

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

24TH SEPTEMBER 2014 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), C Rogers (Vice-Chairman), J Aston, G W Ballinger, R Bishop, C Brewer, J-P Champion, S J M Clee, A R Clent, E Davies, N J Desmond, H E Dyke, P Dyke, B T Glass, D R Godwin, J Greener, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, J Holden, L Hyde, M B Kelly, N Knowles, R J Lloyd, B McFarland, C D Nicholls, F M Oborski, T L Onslow, J W Parish, J Phillips, M Price, M Rayner, A M Sewell, J A Shaw, D R Sheppard, M J Stooke, P W Wooldridge, M J Wrench and G C Yarranton.

C.38 Prayers

Prayers were said by Pastor Dudley Anderson, Cornerstone Family Church, Stourport-on-Severn.

C.39 Apologies for Absence

There were no apologies for absence.

C.40 Declarations of Interests by Members

Councillor S J Williams declared an Other Disclosable Interest in Agenda Item number 11 – Chaddesley Corbett Neighbourhood Plan – Referendum. He would remain in the meeting but would not take part in the vote.

C.41 Minutes

Decision: The minutes of the meeting held on 30th July 2014 be confirmed as a correct record and signed by the Chairman.

C.42 Public Participation

There was no public participation.

C.43 Questions

Prior to the answering of question, Councillor Knowles stated he had submitted a question in good time to the Leader of the Council but it had not been printed on the agenda. The Leader replied that he had not seen the question and would only deal with the eight questions submitted.

Eight questions were submitted in accordance with Standing Order A5 by Members of the Council.

1. Question from Councillor J A Shaw to the Cabinet Member for Health, Well-Being and Housing

“Has the long-term future of the Bromsgrove Street Foyer project been secured, and if so, does provision for it meet its original specification?”

Answer from the Cabinet Member for Health, Well-Being and Housing

Thank you for the dedicated interest you take in the Bromsgrove Street Foyer which took 10 years to come to fruition. By way of introduction, I along with board members attend St Basils steering group meeting held at the Foyer and as at the 22nd August I can report 26 people have been accommodated by the scheme. Seven have moved on and currently there are 19 residents, this shows provision is meeting 100% of its original specification. Regarding the retendering this is the position and I read it with precision:

“The process of retendering from Worcestershire County Council funded services is still going through and we will not know who the successful bidder is until the end of October, as responses are expected back by 13th October then there is a 10 day cooling off period. The future of the foyer is dependent upon the outcome of these contracts and the ongoing provision on housing support. Once successful providers have been identified we will be able to make a contact with them and ensure that we sign a Service Level Agreement with them as with St. Basils, assuming they require our revenue funding, otherwise the nature of the scheme will fall back on grant funding agreement with West Mercia and 106 monies which prevent the use for other purposes without our agreement and the local letting plan which outlines how many units get allocated. We haven't seen the housing specification as we haven't been involved in the procurement of this service but fundamentally the building has to be used as a Foyer”.

Supplementary Question from Councillor J A Shaw

I welcome the information and ask that when the final arrangements and details have been made, may I ask the Cabinet Member that all councillors are informed of the final resolution of the matter but bearing in mind the very productive debate about this matter last Autumn.

2. Question from Councillor M Wrench to the Leader of the Council

Given that other councils are actually reducing car parking charges to help businesses, does the leader think now is a good time to be increasing the inner town car parking charges by 22%?

Answer from the Leader of the Council

Thank you, as the question relates to car parking and this is within the responsibility of Councillor H Dyke, she will answer.

