

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

24TH JULY 2013 (7.43PM)

Present:

Councillors: F M Oborski (Chairman), D C H McCann (Vice-Chairman), J Aston, G W Ballinger, R Bishop, C Brewer, J-P Campion, S J M Clee, E Davies, N J Desmond, H E Dyke, P Dyke, N Gale, 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, T Ingham, M B Kelly, N Knowles, H J Martin, B McFarland, C D Nicholls, J W Parish, J Phillips, M Price, M Rayner, C Rogers, M A Salter, J A Shaw, D R Sheppard, N J Thomas, S J Williams and G C Yarranton.

C.28 Apologies for Absence

Apologies for absence were received from Councillors T L Onslow and A M Sewell.

C.29 Declarations of Interests by Members

There were no declarations of interests.

C.30 Minutes

Decision: The minutes of the meeting held on 15th May 2013 be confirmed as a correct record and signed by the Chairman.

C.31 Public Participation

There was no public participation.

C.32 Questions

The Council had received three questions.

Question from Councillor J Shaw to the Leader of the Council, Councillor J-P Campion

Since May '10, how many requests has the Local Boundary Commission received from councils seeking to reduce the number of councillors representing their local government area, and how many have been turned down?

Response from Councillor Campion

Thank you. As unfortunately Councillor Shaw knows, we do not hold this information. In the spirit of trying to be helpful, I did have a quick look around the Boundary Commission website but they do not seem to publish this kind of information but I'm sure a direct request to them or a Freedom of Information would end in a result.

Supplementary Question from Councillor J Shaw

I refer to outside bodies as the Local Boundary Commission is an outside body, if there were questions submitted by a Councillor that referred to information held by the County Council or by Local Enterprise Partnerships (LEP's) or by whomever else, would the answer still be "we do not hold the information"?

Response from J-P Campion

Obviously I can only speak for myself because of course those of you that have been around long enough, know that the matter of the question is for the questioner and the matter of the answer is for those answering the question, but I can only answer for myself, as we are not the County Council or LEP and if we do not hold it as an organisation or it cannot easily be gained then yes, the exact same answer would be given.

Question from Councillor N Knowles to the Cabinet Member for Environmental Services, Councillor M J Hart.

What arrangements are currently in place and what costs are incurred for Wyre Forest District Council waste collections and disposal? How much of our waste is put into the Hartlebury land fill site?

Response from Councillor M J Hart

The arrangements currently in place across this district that have been in place now for some time, our collections are 4 days a week, where we collect residual waste one week and recycling waste another and for those residents and taxpayers that wish an enhancement to their service can have their green waste collected for an exceptionally small fee. In terms of disposal, it either goes for recycling or for landfill at Hartlebury. Approximately 67% of the Wyre Forest waste goes to landfill and conversely 33% is recycled, which I must say is significantly more than it was about a decade ago when we started recycling in earnest in Wyre Forest, think it was about 8%.

Supplementary Question from Councillor N Knowles

Could Councillor Hart give us his impression about whether or not he thinks we are hands on enough in the process to ensure that the landfill to Hartlebury is absolutely efficient? It's a disposal process I think that Wyre Forest and taxpayers are hostage to a fortune and possibly County Council . Does he agree that looming over all of this is the issue of

Hartlebury incinerator?

Response from Councillor M J Hart

Well of course, the incinerator is looming over nothing because it's an energy from waste plant so lets set the record straight for all the viewers at home but of course I do not actually agree with Councillor Knowles. I do think that, we are, as a district as efficient as we can be at collecting waste but lets not blur the line, the County Council is the waste disposal authority perhaps when Councillor Knowles gets his wishes for a unitary authority then it will be the same collection and disposal authority but seriously the County Council is responsible for disposal and of course that is why the County Council are supporting energy from waste plants so that we can be as a County even more efficient at disposing of our waste so that even more of waste that would currently go to landfill can be used more efficiently.

Question from Councillor N Knowles to the Leader of the Council.

Would the Leader of the Council join me in my campaign to oppose the closure of Kidderminster TA Centre and ask government to reverse the decision?

