on Landbanki and the increases in the settlements reported for KSF and the Heritable, the total return could well exceed 90% of the original investments.

The Leader of the Council concluded by reassuring Members that they would continue to receive updates on the progress of the recovery of the investments, and that it was pleasing to that the Council had now received nearly 60% of the total principal outstanding and the dividend payments continued to be made to count down the balance.

C.14 Members' Annual Activity Reports and Attendance 2011/2012

Council received the schedule of annual activity reports, records of Members attendance for the previous municipal year.

A Member raised the relative value of the attendance percentage figures and Members were advised that these were being reviewed.

Decision: The reports be noted.

C.15 Annual reports for the Municipal Year 2011/2012

Council received the Annual Reports from the Leader of the Council, and the Chairman of both the Overview and Scrutiny Committee and the Ethics and Standards Committee.

Decision: The reports be noted.

C.16 Political and Constitutional Structures 2012/2013

Council received a tabled report from the Director of Community Assets and Localism on the Political and Constitutional Structures for 2012/2013.

The Leader of the Council introduced the report and advised Members that the Overview and Scrutiny Committee would be increased in size to 20 members and both the Planning and Licensing Committees would consist of 16 members. Moreover it was proposed that there would be a Housing Review Panel that would be chaired by Councillor Kelly. Members' attention was also drawn to the changes to the legislative changes to the Ethics and Standards Committee which meant it would no longer would be chaired independently, but would now be chaired by Councillor Ballinger.

An amendment was moved that proposed that there were two scrutiny committees rather than the one outlined in the report. Members spoke in detail upon the necessity for and the perceived benefits of two scrutiny committees as opposed to one that dealt with all of the scrutiny business; in particular focussing on the length of the agenda and the complexity of the reports and issues that were considered. Members suggested that the additional committee could be funded through savings made on Members' allowances. Upon a vote the amendment was lost.

Members then moved to consider the substantive item. Members forcefully debated the appointment of the Chair of Overview and Scrutiny and if it was appropriate that it was a Member of a minority group. Opposition Members felt that it should be Chaired by a Member of one of the two larger opposition groups. Councillor Kelly also elucidated his rationale for not wishing to be the Chair of the Housing Review Panel. Members voted for a named vote as set out in standing orders. The vote was recorded as follows:

For:

Councillors Aston, Bishop, Campion, Clee, Desmond, H Dyke, P Dyke, Godwin, Greener, Hardiman, Harrison, J Hart, M Hart, Hayward, Hingley, McCann, Oborski, Onslow, Phillips, Price, Rogers, Williams and Yarranton.

Against:

Ballinger, Brewer, Davies, Glass, Higgs, Kelly, Knowles, Martin, McFarland, Nicholls, Parish, Rayner, Sewell, Shaw, Sheppard and Thomas.

Decision:

1. **The Political Management Structure for 2012/2012 as set out in Appendix 1 of the report to Council be agreed.**
2. **The political balance as set out in Appendix 2 of the report to Council be agreed.**
3. **The Chairmen and Vice-Chairmen as set out in Appendix 3 of the report to Council be agreed, subject to the Chairman of the Housing Review Panel being selected from the body of the Panel at their inaugural meeting.**
4. **The Municipal Calendar as set out in Appendix 4 of the report to Council be agreed.**
5. **The appointments to outside bodies as set out in Appendix 5 of the report to Council be agreed.**
6. **The revisions to the Constitution as set out in Appendix 6 of the report to Council be agreed.**
7. **The Director of Community Assets and Localism be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's constitution to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

C.17 Motions Submitted Under Standing Order No. D1 (1)

No motions were received under standing orders.

C.18 Urgent Motions Submitted Under Standing Orders

No urgent motions were received under standing orders.

C.19 Update from the Chief Executive

Council received a half yearly update report from the Chief Executive. The Chief Executive briefly outlined the content of the report, highlighting the achievements the Council had received, the feedback from the Peer Review Group including the challenges ahead, the move to the new Head Quarters and the work on the Council priorities.

In response to questions the Chief Executive advised Members of the following;

- Negotiations had been held with the unions regarding changes to environmental maintenance and it was regrettable that that an agreement had not been reached. However, there was a need to reach uniformity of terms and conditions for those involved and that in some instances national terms and conditions were unsuitable for the needs of the Council.
- Part of the £1m investment in economic prosperity would be spent on the Town Centre. The Town Centres Manager attended a recent Members Forum and gave a presentation and entered into a discussion with those Members that attended.
- The Council would be moving to the new Head Quarters in September and an update on savings would be shared at a future meeting of Council.
- The Council was working with both the Worcestershire LEP and the Greater Birmingham and Solihull LEP. The Council did give a financial contribution to the Worcestershire LEP. In contrast the Council did not make any financial contribution to the Greater Birmingham and Solihull LEP but the Council was heavily involved at Officer level in the various groups. Moreover, an enterprise zone was being created in central Birmingham and the £75m that it is envisaged would be collected would be shared amongst members of the LEP. There would be no enterprise zone in Worcestershire.
- The paperless trial was being evaluated and once this was complete the information would be shared with Members.

19:34 The Chairman, Councillor S Clee left the meeting and the Vice Chair, Councillor Oborski chaired the meeting from this point.

C.20 Community Governance Review

Council received a report from the Director of Community Assets and Localism on the progress of the Community Governance Review for Rock and Ribbesford.

The Cabinet Member for Place-Shaping introduced the report and advised Members that it was clear that there was no appetite from Ribbesford residents to be incorporated into Rock.

Further debate ensued and Members were reminded of the process that had initially triggered the review. Moreover that despite a relatively small return rate, the residents of Ribbesford that had responded were unequivocal in their views to remain separate from Rock and demonstrated their clear sense of identity and community that was separate and distinct from Rock Parish. However, it was also made clear that Rock should no longer provide services to Ribbesford and that Ribbesford residents needed to consider the best way to provide for services within their community.

Members welcomed the contributions made by the speaker and those residents from Rock and Ribbesford that had contributed to the process, in

particular welcoming those that were attending to hear the debate.

Decision: The Community Governance Review for Rock and Ribbesford does not proceed and that Ribbesford is not incorporated into Rock Parish.

The meeting ended at 19:53 and Members were asked to remain seated for the meeting of the Kidderminster Educational Foundation.

CHAIRMAN'S FUNCTIONS

2012/13

May 2012

Wednesday 23 rd @ 6.00pm	Annual Council
Thursday 24 th @ 2.45pm	Olympic Torch Relay
Thursday 24 th @ 7.00pm	Charter Trustees of Kidderminster Mayor Making
Sunday 27 th @ 6.00pm	Mayor of Evesham Welcome to the Chain Gang 2012/13
Tuesday 29 th @ 1.45pm	Citizenship Ceremony, WCC*
Thursday 31 st @ 6.30pm	Launch the 2012 Royal Jubilee Elgar Festival

June 2012

Sunday 3 rd @ 10.00am	Service of Celebration at Rock Church
Sunday 3 rd @ 12.30pm	Diamond Jubilee Lunch, Bewdley Town Council, Wharton Park Golf Club
Sunday 3 rd @ 4.00pm	Chapter of Worcester Cathedral Service of Celebration, Diamond Jubilee of her Majesty the Queen
Monday 4 th @ 4.30pm	Diamond Jubilee Party in the Park, Brinton Park
Sunday 10 th @ 10.30am	Kidderminster Mayor's Sunday
Saturday 16 th @ 10.45am	Bewdley Carnival**
Sunday 17 th @ 10.30am	Mayor of Worcester Civic Service

* Denotes attendance by Vice Chairman

** Denotes attendance by Past Chairman

WYRE FOREST DISTRICT COUNCIL

COUNCIL
20TH JUNE 2012

MOTIONS SUBMITTED UNDER STANDING ORDERS (SECTION 7, 4.1)

<p>Notice of motion submitted by Councillor Howard Martin</p>	<p>“Council deplores the intention by Worcestershire County Council (WCC) to close Kidderminster Library Gallery and disperse its functions to other sites within the Library.</p> <p>It notes the ambience and unique nature of the services on offer there, which were custom built to provide a high quality arts environment for both performers and artists from a range of backgrounds, including many of an international standard.</p> <p>Further, Council believes the alternative locations offered will not be “fit for purpose” and will damage the reputation of Kidderminster as a respected venue for the wide range and quality of events it houses, leading to a potential loss of those events to local residents.</p> <p>It also believes the plan will prejudice the range, options and vibrancy of public space in Kidderminster Town Centre going against the intentions of the “State of the Area Debate” to regenerate the area and improve and maintain the “offer” and diversity of both the daytime and night time economy.</p> <p>Council understands the aim of WCC in its need to reduce overheads but it believes that the sacrifice of such a special and unique facility is detrimental to community life in the District and should be resisted at all costs to protect the best interests of those we represent.</p> <p>Therefore Council resolves to advise WCC of the terms of this motion and to work with them and representatives of interested community and user groups to find a solution to retain the existing Gallery intact, in situ, for its current purpose, on the top floor of Kidderminster Library”.</p>
---	---

WYRE FOREST DISTRICT COUNCIL

COUNCIL
20TH JUNE 2012

Review of Polling Places

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	-
CORPORATE PLAN PRIORITY:	Delivering Together, With Less
CABINET MEMBER:	Councillor J Phillips
DIRECTOR:	Chief Executive & Returning Officer
CONTACT OFFICER:	Penny Williams, Ext. 2728 penelope.williams@wyreforestdc.gov.uk
APPENDICES:	Appendix A – Consultation Documents Appendix B – Costs and turn out for District elections 2012.

