

WYRE FOREST DISTRICT COUNCIL

COUNCIL

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER**

25TH SEPTEMBER 2013 (6PM)

Present:

Councillors: F M Oborski (Chairman), D C H McCann (Vice-Chairman), J Aston, G W Ballinger, R Bishop, C Brewer, J-P Champion, S J M Clee, E 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, T Ingham, N Knowles, C D Nicholls, T L Onslow, J W Parish, J Phillips, M Price, M Rayner, C Rogers, M A Salter, A M Sewell, D R Sheppard, N J Thomas, S J Williams and G C Yarranton.

C.40 Prayers

Prayers were said by Pastor Philip Hearn from Kidderminster Evangelical Church.

C.41 Apologies for Absence

Apologies for absence were received from Councillors: N Gale, M B Kelly, H J Martin, B McFarland and J A Shaw.

The Chairman welcomed Craig Bateman to the public gallery, who is a very active member of the Youth Cabinet representing Wyre Forest. Members were informed that he had received a tour of the building and was here to observe how the Council conducted itself.

C.42 Declarations of Interests by Members

Councillor F M Oborski declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as she is a board member of The Community Housing Group but she had a dispensation from the Ethics & Standards Committee.

Councillor M Rayner declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as she is a board member of The Community Housing Group but she had a dispensation from the Ethics & Standards Committee.

Councillor P Dyke declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as he is employed by The Community Housing Group.

Councillor H Dyke declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as her husband is an employee of The Community Housing Group.

Councillor G Yarranton declared a Disclosable Pecuniary Interest in

agenda item no. 13 – Community Housing Group – future right to buy receipts, as he is a board member of The Community Housing Group but he had a dispensation from the Ethics & Standards Committee.

Councillor S J Clee declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as he is a board member of The Community Housing Group but he had a dispensation from the Ethics & Standards Committee.

Councillor D Godwin declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as he is a board member of The Community Housing Group but he had a dispensation from the Ethics & Standards Committee.

Councillor J Hart declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as he is a board member of The Community Housing Group but he had a dispensation from the Ethics & Standards Committee.

Councillor J Greener declared a Disclosable Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as she is a board member of The Community Housing Group. She also declared a Disclosable Pecuniary Interest in agenda item no. 17 – Sale of Property and Future Funding Arrangements as she is a personal trustee of the occupiers of the property for disposal.

Councillor P Harrison declared a Disclosable Pecuniary Interest in agenda item no. 17 – Sale of Property and Future Funding Arrangements as he is a Council representative of the occupiers of the property for disposal.

Councillor J Phillips declared an Other Pecuniary Interest in agenda item no. 13 – Community Housing Group – future right to buy receipts, as he has a shared ownership in a property owned by The Community Housing Group.

C.43 Minutes

Decision: The minutes of the meeting held on 24th July 2013 be confirmed as a correct record and signed by the Chairman.

C.44 Public Participation

There was no public participation.

C.45 Questions

The Council had received two questions.

Question from Councillor N Knowles to the Cabinet Member for Community Well-Being, Councillor I Hardiman.

The Conservative Council Administration is set upon reducing Council's 42 seats to 33. I see this as a loss of democratic accountability for the public. Would the Cabinet Member agree that an elected Kidderminster Town Council would help restore this deficit of public accountability and would he agree to continue trying to get a Town Council for Kidderminster, as I shall?

Response from Councillor I Hardiman

Yes, the Council is committed to reducing the number of District Council seats to 33. No, I do not see this as a loss of democratic accountability for the public. I am sure the Councillors of the newly defined district wards will adequately adjust to a slightly increased workload similarly to the way that many District Council employees are already doing so. It is appropriate that we Councillors accept some degree of added workload at a time that our Council must reduce costs in order to maintain front line services. I do not believe that there is a deficit of public accountability to be addressed. I shall continue trying to achieve parish status for Kidderminster as is evidenced by my continued membership of the Charter Trustees parishing committee and I can also say that the Chief Executive will, prior to the next full Council, convene a cross party group drawn from Kidderminster Councillors to consider future options.