Reply from Councillor J-P Campion

Thank you, it's ever so easy in local politics, something closes, we are against it aren't we, to campaign against it. Well, I don't know enough about how the TA Centre in Kidderminster affects our national defences or our international activity in terms of defence, I've got no idea whatsoever. I, as a local Kidderminster man think to myself of course would like to have a TA Centre in my community but what I would like to see is more information about, its the rationale behind it because I don't believe it's been articulated, what I would expect is that there is going to be a consultation. I understand that the Council gets involved, understand what they are proposing and make a normal rational response to it. What isn't always helpful is the knee jerk response that some political parties who are trying to score political points who are against it. It's good were against it, this is going to happen we're against it. Actually lets find out about it first to see whether or not it is the right thing for our local area.

Supplementary Question from Councillor N Knowles

I am very very disappointed with your initial response I've got to say but could you consider this, that the centre is used Monday to Friday every night, weekends by the soldiers and cadets. Would you further consider that soldiers in Cyprus based at the TA Centre and would you consider also that the Worcester Mercian Regiment use the centre as do the Royal Air Force and the Paras Association. The drill hall is hired out to several organisations and the police and I was going to ask but I'm guessing you're not going to agree with this, could we write to Colonel Colin Carter stating that Wyre Forest District Council wishes to keep the TA centre open.

Reply from Councillor J-P Campion

Maybe this is the reason as to why Labour consistently come bottom of the polls in Wyre Forest. What he needs to do is understand the issue. Why is he asking me a political point scoring question here at Council, why isn't he asking for it to be presented to Scrutiny? Why isn't he compelling somebody to come before scrutiny to explain and understand issues that we can form a response. Why isn't there a motion here tonight saying that we should either be for it or against with all the relevant information? Absolutely, I know it is a very busy and indeed important part of our local community but I also know large numbers of people outside of the district come here to use the centre. If I'm completely honest with Councillor Knowles, it seems a very brand new and nice smart unit and do not understand why they would want to close it but instead of being knee jerk, I might score some political points out of this, how about being responsible and use the proper process to make uniform changes.

Urgent Question from Councillor J Shaw to the Leader of the Council, Councillor J-P Campion

To what extent has the political and/or officer leadership of the council been involved with Bromsgrove District and Redditch Borough councils in their current discussions with the Department for Communities and Local Government about transferring services from the county council to the North Worcestershire districts?

Reply from J-P Campion

Nice and short answer, the same one as I gave electronically when the question was first put, it no and no.

Supplementary question from Councillor J Shaw

Would the Leader of the Council give an undertaking that if he should be involved in any way which might mean someone telephoning him or sending him a letter or email will he undertake to keep all 42 Councillors aware of any further initiatives there may be because initiatives there have been?

Reply from J-P Campion

Contrary to the snide assertions that we had in the Special Council meeting, I actually hold this chamber in very high regard. If I wanted to debate the unitary issue, I would want a mandate from this authority first before we went to talk to any partners, absolutely I would want to make sure that this authority was behind me before we entered into any of those kind of negotiations. We have as an authority enormous challenge ahead of it and our community and staff are relying on us to make good quality decisions and in exactly the same way that the health service have been absolutely had both its arms tied behind its back over the last couple of decades by successive governments by change after change, this authority needs to get on with the job it is mandated to do which is to deliver

our local services. I don't believe currently that the unitary debate is a good one. Whilst the current government and indeed no current government minister can predict what will happen in the next Parliament, that will be a matter for the Parliamentarians for that Parliament but the current ones that are part of the coalition have said not during this Parliament. I hope as is the normal way which is during the policy development process running up to general elections, parties will set out whether they are supportive or against local government reorganisations then this Council can shape its plans to meet that but ultimately in the meantime, I'm getting on with it and this Council is getting on with delivering those important services to our communities.

C.33 Chairman's Communications

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

The Chairman thanked everyone who had attended the BBQ at Arley Arboretum which had been a success. The profit so far was in the region of £720. She announced she was to launch a grand prize draw with tickets at £1 each with the prize being a VIP trip to the West Midlands Safari Park. The prize would be drawn on 18th October 2013.

C.34 Leader's Announcements and Report

A copy of the Leader's Announcement had been circulated to all Members.

The Leader of the Council drew Members attention to what was happening with the Lawrences fire. The Council were taking part in a multi-agency approach and had taken steps to extinguish the fire which had started six weeks ago. Members had also been invited to a briefing where an update was given. He gave congratulations to the Duke and Duchess of Cambridge on the birth of their son – Prince George Alexander Louis.