Answer from the Cabinet Member for Operational Services

I am sure that all councillors sat in this chamber would prefer not to increase any fees or charges and would imagine that any of us would find now a good time to do so. The increase in car parking charges were agreed by Council as part of the budget process which comes into effect October this year and forms part of the Council's medium term financial strategy, it's not an idea plucked out of the air. All groups were given the opportunity to submit alternative proposals during the budget process. The 22% increase is equivalent to 20p per hour when parking in an inner car park and this is the first increase in 2 years. Wyre Forest District Council's car parking charges are well below average compared with similar authorities. As we all know local authority finances are difficult and we make every effort to maintain a balance and being able to continue to fund all other commitments for the residents of Wyre Forest. If Councillor Wrench has an alternative to our charges, I would only be too happy to discuss but it cannot be a case of not doing anything. As normal process, all political parties will be able to put forward their suggestions via the Cabinet Financial Strategy Advisory Panel on 30th September. I can assure Councillor Wrench I do care about local businesses in and around our town centres and we are offering free parking 10am – 4pm in Kidderminster every Wednesday and the same in Bewdley and Stourport-on-Severn on Thursdays. Also, we have one hour free parking in the outer car parks and from 15th November, as we have done for the last 5 years, we are offering free parking from 4pm every evening until the second week in January.

Supplementary question from Councillor M Wrench

Thank you for the very detailed reply, however does the Cabinet Member agree that by offering free parking over the festive season, car parking charges have an adverse effect on the town centre trade. Unlike turkeys the town centre shops are not just for Christmas. Does the councillor acknowledge that by increasing car park charges from 1st October, the Council fail to realise our shops have to survive other days of the year?

Supplementary answer from the Cabinet Member for Operational Services

No, I don't agree because I work very closely with the Town Centres Manager as Member Champion for town centres and he talks to businesses around the town centre and the free car parking we've offered has met with a positive response and working through our Town Centres Manager we are doing everything we can to support our businesses.

3. Question from Councillor P Wooldridge to the Leader of the Council

Does the leader of the council understand the dissatisfaction of UKIP ex armed forces councillors with the democratic deficit inherent in the Cabinet system that has allowed the appointment of an Armed Forces Champion without any requirement to consult full council?

Answer from the Leader of the Council

You refer to dissatisfaction by UKIP as ex armed forces councillors and whether I understand or not, the short answer is until I received notice of this question, I was not aware of any dissatisfaction of you or your colleagues.

Supplementary question from Councillor P Wooldridge

Thank you, for saying he's not aware of our dissatisfaction, not really surprising, the way the system works was part of the question. My supplementary question is during the discussions prior to making this appointment in Cabinet which would have been made without the full knowledge of any opinion of full council, its only the opinion of the cabinet members was he aware of the following two facts that UKIP would have brought and put forward before Council for their information, prior to this appointment. First fact is all ex armed forces of UKIP, out of their own pockets, donated to six armed forces charities. Second fact is the church service last month where the roll of honour was installed in St Marys church, neither the new armed forces champion or the Leader had attended that service, it's a deficit of democracy and credibility.

Supplementary answer from the Leader of the Council

In respect of the facts you referred to, all five donated out of their own pocket, all politicians of whatever political persuasion have donated to very important charities. It's not a political issue and you are seeking to make it a political issue. In respect of the church service you refer to I understand and am absolutely certain that I was at St Johns Church in the morning but attended the evening service and represented the Council at the evening service and hope that allays anybody's fear in respect of that. It's a smear that I take very seriously.

4. Question from Councillor M Rayner to the Leader of the Council

Can I ask the Leader the underpinning philosophy for the decision making process taken by this council?

Answer from the Leader of the Council

As councillors are aware and for members of the public in the chamber, overspill room and home, decision making on behalf of the Council is vitally important. This council has 42 elected politicians who get to vote on matters such as capital programme like the budget as

they appoint under the strong leader model and of course I firmly believe that democracy is alive and kicking in Wyre Forest and what underpins my philosophy of our constitution is the Local Government Act 2000 and we have a cabinet structure and the corporate governance model that we adopted on 1st December 2010 which comes from the Local Government Public Involvement in Health Act 2007 and I believe it's a fair, open and transparent decision making process in this Council

Supplementary question from Councillor M Rayner

I would like to ask that during the last calendar year, we voted for Armed Forces Champion, the Leader has taken his strong leader role to a point of champion for the Armed Forces, where is the consistency in this decision making process.