Supplementary Question from Councillor N Knowles

I would like to hear how the Councillor denies that there will be a loss of democratic accountability when you take out 11 councillors from the district and secondly, I wonder if he might want to offer an opinion to the Council and the public regarding the Conservatives wobble two/three months ago at the Town Hall in Kidderminster when it seemed as if they were back peddling as fast as the vehicle would take them and that they definitely had a major wobble when we couldn't get a renewed commitment from them for the Town's Council. I just wondered what the revelation had been to keep them on the track.

Supplementary Answer from Councillor I Hardiman

All I can respond is that in fact it is not a reduction of 11 councillors, it is 9.

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

At the last Council meeting I asked the Leader if he would invite the Directors of the Icelandic Banks that owe Wyre Forest District Council money, to our next meeting and he said he would. Where are they?

Response from Councillor J-P Campion

Thank you Councillor Knowles and good evening Council, the crux of your question being the end part where are they? I'm sorry to report to Council I am not aware of the location of the directors of the Icelandic Banks.

Supplementary Question from Councillor N Knowles

It's almost funny, if it wasn't so flippant. The real point is that we had a debate about this ad nauseam and I did ask him and he did say yes and he promised to invite or deliver the town clerk on the issue of the elected town council for Kidderminster, well I'm not pursuing that one at the moment but I did definitely ask if he would invite the Icelandic Bank Directors and he said yes, and so I ask again did he approach any of the Icelandic Banks through

the officers of the Council to invite them here to Kidderminster to explain why they have got millions of pounds of our money still and we're taking out loans on the market.

Supplementary Answer from Councillor J-P Campion

Far be it from me to read his initial question back, he sets out of course that he asked me to invite them and then his question is where are they, so I answered the question you asked me which is I don't know where they are. Of course they have been invited but you do it or indeed you did it to start with trying to make political points. The directors of the Icelandic Banks are not going to come to explain themselves to this Council. They are probably not even the same directors that were there when this issue happened back in 2008. This Council has a long process associated with this issue that has been cross party to understand not only what happened but to ensure that it doesn't happen again and there has been a cross party process. Now I know Councillor Martin wasn't a Labour Member at the time but he was still a Member of the opposition and he led that process and there was a report and indeed those details of that report were made public. What Councillor Knowles you're trying to do is associate some blame with the Conservative Administration over this which for me I don't really understand. It was a result of a national issue to do where the country itself had a run on it, and indeed the strength of those organisations we are seeing now in my report a little later that we are getting the vast majority of that money back. If those had been bad investments we wouldn't be getting the vast majority of the money back and what we did see was the subject of a run on a country and we were the victims of that. I would suggest that instead of making cheap political points you contribute to the issue and I think that would be far better for the public that you serve.

C.46 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 of the Council announced that she had attended the Bewdley Concert Band. She reminded Members of the charity quiz evening, where teams should consist of 4 members, and the cost was £10 per team. This would be held at the Civic Hall in Stourport-on-Severn and funds would go towards the Scanner appeal and the foodbank. She reminded Members that if they required any more raffle tickets, these were available. Prizes consisted of a VIP family ticket for the Safari Park, wine, champagne, etc. She also announced that she would be holding her carol service on 20th December 2013 at 6pm at St Marys Church, Kidderminster.

C.47 Leader of the Council Announcements

Council were informed that a proposal from the Fire Authority was to reduce one of the fire engines in Kidderminster and the closure of the Bewdley Fire Station. It was hoped that the Chairman of the Overview & Scrutiny Committee would hold a special meeting during October 2013 where the Chief Fire Officer would be invited to answer questions.