1. PURPOSE OF REPORT

- 1.1 To commence a consultation on the polling places in Wyre Forest.

2. RECOMMENDATION

The Council is asked to DECIDE that:

- 2.1 Consultation commences for a review of the polling places as detailed in Appendix 1 of the report to Council.**

3. BACKGROUND

- 3.1 The Electoral Administration Act 2006 introduced a duty on all local authorities to review their polling districts and polling places once every 4 years.
- 3.2 The Council has carried out a series of polling districts and polling places reviews to ensure that the facilities that it offers to voters in the district meets the needs of the electorate and relevant legislation. These have taken place in 2007, 2010 and 2011.

4. KEY ISSUES

- 4.1 In agreeing the changes to polling places following the 2011 review, Council asked for a report back on the turnout in Lickhill and Mitton. Turnout figures for comparable elections for all wards are shown in the table overleaf.

Turnout %	2006	2007	2008	2011	2012
Aggborough and Spennells	36	38	35	43	31
Areley Kings	37	41	41	43	33
Bewdley and Arley	42	39	41	47	34
Blakedown and Chaddesley	47	0	0	49	0
Broadwaters	32	38	30	35	27
Cookley	0	48	0	47	0
Franche	41	40	38	43	31
Greenhill	32	31	30	35	25
Habberley and Blakebrook	42	40	40	45	34
Lickhill	36	36	34	39	29
Mitton	35	35	34	38	28
Offmore and Comberton	43	38	37	42	32
Oldington and Foley Park	31	0	28	0	22
Rock	0	0	48	0	34
Sutton Park	34	35	34	36	26
Wolverley	0	52	0	50	0
Wribbenhall	38	0	39	0	31

It can be seen that the turnout in all areas is between 8% and 13% down on 2011. The fall in participation in Lickhill and Mitton was 10%, in line with the average. Thus there is no evidence that turnout was adversely affected as a result of changes to the pattern of polling places.

- 4.2 The pattern in participation is not unique to Wyre Forest. Steps need to be taken to reverse this trend. Apart from seeking to ensure even higher levels of response to the annual canvass, the Electoral Registration Officer will be conducting campaigns to drive up the number of people who register for a postal vote.
- 4.3 For the elections in May 2012, 9470 postal votes were issued and 6565 were returned, a participation rate of 69% which is in line with experience in previous elections. This contrasts with turnout among other voters in polling stations which ranged from 9% to 28% with an average of about 20%. This represents clear evidence that the convenience of being able to complete a vote at home, on a day and time that suits the voter, results in higher participation rates. There is an opportunity, if sufficient electors register for a postal vote in some of the smaller polling districts where the cost of running a polling station is relatively high to reduce still further the number of polling stations that are provided. No proposals are made at this time, as it is necessary first to achieve a critical mass in the number of people voting by post.
- 4.4 The Returning Officer for Wyre Forest District Council is aware that the polling station at St John's school is no longer suitable due to restrictions on vehicular access at certain times. This station was for the register HA-C and HA-A1 & HA-A2. Further the polling station at The Rainbow Children's Centre at Radford Avenue is closing and will no longer be available. This station was for register BR-D.

- 4.5 Consultation needs to be undertaken to ensure that the current polling districts and polling places remain fit for purpose. The Time table is as follows;

Date	Event
21 st June	Publication of Review
21 st June – 3 rd August	Consultation with the public and Key stakeholders.
11 th September	Report to Group Leaders on the review outcomes and asking for support of the recommendations to Council.
26 th September	Decision by Council.

- 4.6 It is intended that the new arrangements will be adopted following the Council meeting in September and in place for the Police and Crime Commissioner elections on 15th November 2012. A copy of the consultation document is attached as Appendix A.
- 4.7 Review meetings have been held both with electoral staff and with agents and political parties. These confirmed that the arrangements for the conduct of the elections on 3rd May were efficient and successful. Difficulties were encountered with the quality of printing of the postal vote packs which means a new supplier will be used in November. A polling station also had to operate temporarily from a boot of a car because the building had not been opened on time by the caretaker. However more robust arrangements for gathering information about alternative key holders are being put in place and also for obtaining advance warning of any limits on access by vehicles and availability of parking. Where two polling stations are located in the same building, colour coded poll cards will be issued in future to help direct voters to the correct station. Finally the count proceeded very smoothly with all of the results being declared before 1am, although the low turnout and absence of parish council elections assisted.

5. FINANCIAL IMPLICATIONS

- 5.1 A review of the polling places within the district offers an opportunity to ensure that the polling stations in the District are cost effective and well placed without making the process of voting unduly difficult for the electorate.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Section 18B(4)(e) of the Representation of People Act 1983 states the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- 6.2 A polling district is a geographical area created by the sub division of a constituency, ward or division into smaller parts.
- 6.3 The Electoral Commission uses the following definitions:
- A polling place is defined as the building or area in which a polling station will be selected by the (Acting) Returning Officer.
 - A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the (Acting) Returning Officer for the election.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 The recommendations will enable the Council to meet its requirements under the Disability Discrimination Act and subsequent legislation by ensuring that access to polling station meets the needs of all electors.

8. RISK MANAGEMENT

- 8.1 There are no significant risk management issues identified with this report.

9. CONCLUSION

- 9.1 The Council is to undertake a review of polling places and a report seeking final decision will come to Council in September 2012.

10. CONSULTEES

- 10.1 The Leader of the Council.

11. BACKGROUND PAPERS

- 11.1 The Electoral Administration Act 2000.

REVIEW OF POLLING PLACES IN THE DISTRICT OF WYRE FOREST

Executive Summary

This consultation paper sets out proposals for some changes to the pattern of polling places in the district of Wyre Forest for use at elections in November 2012 onwards. The proposed changes are:

Polling District Ref	Current polling place	Proposed polling place
BR-D	Sure Start Centre Radford Avenue Kidderminster	St George's Social Club Radford Avenue Kidderminster
HA-A1 HA-A2 HA-C	St John's School Blakebrook Kidderminster	<u>Either</u> Baxter College Habberley Road, Kidderminster (HA-A1 & HA-C) and St John's Social Club Crowther Street Kidderminster (HA-A2) <u>Or</u> Baxter College Habberley Road, Kidderminster (HA-A1, HA-A2 & HA-C)

Your responses are sought by **5pm on Friday 3rd August 2012** – the details of where to send your comments are in paragraph 18.

Background

1. The Electoral Administration Act 2006 requires all local authorities to review their polling districts and polling places at least once every four years. The last such review in Wyre Forest was undertaken in 2011/12 and the results were agreed by Council on 29th February 2012. Copies of the report and the decision can be found at www.wyreforest.gov.uk/council/meetings/main.htm
2. A review of the polling places within the district offers an opportunity to examine options to rationalise and reduce costs without making the process of voting unduly difficult for the electorate. It can also take account of known future changes, for example in terms of buildings that will cease to be capable of being used as polling stations in the near future and more suitable buildings that are, or are due, to become available. No proposals are made in this review to alter polling districts: the only changes proposed are to polling places.

Definition of terms

3. A polling district is a geographical area created by the sub division of a constituency, ward or division into smaller parts.
4. Section 18B(4)(e) of the Representation of People Act 1983 states that the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
5. The Electoral Commission uses the following definitions:
 - A polling place is defined as the building or area in which a polling station will be selected by the (Acting) Returning Officer.
 - A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the (Acting) Returning Officer for the election.

Requirements of the review

6. It is a requirement of the review to ensure that all electors in the constituency have such reasonable facilities for voting that are practical in the circumstances.
7. It is necessary to ensure that as far as reasonable and practicable, the polling places are accessible to all electors, including those who are disabled, and when considering the designation of a polling place to have regards to the accessibility needs of disabled persons.
8. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the polling district.
9. In conducting the review the Council must:
 - Publish a notice that the review is being held.
 - Consult the (Acting) Returning Officer.
 - The (Acting) Returning Officer must make representation to the authority and must include information as to the location of polling stations (existing or proposed) within the polling places.
 - The Council must publish the (Acting) Returning Officer's representations within 30 calendar days of receipt.
 - The Council must seek representation from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
 - Ensure that any elector in the area may make representations.
 - Representations may be made by any person in connection with the review including proposals for specified alternative polling places.
 - Publish the findings of the review including reasons.