Councillor Ballinger had concerns that the Icelandic update was always distributed on the evening of Council and asked for it to be circulated with the agenda. He felt that Wyre Forest District Council had become a laughing stock in the community to allow the Lawrences fire to burn for six weeks.

Councillor Campion responded that it was nothing new for his report to be presented on the evening of Council and would continue to do so, this would enable the most up to date information to be available for Members. The information was also available at the Treasury Management Review Panel meetings. It was an important and significant issue and the Council would hopefully get the vast majority of their money back.

With reference to the Lawrences fire, the response was the priority of the fire service and the Council had to respond to protect the health and safety of the public. Officers from the Council had been present on the evening of the fire.

Councillor Knowles stated that the Icelandic organisations had a legal responsibility to repay their debtors and he asked the Leader to invite the administrators to the Council to explain to the taxpayers of the Wyre Forest District that the Council might only receive back a significant portion of money.

Councillor J-P Campion stated he would ask the Chief Executive to write to the administrators to invite them to the Council. In relation to the amount of investment the Council could expect back, it was reported that the Council did have preferential status on the money.

C.35 Motions Submitted Under Standing Order No. D1 (1)

No motions were received under Standing Orders.

C.36 Urgent Motions Submitted Under Standing Order No. D1 (7)

No urgent motions were received under Standing Orders.

C.37 Kidderminster Governance Review

Council received a report from the Director of Community Assets and Localism which asked for consideration of all representations received in response to the Council's initial consultation as part of the Community Governance Review (CGR) Kidderminster and to decide on whether to proceed to a second stage.

Members were informed that Kidderminster Charter Trustees had presented a petition of local names for a review to be held to have its own town council. The responses to the consultation had resulted in no support for a town council. An additional recommendation was circulated for a small working group to be convened to look into the review.

Councillor Kelly referred to the circulated amendment for consideration of this item to be postponed until the next full meeting of the Council for consultation with the Petitioners. He stated that Kidderminster had been trying to obtain town council status since 1974. 5,700 had signed the petition and he thought that the cards people had received as part of the consultation had confused them as they thought they had already voted.

Councillor Ballinger asked Council to have the advice given re checked and for the voting to be looked at again.

Councillor Knowles supported the amendment to postpone the review and stated that the decision should go back to the Charter Trustees for them to act upon.

The Chairman of the Council reminded Members that the Kidderminster Charter Trustees were not the petitioners, the people who signed it were and the Charter Trustees had only delivered the petition.

The Leader of the Council stated that the working group could be made up of any number of Councillors but a conclusion was needed at the meeting tonight on how to progress.

Councillor H Dyke did not understand what the motion would achieve by delaying the process.

Councillor Martin added that he agreed with the amendment to delay the process and it should be given back to the public to see what they wanted to do.

Councillor Rayner stated that the consultation on the Electoral Arrangements at Special Council this evening together with this consultation did not have any statistical value to them.

In response to a Members question, the Director of Community Assets and Localism advised Members that the wording “due regard” meant that you must show that you have actively considered the results of part of the decision making process.

Councillor P Dyke stated that the results of the consultation had resulted in 53% of the population not wanting a Kidderminster town council therefore that would be the way he would vote.

Councillor McFarland stated that the petition should go back to the Charter Trustees for them to debate why only 1,559 replies were received to the consultation yet approximately 5,700 people signed the petition.

Councillor Kelly summed up his amendment and explained that town councils had been created in Bewdley and Stourport-on-Severn and thought that Kidderminster now needed one, the petition had shown that it was wanted. He urged Members to vote for the amendment.

Upon a vote, the amendment was lost.

Councillor Davies said she was not against Kidderminster having a town council but a way forward had got to be found and thought the working party was a good idea.

Councillor M Hart explained that the 5,700 people that had signed the petition had done so to start a process to find out whether the people of Kidderminster wanted a town council. He understood that only 1,559 of the electorate had voted in the consultation but whichever way the result was, the decision made should be acted on.

In response to a Member query, it was confirmed that the questions in the consultation had been carried out in accordance with the legislation.