Members were informed that it was not appropriate to agree anything at Council until after the Fire Authority had held their meeting on 3rd October 2013 when a decision on the consultation would be made.

An update on the Icelandic investments had been circulated to Members prior to the commencement of the meeting.

A Member commented that 72% of the money so far returned in the Icelandic investments was not good enough. The Leader of the Council commented that the Treasury Management Review Panel had been set up to look at the issues with the investments.

C.48

Motions Submitted under Standing Orders

1. A notice of motion was received from Councillor J Shaw, Leader of the Labour Group in accordance with Standing Orders regarding Rewiring Council Services.

Councillor N Knowles moved and Councillor C D Nicholls seconded the motion. Members unanimously agreed that the Local Government Association's Rewiring Public Services campaign should be supported.

Decision: The motion as set out below be agreed:

That England is now widely recognised to be the country with the most centralised system of government in Europe;

that devolution has brought decisions about tax and spending, and the quality of public services, closer to voters in Scotland and Wales, while English voters have not gained comparably greater influence over decision-making that affects their taxes and services;
considers

that the likely scale of change in how public services are funded and provided makes it democratically unsustainable for those changes to be decided within the existing over-centralised model;

that services need to be reformed and integrated across local agencies to enable them to prevent problems, rather than belatedly picking up the fragmented pieces;

that voters should be given back a meaningful say on a wider range of tax and spending decisions, through place-based budgetary arrangements, the abolition of the Barnett formula and the reinstatement of fair financial distribution agreed among English councils, the re-creation of a municipal bond market, and the certainty of multi-year funding settlements for the life of a Parliament;

that central government should enable such enhanced local decision-making by joining up and reducing in size Whitehall departments, and by reducing Ministers' powers to intervene in local decisions;

that such a revised settlement between central and local government should be put beyond capricious future revision by giving formal constitutional protection to local democracy;

and resolves

to support the Local Government Association's Rewiring Public Services campaign, which embodies these objectives;

to ask Wyre Forest's Member of Parliament, Mark Garnier, to support the campaign, and

to make the council's position clear to the Secretary of State

2. A notice of motion was received from Councillor J Shaw, Leader of the Labour Group in accordance with Standing Orders regarding Supermarket Levy

Councillor V Higgs informed Members that she felt that the big supermarkets should pay a levy in order to help the local economy.

Councillor V Higgs moved and Councillor C D Nicholls moved the motion. Members unanimously agreed that the Supermarket Levy should be taken through the scrutiny system.

Decision: The motion as set out be passed to the Overview and Scrutiny Committee to explore the option:

"Council, as a partner with seventy other local authorities in the "Local Works" Supermarket Levy campaign, resolves to submit the following proposal to the government under the Sustainable Communities Act:

"That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by each Local Authority, in order to be used to improve local communities in its area, by promoting local economic activity and local services and facilities, in so doing contributing to community wellbeing and protection of the environment."

Council notes that, under the terms of the Sustainable Communities Act, evidence about the impact of supermarkets on other retail outlets locally, and the opinions of interested local persons, have to be presented in the submission to

government.”

C.49 Urgent Motions Submitted Under Standing Order No. D1 (7)

There were no urgent motions.

C.50 Corporate Governance Report

A report was received from the Solicitor to the Council which asked Council to agree Corporate Governance updates and appropriate changes to the Council's Constitution.

The Leader of the Council asked for nominations to be sent to him for the representative for the joint scrutiny committee for the Greater Birmingham & Solihull LEP Supervisory Board.

Officers were thanked for their input into the revised Protocol for Member/Officer Relations.

Decision:

- 1. The Protocol for Member/Officer Relations attached at Appendix 1 of the report to Council be adopted and incorporated into the Council's Constitution;**
- 2. A joint Scrutiny Committee to oversee the decisions of the Greater Birmingham & Solihull LEP Supervisory Board that provides for at least one member representation from Wyre Forest be established.**
- 3. The Solicitor to the Council be authorised to agree and enter into all necessary legal documents to effect the above decisions and update the Council Constitution accordingly.**

C.51 Scrap Metal Dealers Act 2013

A report was received from the Director of Worcestershire Regulatory Services on behalf Wyre Forest District Council on the Scrap Metal Dealers Act 2013 which comes into force from 1st October 2013.