10. The legislation requires that consultation is undertaken. This includes:
- A compulsory submission from the (Acting) Returning Officer of the UK Parliamentary constituency, which then must be published by the local authority.
 - Any submissions from electors and other persons and bodies, including those with expertise in relation to premises and facilities for disabled persons.
11. The (Acting) Returning Officer must comment during the review of polling districts and polling stations. The Election rules require the (Acting) Returning Officer to decide how many polling stations are required for each polling place and to allocate electors to the polling stations in such a manner as he thinks most convenient. (Rule 25 Schedule 1 RPA 1983) The location, size and layout of any polling place/station must be a key consideration when deciding on the number of electors to be allocated to a polling station.

Review of arrangements made for 2012

12. Appendix B gives an analysis of the current elector numbers including cost per elector at each polling station that was used during the District elections in May 2012.
13. A breakdown of all costs is shown in Appendix B.
14. Compared with past district/parish elections, in 2011 turnout fell in 2012.

Turnout %	2006	2007	2008	2011	2012
Aggborough and Spennells	36	38	35	43	31
Areley Kings	37	41	41	43	33
Bewdley and Arley	42	39	41	47	34
Blakedown and Chaddesley	47	0	0	49	0
Broadwaters	32	38	30	35	27
Cookley	0	48	0	47	0
Franch	41	40	38	43	31
Greenhill	32	31	30	35	25
Habberley and Blakebrook	42	40	40	45	34
Lickhill	36	36	34	39	29
Mitton	35	35	34	38	28
Offmore and Comberton	43	38	37	42	32
Oldington and Foley Park	31	0	28	0	22
Rock	0	0	48	0	34
Sutton Park	34	35	34	36	26
Wolverley	0	52	0	50	0
Wribbenhall	38	0	39	0	31

Comments received and issues emerging since May 2012

16. Comments have been received about a number of polling stations and other issues have emerged. These are:
- The Sure Start Centre at Radford Avenue is closing and will no longer be available.
 - St John's School will not be suitable for future elections due to restrictions on vehicular access at certain times.

The review and where to send your comments

17. Appendix A contains the proposals for changes that are now being made in this review. Comments are sought from local electors and interested organisations about these proposals.
18. **Comments should be sent to arrive no later than 5pm on Friday 3rd August 2012** as follows:

By email to: electoral@wyreforestdc.gov.uk

Or by post to:

Electoral Registration Office
Wyre Forest District Council
Civic Centre
Stourport-on-Severn
Worcs
DY13 8UJ

June 2012

Agenda Item No. 11

Appendix A

Aggborough and Spennells Ward

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
AG/A (GR/E)	Kidderminster Harriers Social Club, Stadium Close, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
AG/B	Spennells Youth Centre Warbler Place, Off Heronswood Road, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Areley Kings

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
AK/A AK/C	Areley Kings Village Hall Areley Kings	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
AK/B	Walshes Community Centre, Linden Avenue, Stourport	The future of the Walshes Community Centre is under review, including the possibility that it will be run by the community.	No change. However this will be reviewed once the future of the centre is decided by the Community Housing Group.	This is a suitable venue at present.

Agenda Item No. 11

Bewdley and Arley

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
BE/A BE/C	Riverside Elim church, Bewdley	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
BE/B	St Anne's CE Primary School, Wyre Hill Bewdley	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
BE/E	Pound Green and Button Oak Community Hall, Pound Green	Suitable venue, with good access and parking. Pound Green is remote from the next nearest polling place reachable by road (>3 miles) and therefore ceasing to provide the polling place is not considered reasonable at present.	No Changes	Most suitable venue. No complaints have been received.
BE/F BE/D	Village Hall, Shatterford	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Blakedown and Chaddesley

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
BL/A BL/B BL/C	Blakedown Parish Room, Belbroughton Road, Blakedown	Suitable venue, with good access and parking.	No Changes	Most suitable venue.
BL/D BL/E BL/F BL/G BL/H	Chaddesley Corbett Village Hall, Bromsgrove Road, Chaddesley Corbett	Suitable venue, with good access and parking.	No Changes	Most suitable venue.

Agenda Item No. 11

Broadwaters

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
BR/A	The Salvation Army Centre, Jerusalem Walk Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
BR/B	St Oswald's School Sure Start Centre Sion Avenue Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
BR/C	St Oswald's Church Centre, Broadwaters Drive, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
BR/D	Sure Start Centre, Radford Avenue, Kidderminster	This venue is now closing and will not be available for the elections in November 2012 and beyond.	St Georges Centre Radford Avenue Kidderminster be considered.	A new venue is required.

Cookley

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
CO/A	Cookley Village Hall Lea Lane Cookley	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Franche

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
FR/A	Franche Community Church Chestnut Grove, Franche	Suitable venue, with reasonable access and parking.	No Changes	Most suitable venue. No complaints have been received.
FR/B	St Barnabas Community Hall, Wolverley Road, Kidderminster	Suitable venue, with reasonable access and parking.	No Changes	Most suitable venue. No complaints have been received.
FR/C	Kidderminster Carolians Rugby Football Club, Marlpool Lane, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Greenhill

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
GR/A1 GR/A2	St John's Ambulance Birmingham Road Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
GR/C1 GR/C2 GR/B	Fred Bennett Community Centre, George Street, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
GR/D1 GR/D2	Milton Hall Baptist Church, Lorne Street, Kidderminster	Suitable venue with on street parking.	No Changes	Most suitable venue in the locality with no viable alternatives available.
GR/E (AG/A)	Kidderminster Harriers Social Club, Stadium Close, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Habberley and Blakebrook

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
HA/A1 HA/A2 HA/C	St Johns CE Primary School, Blakebrook, Kidderminster	Vehicular access to the site is not possible before 9am and from 2pm to 6pm.	<p><u>Either</u></p> <p>Baxter College Habberley Road, Kidderminster (HA-A1 & HA-C)</p> <p>and</p> <p>St John's Social Club Crowther Street Kidderminster (HA-A2)</p> <p><u>Or</u></p> <p>Baxter College Habberley Road, Kidderminster (HA-A1, HA-A2 & HA-C)</p>	Alternative venues are required which allow vehicular access and parking.
HA/B1 HA/B2	Habberley Church Hall, Canterbury Road, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Lickhill

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
LI/A	Scout Headquarters Lickhill Road Stourport	Suitable venue, with good access and parking.	No Changes,	Most suitable venue. No complaints have been received.
LI/B	Stourport Community Centre, Lickhill Road, Stourport	This is a suitable venue with good access and parking.	No Change	Most suitable venue. No complaints have been received about the building but comments have been received from local Councillors about the distance for some voters from the former polling station at the Scout Hall, Lickhill Road.
LI/C LI/D	Stourport Youth Centre, Windermere Way, Stourport	Suitable venue, with good access and parking.	No Changes,	Most suitable venue. No complaints have been received.

Mitton

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
MI/A MI/D	Stourport Primary School Park Road Stourport	Suitable venue, with good access and parking.	No Changes,	Most suitable venue. No complaints have been received.
MI/B	Old Rose and Crown, Worcester Road, Stourport	Suitable venue, with good access and parking.	No Changes,	Most suitable venue. No complaints have been received.
MI/C	Wilden Lane Village Hall, Wilden Lane, Stourport	Suitable venue, with good access and parking.	No change.	Only suitable venue. No complaints have been received.

Agenda Item No. 11

Offmore and Comberton

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
OF/A OF/C	St Chad's Church Hall, Comberton, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
OF/B	Offmore Community Centre, Grays Close, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Oldington and Foley Park

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
OL/A1	The Y Centre, Dowles Road Kidderminster	The relatively poor turnout means that this polling station is not as cost effective as others in urban areas.	No Changes.	Most suitable venue. No complaints have been received.
OL/A2	Holy Innocents Community Centre, Sutton Park Road, Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
OL/B	St Peter's Church Hall, Birchen Coppice Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Rock

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
RO/A RO/C	Rock Village Hall, Porchbrook Road, Rock	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
RO/B	Far Forest Village Hall, Cleobury Road, Far Forest	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Sutton Park

PD Letter	Polling Place			Reasons
SP/A1 SP/A2 SP/B1 SP/B2	Evangelical Church Greatfield Road Kidderminster	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.
SP/C1 SP/C2 (OL/A2)	Holy Innocents Community Centre	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Wolverley

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
WO/A	Wolverley Memorial Hall, Wolverley.	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Wribbenhall

PD Letter	Polling Place	Issue, Options and Considerations	Proposal	Reasons
WR/A WR/B WR/C WR/D	Wribbenhall Parish Rooms, Kidderminster Road Bewdley	Suitable venue, with good access and parking.	No Changes	Most suitable venue. No complaints have been received.