Councillor Desmond replied that he was amazed at the results of the consultation but the Council had to have due regard to the response and the working party was the correct way to take the process forward.

Councillor Champion stated the response from the consultation showed what the people of Kidderminster wished for.

The Director of Community Assets and Localism explained to Members that by having a working party, the group could look into other options available, i.e. the Council initiating a review itself. She highlighted that at the February 2013 Council meeting, a statutory timetable had been agreed that required a review to be completed within a year and Members needed to be mindful of those timescales.

Councillor Hingley felt she owed an apology to the electorate as the process had become very confusing for them.

Upon a vote, the recommendations together with the additional one were agreed.

Decision:

- 1. The second stage of consultation with the proposal to create the parish of Kidderminster (and for the parish to be called Kidderminster) should not be undertaken.**
- 2. Delegated authority be granted to the Director of Community Assets and Localism for the drafting and publishing of the results of the consultation review in accordance with The Local Government and Public Involvement Health Act 2007.**
- 3. The Chief Executive be authorised to convene a working group of Members to consider future options.**

C.38 Corporate Governance Report

Council received a report from the Director of Community Assets and Localism which asked Council to agree Corporate Governance updates and appropriate changes to the Council's Constitution.

The Leader of the Council moved that Councillor E Davies be appointed as Chairman and Councillor J Phillips be appointed as Vice-Chairman of the Audit Committee.

Councillor B McFarland proposed Councillor Knowles as Chairman and Councillor M B Kelly as Vice-Chairman of the Audit Committee.

Councillor M Hart reminded Group Leaders that this had been part of a discussion held at the last Group Leaders meeting where nominations had been asked for.

Upon a vote, the decision to appoint Councillor E Davies as Chairman and Councillor J Phillips as Vice-Chairman of the Audit Committee was carried.

Decision:

1. **Councillor E Davies be appointed as the Chairman of the Audit Committee and Councillor J Phillips be appointed as Vice Chairman for the Audit Committee.**
2. **The updated political balance be agreed.**
3. **Tracey Southall be appointed as the Officer with responsibility for administration of the Council's financial affairs under section 151 of the Local Government Act 1972.**
4. **All consequential amendments to the Constitution be made.**

Councillor T Ingham left the meeting at this point, (9.07pm).

C.39 Policy and Budget Framework

Councillor Hingley presented the Cabinet recommendations and informed Members that the plan was a major achievement for the Council and passed on her thanks to the Director of Economic Prosperity & Place and the Officers involved for their dedication in bringing the plan to fruition. It was a living document and would be subject to updating during its lifespan.

Councillor Campion thanked the Local Development Framework Review Panel and the Overview & Scrutiny Committee for all the work that had been undertaken. He added that the plan would not only protect the community but key infrastructures in the district would happen.

Councillor Knowles congratulated Officers on all the excellent work carried out. However, he did ask for an improved road system in the district, such as access to the motorways.

The Chairman of the Local Development Framework Review Panel thanked everyone for the incredible amount of work that had been done especially the size of the documentation that had been digested.

Decision:

- a) **The Inspector's report as attached to the report to Cabinet at Appendix 1 be accepted in its entirety including the proposed main modifications.**
- b) **The Site Allocations and Policies Local Plan incorporating the modifications as recommended in Appendix A of the Inspector's Report to the Cabinet report be adopted to be used to determine planning applications from the 24th July 2013.**
- c) **The Kidderminster Central Area Action Plan incorporating the modifications as recommended in Appendix B of the Inspector's Report to the Cabinet report be adopted to be used to determine**

planning applications from the 24th July 2013.

- d) **The accompanying Policies Map as attached at Appendix 3 to the report to Cabinet be adopted.**
- e) **To note that upon Adoption of the Plans, the list of remaining 2004 Adopted Local Plan Saved Policies (as set out at Appendix 4 to the report to Cabinet), will be fully replaced by those incorporated within the Adopted Core Strategy, the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan.**
- f) **Delegated authority be granted to the Director of Economic Prosperity and Place to make the necessary presentational amendments, including the minor amendments as set out at Appendix 2 to the report to Cabinet, to the Site Allocations and Policies Local Plan, Kidderminster Central Area Action Plan and the accompanying Policies Map.**

The meeting ended at 21.16 p.m.