

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

20TH JUNE 2012 (6.00PM)

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**Present:**

Councillors: J Aston, G W Ballinger, R Bishop, C Brewer, J-P Champion, S J M Clee, L Davies, N J Desmond, H E Dyke, P Dyke, N Gale, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, M J Hart, P V Hayward, V Higgs, A T Hingley, T Ingham, M B Kelly, N Knowles, H J Martin, B McFarland, C D Nicholls, F M Oborski, 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.

The Chairman welcomed Joanne Wagstaffe (Director of Resources) and Father Lamb to the Council Chamber.

**C.21**

**Prayers**

Prayers were said by Father Lamb of St Ambrose Roman Catholic Church, Kidderminster. During prayers Father Lamb remembered Bill Jones, a former Wyre Forest District Councillor.

**C.22**

**Apologies for Absence**

Apologies for absence were received from Councillors: D McCann, J Hart, T Onslow and M Salter.

**C.23**

**Declaration of Interests**

In relation to Agenda Item 14, Community Housing Group Governance Review the following declarations were made;

- Councillor H Dyke declared a prejudicial interest as her husband is employed by the Community Housing Group.
- Councillor P Dyke declared a prejudicial interest as he is employed by Community Housing Group.
- Councillors Clee, Gale, Yarranton, Greener, Godwin and Hardiman declared a personal interest as a Board Member of Community Housing Group.

**C.24**

**Minutes**

**Decision: The minutes of the meeting held on 23rd May 2012 be confirmed as a correct record and signed by the Chairman.**

**C.25**

**Public Participation**

No members of the public addressed the meeting.

**C.26**

**Questions**

There were no questions to Council.

## C.27

### **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 advised Members that he had written to the family of the late Bill Jones expressing the condolences of the Council. In addition, on behalf of the Council he had written to the Queen to congratulate her on her Diamond Jubilee. He concluded by recalling the visit to Kidderminster of the Olympic Torch, remarking that it was a fantastic occasion.

## C.28

### **Leader's Announcements and Report**

The Leader of the Council announced that further to the first dividend payments of £930k that had been reported to Council in May in relation to the £3m Landsbanki investment, a second dividend payment of £376k had been received. Members were advised that this together with an improved estimate of the overall return for this investment that could exceed the 95-98% previously reported, could mean that in time, the vast majority of funds would be recovered. Members were further advised that good progress continued to be made in relation to the recovery of the investments with the Heritable and Kaupthing Singer and Friedlander with regular dividend payments still being received.

To date the Council had received just over £6m in dividends for these investments, with further payments expected throughout the year. Moreover, it was likely that the Council would continue to receive further updates on the likely settlements from all of the three banks, however, given the excellent result received on Landsbanki and the increase in the settlement reported for KSF and the Heritable, the total return could well exceed 90% of the original investments.

The Leader of the Council further advised Council that the Secretary of State would be visiting Wyre Forest next week in amongst other things to receive the Local Development Order, subject it being agreed by Council

## C.28

### **Motions Submitted Under Standing Orders**

A notice of motion was received in accordance with Standing Orders regarding the planning application from Worcestershire County Council regarding Kidderminster Library. Council noted that following the Planning Committee meeting on 12<sup>th</sup> June the application had been withdrawn for further consideration and consultation and an amendment to the motion was tabled as follows.

*Council endorses and supports the decision by the District Council Planning Committee to formally object to the consultation by Worcestershire County Council (WCC) to close Kidderminster Library. However, it also notes and welcomes WCC's withdrawal of the County planning Application, at this time, for further consideration and consultation.*

*Council 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 backgrounds, including may of and international standard.*

*Further, Council believes the alternative locations currently suggested 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 the potential loss of those events to local residents.*

*It also believes the plan, in its current form, will prejudice the range of 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.*

*Council understands the aim of WCC in its need to reduce overheads but it believes that the potential sacrifice of such a special and unique facility would be detrimental to community life in the District and should be avoided at all costs to protect the best interests of those we represent.*

*Therefore Council resolves to advise WCC of the terms of this motion and to work with them and representatives of interested community user groups, as appropriate, to find a solution to retain the existing gallery intact, in situ, for its current purpose, on the top floor of Kidderminster Library.*

The Deputy Leader of the Labour Group spoke in support of the motion, expressing his view as to the uniqueness of the venue with regards to its facilities and of the calibre of artists that performed there. Moreover the closure of the venue and the redistribution of the piano and art contained within could be detrimental to both for the visitor and the art. Councillor Martin asserted that the piano, required temperature controlled conditions to maintain its optimum condition. Councillor Martin concluded his speech by suggesting alternate proposals for WCC to save money, all of which he hoped could be considered.