Agenda Item No. 11

Appendix B

Polling Station	Register	Eligible Electorate Totals	Number of votes at polling station	Expressed as %	Polling Station costs	Staff costs	Cost per elector	Cost per vote @ polling station
St Annes Primary School	BE/B	2178	544	25%	£100.00	£505.5	£0.28	£1.11
Elim Church Bewdley	BE/A BE/C	2629	626	24%	£200.00	£505.5	£0.27	£1.13
Holy Innocents Community Centre	(OL/A2) SP/C1,C2	2852	640	22%	£362.00	£867.2	£0.43	£1.92
Fred Bennett Community Centre	GR/B GR/C1 GR/C2	1784	293	16%	£900.00	£505.5	£0.79	£4.80
St Johns Primary School	HA/A1 HA/A2 HA/C	3457	756	22%	£250.00	£867.2	£0.32	£1.48
Carolians Rugby Football Club	FR/C	2384	508	21%	£180.00	£505.5	£0.29	£1.35
Harriers Social Club	AG/A GR/E	2363	483	20%	£120.00	£867.2	£0.42	£2.04
St Chads Church Hall	OF/A OF/C	3243	705	22%	£170.00	£723.4	£0.28	£1.27
Habberley Church Hall	HA/B1 HA/B2	1758	457	26%	£173.00	£505.5	£0.39	£1.48
Evangelical Church Greatfield Road	SP/A1 A2 B1 B2	3739	548	15%	£250.00	£867.2	£0.30	£2.04
Milton Hall Baptist Church	GR/D1 GR/D2	1170	188	16%	£250.00	£361.7	£0.52	£3.25
Sure Start Centre	BR/D	1281	294	23%	£106.00	£361.7	£0.37	£1.59
St Oswalds Church Centre	BR/C	1810	413	23%	£200.00	£505.5	£0.39	£1.71
St Barnabas Community Hall	FR/B	1341	312	23%	£150.00	£361.7	£0.38	£1.64
St John's Ambulance	GRA/1 GRA/2	2435	503	21%	£240.00	£505.5	£0.31	£1.48
Franche Community Church	FR/A	1806	432	24%	£200.00	£505.5	£0.39	£1.63
Spennells Youth Centre	AG/B	3249	852	26%	£167.04	£1,011.0	£0.36	£1.38
Salvation Army Centre	BR/A	1326	198	15%	£160.00	£361.7	£0.39	£2.63
Offmore Community Centre	OF/B	2189	511	23%	£70.35	£505.5	£0.26	£1.13
St Oswalds School - Sure Start Centre	BR/B	1561	312	20%	£140.00	£361.7	£0.32	£1.61
Pound Green & Button Oak Community Hall	BE/E	215	59	27%	£130.00	£361.7	£2.29	£8.33
Shatterford Village Hall	BE/D BE/F	377	87	23%	£50.00	£361.7	£1.09	£4.73
Scout Headquarters	LI/A	1779	350	20%	£215.00	£361.7	£0.32	£1.65
Stourport Community Centre	LI/B	722	167	23%	£151.60	£361.7	£0.71	£3.07
Stourport Youth Centre	LI/C LI/D	2991	573	19%	£192.14	£867.2	£0.35	£1.85

Agenda Item No. 11

Stourport Primary School	MI/A MI/D	3605	694	19%	£160.00	£723.4	£0.25	£1.27
Walshes Community Centre	AK/B	2036	457	22%	£50.00	£505.5	£0.27	£1.22
The Old Rose & Crown	MI/B	1725	345	20%	£1,000.00	£361.7	£0.79	£3.95
Wilden Village Hall	MI/C	624	93	15%	£250.00	£361.7	£0.98	£6.58
The Y Centre	OL/A1	1317	122	9%	£300.00	£361.7	£0.50	£5.42
St Peter's Church Hall	OL/B	1631	246	15%	£200.00	£361.7	£0.34	£2.28
Rock Village Hall	RO/A RO/C	916	251	27%	£160.00	£361.7	£0.57	£2.08
Wribbenhall Parish Rooms	WR/A WR/B WR/C WR/D	4046	843	21%	£100.00	£1,011.0	£0.27	£1.32
Far Forest Village Hall	RO/B	1108	262	24%	£176.00	£361.7	£0.49	£2.05
Areley Kings Village Hall	AK/A AK/C	2696	749	28%	£195.00	£505.5	£0.26	£0.94

Total	70343	14873	£7,718.13	£12,560.8
-------	-------	-------	-----------	-----------

Average Cost	£220.52	£0.48	£2.38
Median	£176.00	£0.37	£1.65

Highest Cost per vote = £8.33

Lowest cost per vote = £0.94

* Postal votes have not been used in these calculations.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
20TH JUNE 2012

Corporate Governance Report

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	-
CORPORATE PLAN PRIORITY:	Improving Community Well-Being
CABINET MEMBER:	Councillor J Phillips
DIRECTOR:	Director of Community Assets and Localism
CONTACT OFFICER:	Caroline Newlands Ext 2715 caroline.newlands@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Codes of Practice and Conduct Appendix 2 - Misconduct Arrangements Appendix 3 - West Mercia Police & Crime Panel Appendix 4 - Political Balance – Committee Structure

1. PURPOSE OF REPORT

- 1.1 To recommend Corporate Governance updates to Council and Authorise the Director of Community Assets and Localism to make the appropriate changes to the Constitution.
- 1.2 To request that Council formally adopt a new Code of Conduct and resulting procedure for the Investigation of Complaints.
- 1.3 To recommend that Council agree the recommendation that the Statutory Independent persons required under the new legislation are appointed jointly with The County Council and other Districts in Worcestershire (excluding Redditch and Bromsgrove).
- 1.4 To approve the rules for the Police and Crime Panel, a new joint committee.

2. RECOMMENDATION

Council is asked to DECIDE on:-

- 2.1 The adoption of the Corporate Governance updates contained within this report including the draft Code of Member Conduct (including co opted Members) and the resulting procedure for the Investigation of Complaints.**
- 2.2 That the Council agree that the Statutory Independent persons required under the new legislation are appointed jointly with The County Council and other Districts (excluding Redditch and Bromsgrove).**

- 2.3 The approval of the rules for the Police and Crime Panel as a new joint committee.
- 2.4 The minor constitutional updates relating to apportionment of member allowances and political balance.
- 2.5 The making of all consequential amendments to the Constitution.
- 2.6 Note the appointment of Joanne Wagstaffe as the Director of Resources who took up the section 151 role from the 11 June 2012.

3. **BACKGROUND**

- 3.1 The Localism Act 2011 ("The Act") substantially alters the current Corporate Governance arrangements and most notably replaces the current Member Conduct regime. The commencement date for these provisions has been made and new procedures must be adopted before 1st of July 2012.
- 3.2 This report describes the changes and recommends the actions required for the District Council to implement the new regime and details other constitutional updates for the Council to consider, including changes to the scheme of delegation and approval for the rules of the Police and Crime Panel, a new joint committee.

4. **LOCALISM ACT 2011**

- 4.1 The Government has abolished the Standards Board and instead, local authorities will draw up their own codes, and it will become a criminal offence for councillors to deliberately withhold or misrepresent a financial interest. This means that councils will not have to spend time and money investigating trivial complaints, while councillors involved in corruption and misconduct will face appropriately serious sanctions. The Government believes that this will provide a more effective safeguard against unacceptable behaviour.
- 4.2 In order to implement the provisions in this report, the District Council will need to take a series of decisions and actions, including adopting a new Code of Conduct and this is attached as Appendix 1.
- 4.3 The legislation also requires the adoption of "arrangements" as to how to deal with misconduct complaints under the new regime. To assist with that process this report proposes a draft set of "arrangements" and these are attached as Appendix 2.
- 4.4 The Council need to appoint statutory "independent persons" and it is recommended that these are appointed jointly with the County Council and other districts (excluding Redditch and Bromsgrove).

5. **KEY ISSUES**

- 5.1 The authority has a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

- 5.2 Strong Corporate Governance requires the adoption of a formalised Code of Conduct including the newly published Disclosable Pecuniary Interest regulations.
- 5.3 The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee, so whilst there is no legal requirement for a Standards Committee, there is still the need to deal with standards issues and case-work. Accordingly Annual Council constituted a politically balanced Ethics and Standards Committee which is a normal Committee of Council, without the unique features which were conferred by the previous legislation. The politically balanced Committee is attached as appendix 4, Council may subsequently chose to update the co-optees in light further information received from the legislature.

6. WEST MERCIA POLICE AND CRIME PANEL

- 6.1 The Police Reform and Social Responsibility Act 2011 introduces new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and police accountability. (See Appendix 3) It is necessary for council to agree and approve, the rules for this new Police and Crime Panel.

7. MEMBERS ALLOWANCES SCHEME

- 7.1 The current Members Allowances scheme specifies the allowance for the leader of the main opposition party, but does not specify the procedure where opposition groups are of an equal size and/or there is no main opposition group. It is intended that the constitution is updated so that the allowances payable in Band 4 for the Leader of the Main Opposition Group and Band 6, Leaders of Other Opposition Groups (subject to a minimum of 5 members) shall be divided equally with the relevant Group Leaders.