Supplementary answer from the Leader of the Council

Consistency, interesting word, coming from the Health Concern group and I did look up the word of philosophy on Wikipedia, philosophy is based on rational measures of decision making in order to address problems. Previously Council took the decision to have two armed forces champions a joint role between Councillor Knowles and Nicky Gale, at the time council appointed two representatives - Nicky Gale lost her seat so this left one armed forces champion. It's not an appointment to an external bodies and in particular no one else expressed an interest or, articulated their desire to be an armed forces champion. As previously Nicky Gale was a member of the largest group and still as the elected largest group that Councillor Campion would oblige and now some time after the event - indeed I did write to all councillors on 5th August and now it's the 24th September and note with some concern that the issue wasn't raised at the last Group Leaders meeting on 9th September. I'm sure all members of this chamber would wish to rally behind both our armed forces champions.

5. Question from Councillor M Rayner to the Cabinet Member for Operational Services

Can the appropriate cabinet member explain the new car parking charges that are commencing next month?

Answer from the Cabinet Member for Operational Services

I think I went into a lot of detail when I answered Councillor Wrench's two questions. In the Financial Strategy on page 74/75, it lists all the charges and I'm sure you don't want me to go through them one by one, I don't know what other information I can provide.

Supplementary question from Councillor M Rayner

I've been asked by several residents about your charges and that's why I've brought them to this venue. A season tickets for senior citizens has gone up by 100%, can I ask where the pensions increase

has come up to reflect this 100% and why this increase has been put on car parking charges for this group, I'm aware they have been kept down for a few years but not up by 100%.

Supplementary answer from the Cabinet Member for Operational Services

These charges were included as part of the budget process, as that time I don't remember any alternative being put forward, there was a named vote taken and as far as I'm aware the budget proposals were supported by your group. The season tickets are still 75% less than the full price and we and Wychavon are the only two authorities in Worcestershire that still provide that concession, I will do my best to keep that concession for the future.

6. Question from Councillor M Rayner to the Leader of the Council

Can we please be updated on the current progress of the new leisure centre?

Answer from the Cabinet Member for the Leader of the Council

Of course you will be aware that Wyre Forest District Council's planning committee back in April approved the site for the new leisure centre the land has been acquired for Silverwoods. The plan is for its cabinet policy to have one new leisure centre serving all residents of this district, it's been council policy for some time. We have a budget set aside for it and hope and anticipate that we get external funding from Sport England. We are in receipt of tenders and these are currently being elevated so that's good news, and hope that answers your question.

It's never my intention to mislead you but why I wasn't in a church service on 3rd August at St. Mary's I said that I was at St Johns but I was at Holy Innocents at a World War One service, together with 500 other people.

Supplementary question from Councillor M Rayner

I sit on the Overview & Scrutiny committee and it was agreed that we are able to have regular updates, the last update was in July and we were told they would be every two months, the next update is October, can I ask reason why and again where is the consistency in decision making.

Supplementary answer from the Leader of the Council

In order to be fair and to share democracy across this chamber, at annual council we voted and approved the chairman of the Overview & Scrutiny, that is Councillor Davies and she sits on your right, and I'm sure she has her work programme sorted and I'm confident given her competence that she has matters in hand. That is a question to the chair of the Overview & Scrutiny Committee.

7. Question from Councillor M Rayner to the Leader of the Council

Can I ask the Leader exactly when are members consulted on issues affecting their wards?

Answer from the Cabinet Member for the Leader of the Council

Obviously elected members are consulted on issues all the time. Our officers are aware of the No Surprises Protocol. All fundamental issues are consulted upon and budget amendments to the capital programme and all those types of decision effect all of our wards and I'm confident that all members of the council are fully engaged and fully consulted, we don't get everything right all the time but no one is perfect.

Supplementary question from Councillor M Rayner

I would like to know why it seems to be increasingly the case that the number of decisions being made without informing the ward councillors are either read in the local press or from finding out from residents and it looks even though we have No Surprises Policy, we have had quite a few surprises over the last 4/5 months and I'm finding it increasingly difficult to function.

Supplementary answer from the Leader of the Council

You didn't give examples, but let me reach out the hand of friendship, you chat to me afterwards and let me know which decisions have been taken over the last 6 months you weren't aware of.