Members reported that the briefing held had been interesting and perceived that the whole industry needed to be tightened up. Members were concerned that the enforcement of the scrap metal dealers would be difficult to enforce. They also felt that the fee was too low but were informed that this would be reviewed in six months' time.

Decision:

- 1. Under section 5 of the Constitution in part 8 after the words “the Gambling Act 2005 that the words “applications made under paragraph 2 or 3 of Schedule 1 of the Act for the grant or variation of a licence where there is doubt as to the suitability**

of the applicant or to revoke or vary a licence under section 4 of the Act;” be added.

2. **The fees to be charged under the Scrap Metal Dealers Act 2013 are set as shown in the table at Appendix 3 of the report to Council.**

C.52 Policy and Budget Framework

Matters which require a Decision by Council.

Recommendations from Cabinet 17th September 2013

- a. **Treasury Management Strategy Statement and Annual Investment Strategy Backward Look 2012/13**

Decision:

1. **The actual 2012/13 prudential and treasury indicators in this report to Cabinet be approved.**
2. **The annual treasury management report for 2012/13 be noted.**
- b. **Community Housing Group – future right to buy receipts**

Councillor C Nicholls moved an additional comment to be added to the recommendations asking for the District Council receipts to be ringfenced for housing purposes to include new build and refurbishment of units of accommodation.

The Leader of the Council commented that the right to buy monies were used in lots of different ways so the additional recommendation went too far and it was the wrong thing to do to reallocate monies.

Upon a vote the amendment was lost.

Decision:

1. **Subject to clarification from the Secretary of State regarding a variation to the original transfer deed, preserved right to buy receipts in the period from 1st April 2014 to 31st March 2019 be shared equally between the Community Housing Group and Wyre Forest District Council.**
2. **The receipts retained by CHG will be invested in affordable housing in Wyre Forest, with the mix of affordable housing units concerned being agreed with WFDC.**

C.53 Elections and Preparing for Individual Electoral Registration

Council received a report from the Chief Executive on the May, June and

August 2013 elections, and the preparations towards Individual Electoral Registration.

Councillor V Higgs pointed out that polling station numbers 36 and 39 were not in Mitton. This was noted and would be followed up.

Members commented that the turnout figures across the district were very low but did not know the reasons why this was. It could be that engagement was not happening with the public individually or the Council could do more.

Councillor G W Ballinger stated that he thought that the Council Chamber used for the two by-elections was unsatisfactory and people could not see everything that was going on.

In response to a question, the Chief Executive advised that the costs for Individual Electoral Registration was not known at this stage, but Members would be advised as soon as they were available.

The Leader of the Council responded that he did not have the power to decide on cuts to polling stations. The number of polling places was decided by the Council.

Decision: The report on the Worcestershire County Council Elections held in May 2013, the By-Elections in June and August 2013, and preparations towards Individual Electoral Registration be noted.

C.54 Exclusion of the Press and Public

Decision: Under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of “exempt Information” as defined in paragraphs 8 and 9 of Part 1 of Schedule 12A of the Act.

Councillor J Greener left the meeting at this point, (7.19pm).

C.55 Sale of Property and Future Funding Arrangements

Council received a report from the Solicitor to the Council on the disposal of a property in Kidderminster.

In response to a question, it was confirmed that the Council had written to the occupiers of the property inviting them to discuss the sale.

Decision: Delegated authority be granted to the Solicitor to the Council, in consultation with the Chief Financial Officer, authority to dispose of a property in Kidderminster.

The meeting ended at 7.25 p.m.