8. LICENSING COMMITTEE – REGULATIONS AND RESTRICTIONS

- 8.1 The general power to appoint committees to undertake council business is contained in section 101 of the Local Government Act 1972. The political balance rules are contained in sections 15 - 16 of the Local Government and Housing Act 1989. These provisions govern all the Council's committees and Standing Policy Panels with the following exceptions. The Standards Committee is regulated by the new Localism Act (as described earlier in this report) and regulations made under the Act. The Licensing Committee is established under the Licensing Act 2003 governed by regulations under that Act. The political balance rules do not apply to the Standards Committee or the Licensing Committee. The regulations pursuant to the Licensing Act limit the maximum number on this committee to 15. A revised political balance is attached as Appendix 4.

9. STATUTORY OFFICER APPOINTMENT

- 9.1 Council is asked to note the appointment of Joanne Wagstaffe as the Director of Resources who took up the section 151 role from the 11 June 2012.

DECLARATION

As a member or co-opted member of Wyre Forest District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all. In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a constructive manner that is consistent with the 10 principles of public life to achieve best value for our residents and maintain public confidence in the integrity of the authority. In particular I commit myself to treat with respect other members of the council and its staff.

Signed.....

Date.....

WYRE FOREST DISTRICT COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of Wyre Forest District Council.
- (2) You should read this Code together with the Ten Principles of Public Life which are set out in Appendix 1.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - "meeting" means any meeting of
 - (a) the authority;
 - (b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;
 - (c) the executive (Cabinet) of the authority or it's committees

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Wyre Forest District Council;

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
- .
8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by the DPI regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife: or
 - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

Registration of DPIs

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

Other Disclosable Interests

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion which is not de minimus; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) DPIs: formal meetings

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPIs: informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have a been granted a dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

MEMBERS CODE OF CONDUCT

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Disclosable pecuniary interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Order 3.6 in the constitution requires you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Revised draft of the interests part of the code of conduct

(This draft seeks to maintain the current requirements on interests, but excluding the statutory requirements for disclosable pecuniary interests. The layout follows the Localism Act layout i.e. notification, disclosure, register, sensitive interests, non participation. The term prejudicial interest is replaced by pecuniary interest.)

Interests

1 Notification of interests

(1) In addition to the disclosable pecuniary interests notifyable under the Localism Act 2011, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

2 Disclosure of interests

(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(B) In sub-paragraph (2)(A), a *relevant person* is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in paragraph 1(2)(a)(i) or (ii).

(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(4) Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

3 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

4 Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5 Non participation in case of pecuniary interest

(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business

(a) affects your financial position or the financial position of a person or body described in paragraph X ;or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

(2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—

a) You may not participate in any discussion of the matter at the meeting.

b) You may not participate in any vote taken on the matter at the meeting.

c) If the interest is not registered, you must disclose the interest to the meeting.

d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Standing Order X requires you to leave the room where the meeting is held while any discussion or voting takes place.

(3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

6 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

**WEST MERCIA POLICE AND CRIME PANEL
AGREEMENT**

This Agreement is dated the day of 2012.

The Agreement is made between the following:

Worcestershire County Council
Shropshire Council
Telford and Wrekin Council
Herefordshire Council
Bromsgrove District Council
Malvern Hills District Council
Redditch Borough Council
Worcester City Council
Wychavon District Council
Wyre Forest District Council

In the Agreement the above Authorities are referred to together as ‘the Authorities’.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduces new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (‘PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).
- 1.4 West Mercia is a multi-authority police force area (‘the police force area’). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working), and limit or prevent the overlapping or conflicting exercise of functions.
- 1.8 The Panel has responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.9 The Panel is a statutory joint committee of the Authorities.
- 1.10 The Authorities agree the Panel Arrangements as set out in the Appendix.
- 1.11 These arrangements may be varied from time to time by the Authorities acting together.

INSERT SIGNATURE/EXECUTION CLAUSE

PANEL ARRANGEMENTS

2.0 Functions of the Police and Crime Panel

- 2.1 The functions of the Panel are set out in the Terms of Reference attached as an Annexe.
- 2.2 The Panel may not exercise any functions other than those conferred by the Act.
- 2.3 The Panel may appoint Committees or Sub Committees as it considers appropriate but the functions of the Panel set out at paragraphs 2.4-2.9 below may not be discharged by a Committee or Sub-Committee of the Panel.
- 2.4 The Panel is a statutory consultee on the development of the Police and Crime Commissioner's (PCC's) Police and Crime Plan and must:
- a) review the draft Police and Crime Plan (or a variation to it), and
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 2.5 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act
 - b) ask the PCC at that meeting such questions about the Annual Report as the members of the Panel think appropriate
 - c) review the Annual Report, and
 - d) make a report or recommendations on the Annual Report to the PCC.
- 2.6 The Panel:
- a) must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act
 - b) must report to the PCC on the proposed precept (which may include reasons), and
 - c) may exercise its right of veto in respect of the precept in accordance with the Act and Regulations made under it .
- 2.7 Within three weeks of receipt of notification of the proposed appointment by the PCC of a Chief Constable, the Panel:
- a) must undertake a review of the proposed appointment in accordance with the requirements set out in Schedule 8 of the Act
 - b) must hold a public confirmation meeting
 - c) must make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC.
 - d) may exercise its right of veto in respect of the appointment in accordance with the Act and Regulations made under it.

- 2.8 The right of veto in paragraphs 2.6 and 2.7 requires that at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of that veto.
- 2.9 Within three weeks of receipt of the notification of the proposed appointment by the PCC of a Chief Executive, Chief Finance Officer and/or the Deputy PCC, the Panel:
- a) must undertake a review of the appointment by the PCC in accordance with the requirements set out in Schedule 1 of the Act
 - b) must hold a public confirmation meeting
 - c) must make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy PCC.
- 2.10 The following functions may be delegated to a Committee or Sub-Committee of the Panel:
- 2.11 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign. In the case of the latter the Panel must hold a private scrutiny hearing and must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act. The Panel's recommendation must be given within six weeks of receipt of such notification and published.
- 2.12 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
- 2.13 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel determines and must also send copies to the Authorities.
- 2.14 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions the Panel considers necessary for it to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PCC by his/her staff
 - b) in the view of the PCC
 - i) be against the interests of national safety
 - ii) jeopardise the safety of any person
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
 - c) be prohibited by any other enactment.
- 2.15 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

- 2.16 The Panel may require the PCC to respond in writing with a reasonable period set by the Panel to a report or recommendation from the Panel to the PCC.
- 2.17 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.18 The Panel will have any other powers and duties set out in the Act or other legislation or Regulations made under the Act.

3.0 Membership

General

- 3.1 The Panel is a joint committee of the Authorities. Subject to paragraph 3.8 the Panel will consist of a total of 15 elected members nominated by the Authorities as set out below (10 substantive and 5 co-opted) plus 2 lay independent co-opted members.
- 3.2 Membership of the Panel will consist of elected members appointed as follows:
 - Worcestershire County Council (1 substantive member)
 - Shropshire Council (4 members) {1 substantive and 3 co-opted members}
 - Telford and Wrekin Council (2 members) {1 substantive and 1 co-opted member}
 - Herefordshire Council (2 members) {1 substantive and 1 co-opted member}
 - Bromsgrove District Council (1 substantive member)
 - Malvern Hills District Council (1 substantive member)
 - Redditch Borough Council (1 substantive member)
 - Worcester City Council (1 substantive member)
 - Wychavon District Council (1 substantive member)
 - Wyre Forest District Council (1 substantive member).
- 3.3 Appointments of elected substantive members and nominations to the Panel of co-opted members shall be made by each of the Authorities in accordance with their own procedures but which must ensure that the 'balanced appointment objective' is met so far as is reasonably practicable. Substantive members will be directly appointed by each of the Authorities and co-opted members will be nominated by Authorities (as outlined in paragraph 3.2) for co-option by the Panel.
- 3.4 The Lead Authority shall take steps to co-ordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority members of the Panel (which includes members appointed by the Authorities and co-opted members who are elected members of any of the Authorities) when taken together should:
 - a) represent all parts of the police force area
 - b) represent the political make-up of the Authorities (when taken together), and
 - c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

- 3.5 The Panel must, in co-opting elected members, secure that as far as reasonably practicable, the balanced appointment objective is met.
- 3.6 The Panel shall also include 2 lay independent members co-opted by the Panel.
- 3.7 In appointing lay independent co-opted members (who are not elected members of any of the Authorities) the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted members of the Panel, when taken together, have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.8 The Panel will keep under review the number of co-opted members and whether a variation in their numbers would assist in meeting the balanced appointment objective. The Panel may also resolve to co-opt further or fewer members with the agreement of the Secretary of State provided that the number of co-opted members included in the membership of the Panel shall not exceed 20.