8. Question from Councillor J Holden to the Cabinet Member for Planning and Economic Regeneration

The recently demolished Lloyds Garage has now become a car park in Bridge St, Stourport; where the shop was positioned there used to be a petrol station. This contained 3 petrol tanks and an oil waste tank beneath the ground.

Have these been checked for Health and Safety?

Question from the Cabinet Member for Planning and Economic Regeneration

The site in question was fully surveyed as part of a procurement process and understand we have full knowledge of the condition of the site including the tanks underground. The site has also been received considered by Worcestershire Regulatory Services who have confirmed they don't have any concerns about this site.

Supplementary question from Councillor J Holden

First of all thank you Councillor Campion for his in depth report in the

format of questions, this covers majority of concerns regarding Lloyds garage. Lloyds garage was registered as a petrol station as far back as 1953, and contains six underground fuel storage tanks and 3 of these were decommissioned in 1991 and 1995 by filling them with slurry leaving 3 untouched. The environmental report commissioned was only partly completed and in the recommendations JPB quoted as follows: It was recommended that following demolition that further risk assessments will be required and in order to complete further investigations. This was part of the recommendations. Would Councillor Campion agree with me that the development will take a further 2/3/4 years and considering the risk element, would the member agree this further report be finished as soon as possible?

Supplementary answer from the Cabinet Member for Planning and Economic Regeneration

Thank you. First of all I don't want to appear to be agreeing that the site is dangerous - I believe it is wholly irresponsible to use the lines that have been taken in public that it's about to explode. The photo of the site which is said to be too dangerous but the previous owner is happy to have his photo taken on it. It is also dangerous to quote from in depth technical reports and whilst he is right we have further work to do, and we have responsibility as land owner for pollution and there will be further work done but also further development of site. There is no imminent public concern. I would hope that all groups would act appropriately within the law to ensure public safety is maintained. It is wholly regrettable that we have had to find a temporary use of this site. Councillor Holden was on this council when it was decided to use it as a mixed use. We have to concentrate on temporary use and secondly secure a long term redevelopment and as members we should try to ensure our professional officers are able to take care of it.

C.44 Chairman's Communications

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

The Chairman invited all Members to the Civic Service at 3pm on Sunday 28th September 2014 at St. Mary's Church, Kidderminster to commemorate World War I.

C.45 Leader's Announcements and Report

The Leader of the Council tabled his report which included an update on economic regeneration, "Meet the Leader" sessions and the Kidderminster Arts Festival.

C.46 Motions Submitted Under Standing Order No. D1 (1)

Three motions were received in accordance with Standing Orders (Section 7, 4.1).

1. Councillor Shaw, Leader of the Labour Group presented his motion and

explained that the matter had been discussed in 2013 where it had been agreed to support a supermarket levy. He stressed that large supermarkets had seriously damaged the commercial life of every town centre throughout the country.

A debate took place. Councillor Sheppard moved an amendment to the motion to add the word "supermarket" before the word levy but there was no seconder.

Decision:

The following motion from Councillor J Shaw, Leader of the Labour Group be agreed:

Council notes that Derby City Council, following resolutions by Wyre Forest District Council, and other councils, has submitted to the Department for Communities and Local Government a proposal under the Sustainable Communities Act 2007, that a power for all local authorities be granted to introduce a levy of up to 8.5% of the business rate on large retail units* in their area, with the intention of using the income generated to help revitalise local economic activity, particularly in town centres.

Council urges Mark Garnier, MP for Wyre Forest, to support this initiative by contacting the DCLG to advocate for acceptance of the proposal, which, if implemented in Wyre Forest, would generate a sum of over £300,000 per annum to be directed to local economic projects.

*** Units with a rateable value of £500,000 per annum and above.**

2. Councillor M Wrench, UK Independence Party (UKIP) presented his motion asking that all councillors take an immediate 15% reduction in the basic allowance. He explained none of his group claimed travel allowances and perceived that councillors were well rewarded for the job they did.

An amendment was proposed and seconded by the Labour Group that the 15% reduction should be across all Member allowances and a saving of £37K could be saved annually.