Members spoke in support of the amended motion, noting the cultural deficit to Kidderminster should be Gallery facility be closed and of the benefits such a facility afforded Wyre Forest residents. Council also noted the meeting rooms that were available at the venue, both of which they felt were excellent.

A request for a named vote was moved and seconded, but upon a vote this was lost.

Upon a vote the motion was carried.

**Decision: Council resolves to advise Worcestershire County Council of the terms of this motion and to work with them and representatives of interested community user groups, as appropriate, to find a solution to retain the existing gallery intact, in situ, for its current purpose, on the top floor of Kidderminster Library.**

## **C.29**

### **Urgent Motions Submitted Under Standing Orders**

The following notice of motion was received under standing orders. Copies of which had been emailed to Members on Monday, and a copy of the motion was furnished to Members prior to the commencement of the meeting.

***Emergency Motion to Wyre Forest District Council from the Conservative Group***

*In light of the recent announcement by the Worcestershire NHS Acute Trust in respect of the Joint Services Review commencing throughout Worcestershire on Acute Services:*

- 1. Council acknowledges and understands the necessity for such a review to take place.*
- 2. Council notes and understands that the NHS must make efficiency savings nationally of £20 billion over the next four years. It also notes that the portion of efficiency savings that need to be made in the Worcestershire Health economy is £200 million.*
- 3. Council notes that the Quality, Innovation, Productivity and Prevention (QIPP) Programme is in place to ensure that the funding gap between expected funding and expected demand can be addressed.*
- 4. Council notes that of the £200 million within Worcestershire, some £50 million of efficiency savings need to be made directly by the Acute Hospitals Trust.*
- 5. Council notes and endorses that much more focus should be given to prevention and care within the community thus doing everything to prevent the necessity of patients and service users having to use acute hospitals in the first instance.*
- 6. Council notes that the clinicians whom have worked up the models, submit that continuing with either Model A or moving to Model B would not offer high quality clinical care in the long term.*
- 7. Council resolves that Model F is not an acceptable option for the residents of the Wyre Forest and that it would not deliver quality local services for the communities we serve.*
- 8. Council resolves that Model C, D and E are worthy of further exploration, but any such final model which is adopted should include the retention of acute hospital services within the Kidderminster Site.*
- 9. Council resists in its entirety, the overall withdrawal or downgrading of acute services at the Kidderminster site and feels strongly that having had a significant withdrawal and downgrading of services from its Kidderminster site under a previous review, that this time focus should be placed upon the other two acute sites.*
- 10. Council believes that the communities of Wyre Forest deserve*

*quality local health provision delivered at the heart of our communities.*

*11. Council directs the Chief Executive to communicate the content of this motion to the Chief Executive of the Worcestershire Acute NHS Trust, Mark Garnier MP and Worcestershire County Council to ask for their support in delivering this.*

The Deputy Leader introduced and spoke in support of the motion, explaining in detail the rationale behind the proposal, focussing on the need to ensure that there was good quality health care provision in Wyre Forest and ensuring that there was no down grading of services at Kidderminster Hospital.

During debate Members spoke of their concerns regarding this matter, in particular the possibility of services being downgraded or removed, and of the need for health care to be delivered locally,

An amendment to the substantive Motion was proposed and seconded. This was in regards to point 8, asking for the removal of support for Model 'E' as it was felt that this proposal was not in the best interests of Kidderminster. Moreover it was felt that a rigorous and open review of Health Care and Primary Care Trust (PCT) expenditure should be carried out in advance of any changes to service provision.

This amendment to the Motion was accepted.

The Leader of the Labour Group proposed an amendment to the substantive Motion, asking that there was a deletion of points 1, 2, 3, 4 and 6 of the motion. Further that 9 should be amended so that the wording after Kidderminster Site be deleted, and the figure of £20 billion overspend was not accepted.