Appointed Substantive Members

- 3.9 The Authorities shall each nominate the appropriate number of elected members to be a member of the Panel (see 3.2 above). If a nominated member agrees to the appointment the Authority may appoint the member as a member of the Panel.
- 3.10 In the event that an Authority does not appoint a member or members in accordance with these requirements, the Secretary of State must appoint a member to the Panel from the defaulting authority in accordance with the provisions in the Act.
- 3.11 Each authority may remove or change their appointed member from time to time but with a view to ensuring continuity of membership as far as possible it is anticipated that an appointed member would be a member of the Panel for a term of four years unless s/he ceases to be an elected member, or is removed by their Authority, at which point Panel memberships ceases.
- 3.12 An Authority may decide in accordance with their procedures to remove their appointed member from the Panel at any point and on doing so shall give written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.13 An appointed member may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council on behalf of the Panel.
- 3.14 In the event that any appointed member resigns from the Panel, or is removed from the Panel by an Authority, the relevant Authority shall immediately take steps to nominate and appoint an alternative member to the Panel and provide written notification to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.15 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

Co-opted Members

- 3.16 The Panel will co-opt 5 elected members and 2 lay independent members.
- 3.17 The following may not be co-opted members of the Panel:
- a) the PCC for the Police Area
 - b) a member of staff of the Police and Crime Commissioner for the area
 - c) a member of the civilian staff of the Police Force for the area
 - d) a Member of Parliament
 - e) a Member of the National Assembly for Wales
 - f) a Member of the Scottish Parliament
 - g) a Member of the European Parliament.
- 3.18 An Authority may decide in accordance with their procedures to rescind their nomination of a co-opted member at which point the co-option by the Panel will be deemed to have been terminated.
- 3.19 At least 2 lay independent co-opted members must be appointed and these may not be members of any principal authorities.
- 3.20 A lay independent co-opted member shall be an appointed member of the Panel for four years but may resign or be removed by the Panel as set out in 3.25 below.
- 3.21 The Panel shall put in place arrangements to ensure that appointments of lay independent co-opted members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria, and
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
- 3.22 A lay independent co-opted member must not be an elected member or officer of a principal local authority (or has been so in the preceding five years).
- 3.23 A co-opted member of the Panel may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted members of the Panel to enable the balanced appointment objective to be met, so far as is reasonably practicable.
- 3.25 The Panel may decide to terminate the appointment of a co-opted member of the Panel if the majority of the Panel at the time when the decision is made vote in favour of making

that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted member. The Panel will consider termination in any appropriate circumstances but in particular:

- a) if the co-opted member has been absent from the panel for more than six months without the consent of the Panel
- b) if the co-opted member has been convicted of a criminal offence but not automatically disqualified
- c) if the co-opted member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted member of the Panel; or
- d) (for elected member co-optees only) if the co-opted member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3.26 In the event that a lay independent co-opted member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two lay independent co-opted members remain appointed to the Panel.

3.27 Lay independent co-opted members appointed to the Panel may be re-appointed for a further term of four years subject to the requirements under paragraph 3.21.

4.0 Budget and Costs of the Panel

4.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the upper-tier Authorities on the basis of population, and further also on the basis of the Worcestershire County Council and the respective District Council for a Worcestershire District Area sharing equally the cost pro-rata to the population of that Area.

4.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.

4.3 Other than in the first year of operation, a draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities in advance of 1 April. The Panel must then operate within the approved budget.

5.0 Lead Authority

5.1 Worcestershire County Council shall be the lead authority for the Panel and shall provide such administrative support through its Head of Legal and Democratic Services and other professional support through the Adult and Community Services Directorate as will be necessary to enable the Panel to undertake its functions which will be funded by Home Office grant.

6.0 Rules of Procedure

6.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment, resignation and removal of the Panel Chairman
- b) the formation of sub-committees
- c) the making of decisions
- d) the arrangements for convening meetings
- e) the circulation of information.

7.0 Allowances

7.1 All members of the Panel may reclaim travel and other appropriate out of pocket expenses incurred in the undertaking of approved duties relating to their role on the Panel in accordance with the rates adopted from time to time by Worcestershire County Council, up to a maximum cumulative value of £920 per annum. No allowances are payable for being a member of the Panel or chairing it.

7.2 Claims will be administered by Worcestershire County Council and will be paid subject to receipt within three months of the date of the duty.

8.0 Promotion of the Panel

8.1 The Panel arrangements shall be promoted by:

- a) The establishment and maintenance of a dedicated webpage including information about the role and work of the Panel, Panel membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications, and
- b) The issuing of regular press releases about the Panel and its work, and
- c) The Authorities will each include information about the Panel on their websites, which will also include a link to the Panel webpages.

8.2 Support and guidance shall be provided to members and officers of the Authorities in relation to the functions of the Panel by the provision of briefings as appropriate.

9.0 Validity of Proceedings

9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the membership of the Panel or a defect in appointment.

9.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act. In the event of any conflict between the Act or Regulations and these arrangements, the requirements of the legislation will prevail.

**WEST MERCIA POLICE AND CRIME PANEL
TERMS OF REFERENCE**

- 1) To support the effective exercise of the functions of the Police and Crime Commissioner (PCC) and exercise its functions with a view to such support.
- 2) To review and make a report or recommendations to the PCC on the draft police and crime plan, or draft variation, given to the Panel by the PCC.
- 3) To review and make a report or recommendation to the PCC on the annual report.
- 4) To review and hold a public confirmation hearing in respect of, a 'proposed senior appointment' as defined in the Police Reform and Social Responsibility Act 2011 and report to the PCC with a recommendation as to whether or not the candidate should be appointed.
- 5) To review and hold a public confirmation hearing in respect of, the proposed appointment of the Chief Constable and report to the PCC with a recommendation as to whether or not the candidate should be appointed or exercise the Panel's right to veto the appointment.
- 6) To hold a scrutiny meeting in private in respect of a proposal by the PCC to call upon the Chief Constable to retire or resign and make a recommendation to the PCC in respect of the proposal.
- 7) To review and make a report (which may include recommendations) on the PCC's proposed precept or exercise the Panel's right to veto the proposed precept.
- 8) To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 9) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
- 10) To fulfil any further function in relation to complaints about conduct matters, in accordance with any responsibilities accorded to the Panel by or under the Police Reform and Social Responsibility Act 2011.
- 11) To appoint an Acting PCC if necessary.
- 12) To consider suspending the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, Channel Islands or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 13) To fulfil any other function of the Police and Crime Panel as provided by the Police Reform and Social Responsibility Act 2011 or associated primary or secondary legislation.

		Conservative		Liberal & Independent Group		Labour		IndeCommunity		Total
No. of Cllrs.			21		5		8		8	42
Percentage			50.00%		11.90%		19.05%		19.05%	100.00%
Executive Cttees		Membership								
Appts & Appeals	8	4	4.00	1	0.95	1	1.52	2	1.52	8
Audit cttee	8	4	4.00	1	0.95	2	1.52	1	1.52	8
Ethics & standards *	6	3	3.00	1	0.71	1	1.14	1	1.14	6
Scrutiny										
Scrutiny Committee	20	10	10.00	2	2.38	4	3.81	4	3.81	20
Regulatory										
Planning	16	8	8.00	2	1.90	3	3.05	3	3.05	16
Lic & Env	15	7	7.50	2	1.79	3	2.86	3	2.86	15
Total	73	36	36.50	9	8.69	14	13.90	14	13.90	73
Percentage		49.32%		12.33%		19.18%		19.18%		100.00%
Difference between % No. of Cllrs. And % Number of Seats		-0.68%		0.42%		0.13%		0.13%		

* the table shows only district councillor members

1. Each member is required to notify the Proper Officer which political group, if any, he or she wishes to be identified with. A group comprises of two or more members.
2. Each Group Secretary is required to notify the Proper Officer which members of his or her groups he/she wishes to sit on each relevant committee or sub-committee.
3. The allocation of seats required the rounding up or down of calculated figures to give whole numbers.
4. Single party representatives and independent members (who do not form part of a political group) are not legally entitled to seats on committees to which the rules of proportionality apply.

21 Conservative Group
5 Liberal & Independent Group
8 Labour Group
8 ICHC Group

COUNCIL
20TH JUNE 2012

Community Housing Group Governance Review

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Improved Health & Wellbeing
CORPORATE PLAN PRIORITY:	Delivering Together, with Less
CABINET MEMBER:	Councillor J Phillips
DIRECTOR:	Director of Economic Prosperity & Place
CONTACT OFFICER:	Mike Parker Ext. 2500 Mike.parker@wyreforestdc.gov.uk
APPENDICES:	Appendix 1: Proposed CHG Governance Structure Appendix 2: Diagrammatic representation of Annual Council nomination process

1. PURPOSE OF REPORT

- 1.1 To consider the constitutional changes proposed to the Community Housing Group (CHG) arising from their governance review.