The Deputy Leader of the Labour Party seconded and spoke in support of the amendment

Further debate ensued and Members spoke at length both against and in support of the amendment to the motion.

Upon a vote the amendment to the motion was lost.

Members then moved to debate the substantive motion. A robust debate ensued and Members discussed in detail their concerns regarding an changes to the level of hospital provision in Kidderminster and the impact that might have on users.

A named vote was moved and seconded. The following Councillors voted in favour of the substantive motion, Aston, Ballinger, Bishop, Brewer, Campion, Clee, Davies, Desmond, H Dyke, P Dyke, Gale, glass, Godwin, Greener, Hardiman, Harrison, J Hart, Hayward, Hingley, Ingham, Oborski, Parish, Phillips, Price, Rayner, Rogers, Sheppard, Thomas, Williams and Yarranton. The following Councillors abstained; Higgs, Kelly, Knowles, Martin, McFarland, Nicholls, Sewell and Shaw.

**Decision:**

- 1. That point 8 of the motion be amended to withdraw 'E' and propose that only Model C and D are worthy of further exploration.**
- 2. That the Chief Executive writes of behalf of the Council to the Chief Executive of the Worcestershire Acute NHS Trust, Mark Garnier MP and Worcestershire County council to ask for their support in delivering this.**

**C.30 Review of Polling Stations**

This item was withdrawn.

**C.31 Policy And Budget Framework - Recommendation from the Cabinet meeting of 19<sup>th</sup> June 2012**

**South Kidderminster Enterprise Park- Local Development Order**

The Council considered a report on the results of the public consultation on the draft Local Development Order. The Cabinet Member for Place-Shaping outlined the content of the report and benefits of Kidderminster Enterprise - Local Development Order (LDO) for Wyre Forest. Members spoke in support of the proposal and hoped that it would make a significant difference for the District.

**Decision: The South Kidderminster Local Development Order (as attached at Appendix 2 of the report to Cabinet) be approved for submission to the Secretary of State.**

**Wyre Forest District Local Development Framework**

The Council considered a report on the Site Allocations and Policies and Kidderminster Central Action Plan (KCAAP) Development Plan Documents and their accompanying Sustainability Appraisal for pre-submission publication and submission to the Secretary of State.

The Cabinet Member for Place-Shaping outline the background and history of the Local Development Framework, acknowledging the contribution of Scrutiny to the process.

Debate ensued and Members considered the merits of the Framework, however the issue of the sites for Travellers and Gypsy were commented upon within the debate.

**Decision:**

- 1. The Site Allocations and Policies Development Plan Document (attached at Appendix 1 to the report to Cabinet), be approved for pre-submission publication and subsequent submission to the Secretary of State in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.**

- 2. The Kidderminster Central Area Action Plan Development Plan Document (attached at Appendix 2 to the report to Cabinet) be approved for pre-submission publication and subsequent submission to the Secretary of State in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 3. The Sustainability Appraisal Reports (attached at Appendix 4 to the report to Cabinet) be approved for publication and submission to the Secretary of State alongside the Development Plan Documents.**
- 4. That authority to make any necessary changes to the Development Plan Documents prior to or resulting from pre-submission publication be delegated to the Director of Economic Prosperity & Place in consultation with the Cabinet Member for Place Shaping.**
- 5. That the Director of Economic Prosperity and Place be given delegated authority to determine the final format and presentation of the Development Plan Documents.**

#### **C.32**

##### **Corporate Governance**

A report was considered from the Director of Community Assets and Localism on Corporate Governance. The purpose of the report was to advise Council of the adoption of a new Code of Conduct and the resulting procedure for the Investigation of Complaints, the appointment of Statutory Independent Persons, and to approve the rules for the Police and Crime Panel, a new joint committee.

Councillor Gale left the meeting at 20:10, returning at 20:13.

The Cabinet Member for Resources and Transformation explained the purpose of the report in particular the necessity to record Discloseable pecuniary interests (DPI's) and the Member training that was pertinent for this, and the appointment of a pool of Independent Persons. An amendment to the recommendations was proposed as follows

*To add to recommendation 2.1 of the report to Council, 'and delegate to the Monitoring Officer in consultation with Group Leaders the finalisation of the format for Declarations of Interest, the procedure for the investigation of complaints and the code of Conduct.*

In response to queries regarding wording on the declaration it was suggested that it was more appropriate that it was discussed at the next meeting of Group Leaders.