2. RECOMMENDATION

Council is asked to:

- 2.1 **Consider the proposed governance structure as set out in the report and shown at Appendix 1 and decide whether or not to support the proposed changes and, if not, to provide clear reasons for not so doing and what, if any, alternatives would be preferred.**
- 2.2 **In the event that Council supports the proposed changes to delegate to the Chief Executive, in consultation with Group Leaders, the nomination of the three Members to be appointed to the Community Housing Group Membership and up to six other Members to be proposed for the Community Membership roles; and**
- 2.3 **Delegate to the Director of Community Assets & Localism the preparation of a Memorandum of Understanding with the Community Housing Group setting out the Council's operational requirements as set out in paragraph 4.6 of the report.**

3. BACKGROUND

- 3.1 Since the CHG was originally formed following the Council's stock transfer in 2000, the Council has always had some of its Members serving on the committees of the CHG.
- 3.2 Currently the Council nominates six Members to serve on the CHG board/ committees and considers representatives at Annual Council in May to decide which

Members should serve. Sometimes, some or all of the Members may be replaced at the same time. Historically this has given CHG some challenges in terms of consistency and capability of new members who require training by CHG. This also presents a risk to CHG as, although the Council nominates in May, the serving membership on CHG commences from their September AGM. As the Council holds a third of voting rights on key decisions taken by CHG, they are exposed in situations when all six district Members are replaced in one go.

- 3.3 The current district councillors serving on the CHG Board are Councillors Clee, Godwin, Hardiman, Yarranton, Greener and Gale. It was agreed at Annual Council on 23rd May 2012 that the decision on future Members to sit on CHG would be made at tonight's meeting.
- 3.4 The regulatory framework for social housing in England was revised from April 2012 when the Localism Act 2011 amendments to the Housing & Regeneration Act 2008 came into effect and regulation that was with the Tenants' Services Authority (TSA) transferred to the Homes & Communities Agency (HCA). Registered Providers are required to meet the relevant standards and the Boards and Councillors who govern providers' service delivery are responsible for meeting the standards and being transparent and accountable for their organisations' service delivery.
- 3.5 Registered Providers must adopt and comply with an appropriate code of governance. CHG has adopted the National Federation's code 'Excellence in Governance' which is used by the majority of Registered Social Landlord's (RSL's) nationally. CHG has to provide accurate and timely returns to the HCA as regulator to ensure that standards are being met.
- 3.6 The National Federation's Code covers 12 assessment areas including the constitution and composition of the Board, the functions of the Board and Board recruitment. One of the recommendations of the Framework is that Board size should be a minimum of 5 and no more than 12, in order to maximise engagement.
- 3.7 The HCA is the social housing regulator and they implement an ongoing regulatory assessment for CHG to assess CHG compliance against the Governance & Viability standard. The recent HCA assessment concluded that CHG were substantially compliant at present and would be fully compliant from September 2012 on the understanding that the CHG proposals for improved governance would be achieved by then.
- 3.8 Part of the CHG governance review centred on its board and committee structure. The HCA highlighted particularly, "the mandate around local authority membership and the lack of a robust recruitment process to board members' roles", as a barrier to full compliance. The National Federation's Code requires recruitment to be open and transparent, based on merit and based on a rigorous appraisal of its members' capabilities.
- 3.9 CHG proposes a number of changes to the board structure, over which it is consulting the Council. CHG requires 75% of the Board vote to implement any changes and through the Council Members on the CHG, the Council holds 33⅓% of the votes. It is important therefore that the Council forms a collective view on the proposed changes.

4. KEY ISSUES

4.1 The proposed new arrangements are set out diagrammatically in Appendix 1 to this report. The CHG has provided two briefing sessions to Members to assist with the context and reasoning behind the proposed changes. The principal changes to the current process of the Council nominating six Members are as follows:

4.1.1 The Council will nominate three Councillors to sit on the CHG Membership; this is where the 33 $\frac{1}{3}$ % voting rights will be retained for the Council on any strategically significant decisions that need to be made.

4.1.2 The Council will then be able to propose up to a further 6 Councillors, officers or other representatives to be considered as Community Members on the following committees:

- Audit
- Resources
- Wyre Forest Community Housing
- Wyre Forest Sheltered Housing
- Property Services Committee (2 posts)

Because the Council has complete freedom to decide who would act best as a Community Member – it could be an officer or another member of the local community – these roles are not described as Councillors, hence the Community Member title.

4.1.3 All roles on committees will have a job description and person specification and the Council will be invited to propose Councillors (or others) who meet the requirements. The Board will assess the suitability of those candidates proposed against the job description, but it is anticipated that by virtue of their role as a Councillor, being a community representative, they will automatically meet the CHG Community Member requirements.

The Board as a whole should have, or acquire, a diverse range of skills, competencies, experience and knowledge.

4.1.4 In the event that an unsuitable candidate is proposed, the Council will be invited to propose a further candidate. CHG will always give the Council first refusal on the six Community Member roles. The Council may choose not to propose six, in which case CHG will seek other applications for those posts, or the Council may propose more than six (or more than one for any position) in which case CHG will select the most suitable candidate.

4.1.5 Any Councillor with specialist professional skills could request to be considered as a Committee Member on the resources, audit or property service committee, based on the skills they could offer, rather than as a Community Member.

4.1.6 The same Community Member may not serve on more than one Committee at the same time.

4.1.7 Membership to CHG will be a three year appointment.

- 4.1.8 Community Members will be able to serve a maximum of three, three year terms of office, with nomination/proposal by the Council at the end of each term of office.
- 4.1.9 Councillors would be able to be considered as Chairmen of any of the committees once they had received the necessary training as part of the CHG general membership. If they are successfully selected as a Chairman, then they will serve a three year term in that capacity in their own right, i.e. not as a Council representative, the Council would be able to propose a further Member to fill the role left by the Member taking up the Chairmanship role. All Chairmen would also serve on the CHG Parent Board.
- 4.1.10 CHG will only accept Council candidates that have been put forward by the Council, i.e. Members would not be able to propose themselves to Community Member roles.
- 4.2 These proposed new arrangements are due to come into effect from September 2012 and will ensure that CHG remain fully compliant with the National Federation Code to the satisfaction of the HCA. The three Councillors nominated to serve on the CHG Membership will exercise the Council's vote regarding the governance changes at the CHG AGM in September.
- 4.3 Although the changes naturally direct attention towards the structure and the Council's ongoing relationship with CHG as its partner, the focus must also remain on the continued improvement to the service received by Wyre Forest residents. To this end, the role of Tenants in continuing to help shape service delivery is key; tenant members serve on Wyre Forest Community Housing and Wyre Forest Social Housing, as well as through the Tenant Services Committee. This latter committee thus engaging on all policy and service matters.
- 4.4 In the course of the two Member briefing sessions there have been a number of issues of concern raised by those Members in attendance. These have included concerns about the Community Member positions and why there should be a process of the Council 'proposing' Members to these roles rather than the current direct nomination process; the process of assessing whether Council proposed Community Members are suitable or not and by whom that decision will be made; the process by which tenants are selected for the positions on the Tenant Services Committee and whether it would be more transparent to hold elections to these posts (see 4.5 below); the democratic deficit caused by absence of Community or Tenant roles on Vestia and Worcestershire Telecare. These concerns will have to be weighed in the balance by Members, together with the HCA governance issues, in reaching a decision on whether or not to support the CHG proposals.
- 4.5 The CHG held an extensive consultation with its tenants in 2010 (the 'Big Conversation') and from that tenants expressed their wish to form the proposed Tenant Services Committee, the operational details of which are still to be worked up with the tenants themselves. Some Councillors have expressed a wish for the Council to be involved in this process and CHG has made an offer to involve the Council. At this stage, the governance framework is only setting out the principle of this Committee and the Council has the opportunity of being involved in its set up if

they so wish. This Committee will be an important barometer of the health of the CHG governance structure and will ensure that the tenants have an enhanced role with the HCA as regulator.

- 4.6 In practical terms, if Council is minded to agree the CHG changes as proposed and without amendment, there are a number of operational matters listed below which it is proposed be effected by way of a Memorandum of Understanding with CHG to ensure that there is clarity of process going forward.
- 4.6.1 The Council has up to nine candidates to select – three Councillors to serve as nominations on the CHG Membership and up to six more to add as Community Members.
- 4.6.2 Group Leaders will meet the Chief Executive and advise which nine candidates they wish to put forward to serve for September 2012 (this can include some or all of the existing six Councillors currently serving on CHG) and in what position. This must include three Councillors to serve on the CHG Membership and up to six other candidates to be considered for Community roles on the relevant committees (once the job description and person specification have been received from CHG).
- 4.6.3 The appointments made in 2012 will comprise three candidates to serve one year, three to serve two years and the remaining three to serve for a three year period. This will then mean that, from 2013, each year the Council will replace three candidates to serve for a three year period (see Appendix 2 for diagram of how this works).
- 4.6.4 The Council will be able to reappoint candidates to a role they have previously filled, if they so wish, subject to the maximum term of three, three year terms.
- 4.6.5 At Annual Council in May 2015 to begin replacing those three Members who have served a three year term of office (i.e. those appointed in 2012) and so on annually, commencing service in the September of that year.
- 4.6.6 Any Councillor serving on CHG who ceases to serve as a district councillor during their three year term on CHG, will be replaced by a district councillor or other appropriate person if this in a Community Member role at the next available opportunity that an appointment can be made who will serve the remainder of that term on CHG.
- 4.6.7 Any Council candidate who successfully secures the Chairmanship on CHG of a Board/Committee will be replaced by another Council candidate to serve the remainder of their term in the role they vacate, such appointment to be made at the next available opportunity following the confirmation of the successful Chairman's appointment.
- 4.6.8 CHG to only consider district council candidates wishing to serve in a Community Member role that have been so proposed formally by the Council.
- 4.6.9 CHG to always give first refusal of Community Member roles to the district council until all of the six roles have been filled by district council candidates.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications for the district council arising from this report but there may be consequential indirect implications if the proposed arrangements are not agreed (see 8 below).

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The CHG is governed by the Social Housing Regulator, the HCA. The HCA is responsible for assessing the compliance by CHG with the HCA's governance and viability standard. The HCA has chosen the National Housing Federation Code to ensure that it meets the HCA requirements. Although not affirming full compliance until the new governance arrangements are in place, the HCA is satisfied that CHG has properly considered the appropriate Board size and skill set to ensure full compliance in the future. The CHG has effective performance management arrangements in place and can demonstrate good performance against objectives.
- 6.2 The Council's representatives on CHG have a legal duty to act in the best interest of CHG and must take account of the need to meet the HCA's governance standard. If the Council decides not to agree the proposed governance structure, it has a duty to provide robust and properly evidenced reasons to support that decision.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 The changes proposed are regarding the governance structure for CHG and will not impact directly on their operational service delivery; on that basis an Equality Impact Assessment is not considered necessary.

8. RISK MANAGEMENT

- 8.1 There are a number of direct and indirect risks associated with not proceeding with the governance changes that CHG are proposing:
- 8.1.1 CHG would be deemed by the HCA as their regulator as failing to be fully compliant with the National Housing Federation's code 'Excellence in Governance' and thus will fail to establish the necessary governance framework to satisfy the HCA standards. In cases where such failure could lead to a serious detriment to tenants, the regulator may decide to intervene.
- 8.1.2 Failure to achieve compliance could ultimately lead to the HCA issuing formal notices to secure compliance and possibly resulting in a fine for continued non compliance.
- 8.1.3 Ultimately, although unlikely in this case, the HCA could direct a transfer of assets to another Registered Provider.
- 8.1.4 CHG would fail to demonstrate the necessary standards of probity and conduct.
- 8.1.5 CHG may not be able to demonstrate the necessary skills and experience at Board level and this may consequentially impact on its strategic decisions.

8.1.6 There could be financial consequence ranging from failure to secure HCA development grant, failure to attract business partners and pursue new business opportunities. Worse still, there may be considered to be a technical default by the CHG's existing funders which could trigger a re-pricing at a far less advantageous rate than currently in place and this would have a serious impact on CHG's development programme and ability to undertake a wide variety of community based assistance and projects in the district.

8.2 Members will also wish to consider the impact of the proposed changes on the ongoing relationship with the district council in the delivery of housing services and in the light of concerns expressed at the briefing sessions (4.4 above) may feel that the proposed changes create a democratic void in the role they wish to play on the CHG. Members may wish to suggest alternatives to the structure of governance proposed that overcomes these concerns.

9. CONCLUSION

9.1 CHG wishes to undertake changes to its governance structure in order to comply with the regulatory framework currently enforced by the Homes & Communities Agency. In order to do this, CHG is proposing changes to the makeup of its Board and Committees and this has an impact on, and requires agreement by, the District Council.

9.2 The changes proposed inter alia mean the Council would be able to nominate three of its Members to sit on the Community Housing Group Membership where they will carry the Council's 33⅓% vote share. The Council would then be able to put forward up to six other candidates to sit on various committees as Community Members.

9.3 A number of Members have attended the two briefing sessions where CHG has presented the proposed changes and will have heard a number of concerns expressed and the CHG response to them.

9.4 Council needs to decide whether or not to support the changes and, if not, to articulate clearly the reasons for not so doing, in order that CHG can address them and to explain clearly to the HCA what the Council's concerns are. If Council agrees to the changes then there follows a number of practical and operational matters to put in place in readiness for the changes which are due to come into effect in September 2012.

10. CONSULTEES

10.1 Director of Community Assets & Localism.

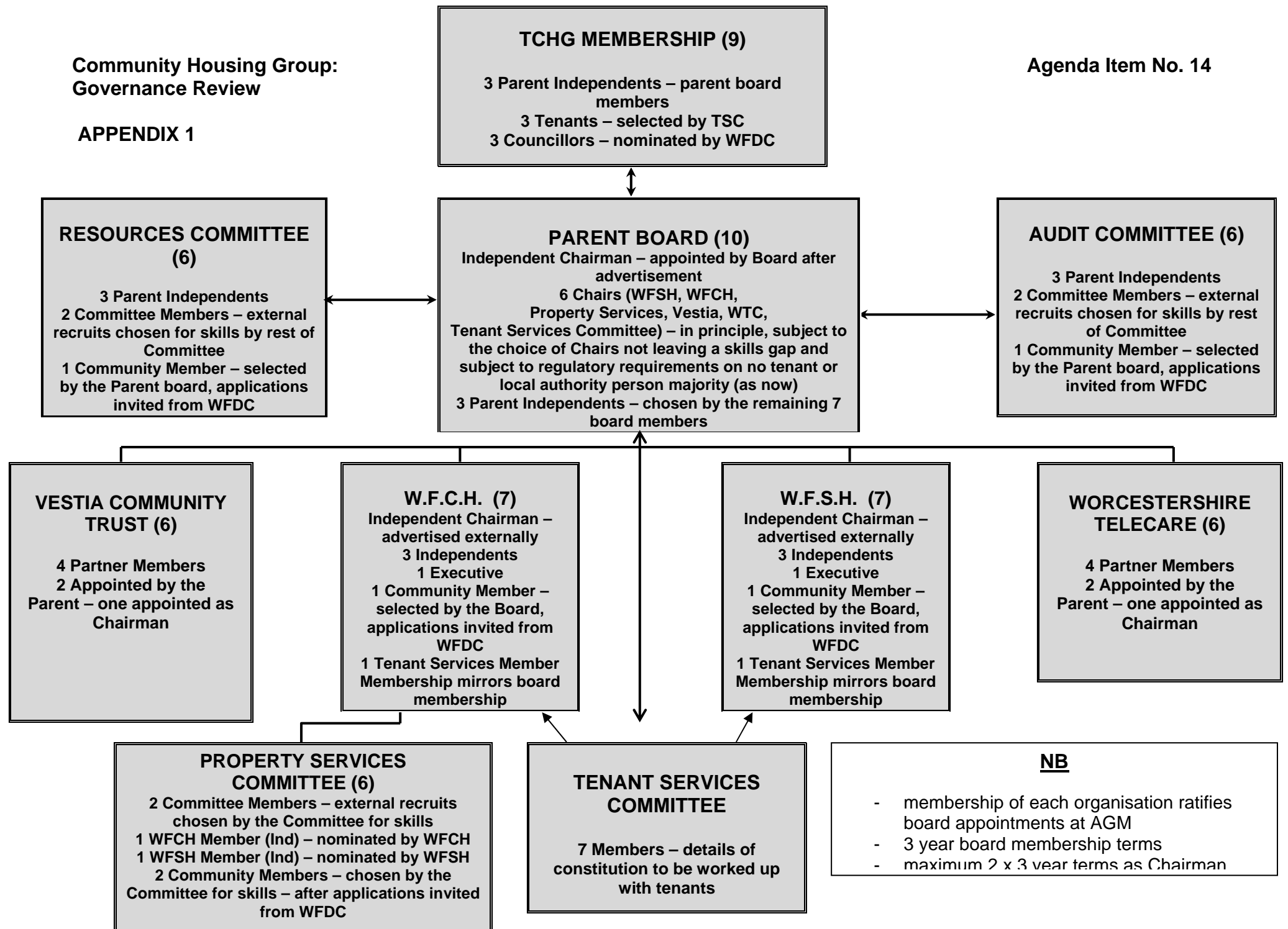
11. BACKGROUND PAPERS

11.1 None.

**Community Housing Group:
Governance Review**

APPENDIX 1

Agenda Item No. 14



APPENDIX 2: Example – Appointments to be made in:

	2012	2013	2014	2015
CHG Membership	Cllr (1 year)	Cllr (3 years)		
CHG Membership	Cllr (2 years)		Cllr (3 years)	
CHG Membership	Cllr (3 years)			Cllr (3 years)
Audit	Community Member (1 year)	Community Member (3 years)		
Resources	Community Member (2 years)		Community Member (3 years)	
Wyre Forest Community Housing	Community Member (3 years)			Community Member (3 years)
Wyre Forest Community Housing	Community Member (2 years)		Community Member (3 years)	
Property Services	Community Member (3 years)			Community Member (3 years)
Property Services	Community Member (1 year)	Community Member (3 years)		

All appointments run from 1st September in the year of appointment.

The tables does not take account of appointments that would be made if a Community Member became Chairman of a Committee or if a Councillor ceased to be a member of Wyre Forest District Council