Members were advised that the appointment of co-opted independent Members to the Police and Crime panel was a statutory requirement.

In conclusion Members were informed that the selection of Independent Persons for the Standards Committee would be undertaken by the

monitoring Officer and the Head of Legal for Worcestershire County Council, with the nominations coming to Council in September for appointment.

**Decision:**

- 1. The Corporate Governance updates contained with the report including the draft Code of Member Conduct (including co-opted Members) and the resulting procedure for the Investigation of Complaints be adopted and delegate to the Monitoring Officer in consultation with Group Leaders the finalisation of the format for Declarations of Interest, the procedure for the investigation of complaints and the code of Conduct.**
- 2. The Statutory Independent Persons required under the new legislation are appointed jointly with the County council and other District (excluding Redditch and Bromsgrove) be agreed.**
- 3. The rules for the Police and Crime Panel as a new joint committee be approved.**
- 4. The minor constitutional updates relating to the apportionment of the member allowances and political balance be approved.**
- 5. The making of all consequential amendments to the constitution be approved.**
- 6. The appointment of Joanne Wagstaffe as the Director of Resources who took up the Section 151 role from 11 June 2012 be noted.**

Councillor H Dyke, Councillor P Dyke, Councillor Ingham and Councillor Knowles left the meeting. Councillor Knowles and Councillor Ingham subsequently rejoined the meeting during the debate. (20:22 and 20:24 respectively).

**C.33**

**Community Housing Group Governance Review**

A report was considered from the Director of Economic Prosperity & Place which asks the Council to consider the constitutional changes proposed to the Community Housing Group (CHG) arising from their governance review.

The Leader of the Council introduced the report advising Members the revised governance structures for Community Housing Group (CHG) were due in part to the growth of the organisation and whilst complex, the proposed governance structure was based on best practice. Members were advised that the proposal was supported subject to two amendments as detailed below, copies of which were moved and seconded and tabled at the meeting.

*That Council supports the proposed Community Housing Group*



*governance changes and the new structure for the Board and Committee to meet the National Federation's Code 'Excellence in Governance' subject to the following;*

- 1. That the details of the constitution of the Tenants Services Committee and the process of appointment of tenant representatives to that Committee be developed and agreed with the District council through a scrutiny process determined by the council's overview and Scrutiny Committee.*
- 2. That a Community Member position be moved from the Property Services Committee, where two such positions are proposed, to the Vestia Community Trust, thus leaving one Community Member position on the Property Services Committee.*

A lengthy debate then ensued on the complexity and ambiguity of the governance structure with Members feeling that proposals were unclear, overly technical and confusing. Moreover the proposed structure did not allow for sufficient community or Member involvement.

In response to a Members question regarding the role of the Chief Executive in paragraph 4.6.2, Members were advised the proposal allowed for the avoidance of calling special meetings of Council to make appointments to CHG as the appointments to CHG did not coincide with appointments made at Annual Council.

At the conclusion of the debate Members were reminded that that the new arrangements would come into effect in September 2012 and ensured that CHG remained fully compliant with the National federation Code to the satisfaction of the Homes and Communities Agency (HCA). Moreover that if the governance proposals were not accepted, the reasons needed to be clearly articulated so that CHG could report to the HCA the council's concerns.

A request for a named vote was moved and seconded, but upon a vote this was lost.

## **Decision**

- 1. That the details of the constitution of the Tenants Services Committee and the process of appointment of tenant representatives to that Committee be developed and agreed with the District council through a scrutiny process determined by the Council's Overview and Scrutiny Committee.**
- 2. That a Community Member position be moved from the Property Services Committee, where two such positions are proposed, to the Vestia Community Trust, thus leaving one Community Member position on the Property Services Committee.**

- 3. To delegate to the Chief Executive in consultation with the Group Leaders, the nomination of 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.**
- 4. To delegate to the Director of Community Assets and 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 to Council.**

**There being no further business the meeting ended at 20.55**