A robust debate then took place. Key points included that Members received their allowance to carry out their duties.

It was stated that a new Independent Remuneration Panel (IRP) would be formed and a number of councillors would be interviewed as part of the process. The decision would be presented to the December meeting of Council where a full debate could be held. Members also did not have to take their allowance, but it was thought by some Members that the work that was carried out and time spent on work for the community far outweighed the amount of allowance they received.

A named vote on the proposal was lost. This was recorded as followed:

For: G W Ballinger, C Brewer, A Clent, E Davies, B T Glass, V Higgs, J Holden, L Hyde, M B Kelly, N Knowles, R Lloyd, B McFarland, C D Nicholls, J Parish, M Rayner, J A Shaw, A Sewell, D R Sheppard, M Stooke, P Wooldridge and M Wrench.

Against: J Aston, R Bishop, J-P Campion, S J M clee, N J Desmond, H E Dyke, P Dyke, D R Godwin, J Greener, P B Harrison, J Hart, M J Hart, P V Hayward, A T Hingley, F M Oborski, T Onslow, J Phillips, M Price, C Rogers, S J Williams and G C Yarranton.

The vote being tied, the Chairman used his casting vote and he voted against the motion.

Decision: Upon a named vote, the motion that all councillors take an immediate 15% reduction in all allowance across the board not be agreed.

3. Councillor M Wrench, UK Independence Party (UKIP) presented his motion asking that all travel expenses for councillors within Wyre Forest be removed. He believed that many councillors were not claiming their expenses because they did not need them but some were “milking the system”. He was immediately asked to withdraw his remark which he did.

A robust debate was held and again the IRP was mentioned in that their recommendations would be presented to the December meeting of Council. Some Members were upset with the comments made and stated that it was up to Members whether to claim their expenses or not.

Decision: The motion that all travel expenses for councillors within Wyre Forest be removed not be agreed.

C.47 Urgent Motions Submitted Under Standing Order No. D1 (7)

There were no urgent motions submitted.

C.48 Policy And Budget Framework – Matters which require a decision by Council

- a. **Recommendations from Overview and Scrutiny Committee, 10th September 2014**

- **Annual Report on Treasury Management Services, Actual Prudential Indicators 2013/14 and Proposed Technical Revision to the Treasury Management Strategy Statement 2014/15**

Decision:

1. **Approve the actual 2013/14 prudential and treasury**

indicators as set out in the report to the Overview and Scrutiny Committee at its meeting on 10th September 2014.

2. Note the annual treasury management report for 2013/14.
3. Note the technical revision to the Investment Policy and Strategy Statement 2014/15, set out in Appendix 2 to the report to the Overview and Scrutiny Committee at its meeting on 10th September 2014.

b. Recommendations from Cabinet, 16th September 2014

- **Worcestershire Regulatory Services (WRS) – Changes to Partnership Agreement**

A discussion took place and it was reported that a special meeting of the Overview & Scrutiny Committee had taken place to discuss the issue. However, not everything had been agreed with but due to the pressures of finance it was agreed to go with the recommendations.

The Leader of the Council reminded Members that the Council had two representatives on the WRS board and all Members received a copy of the agenda and minutes from the meetings electronically.

Decision: The proposed changes to the WRS Partnership Agreement as set out in Appendix 1 to the report to Cabinet be agreed and that delegated authority be granted to the Director of Economic Prosperity & Place and Solicitor to the Council to agree and enter into the revised Partnerships Agreement.

- **Chaddesley Corbett Neighbourhood Plan - Referendum**

Thanks were given to Chaddesley Corbett Parish Clerk and officers in the Council's Planning Department for all their hard work. The Neighbourhood Plan had been the first plan to be approved in Worcestershire and Members were advised that Churchill & Blakedown Parish Council and Bewdley Town Council were to start the process for their plans.

Councillor J Parish left the meeting at this point, (8.15 pm) and returned at 8.17pm.

In response to a Member question, it was confirmed that authorities without plans in place could lose planning appeals. With regard to staffing, the Council consistently invested in the Planning area and the Council should be proud of where they were.

Decision: The adoption of the Chaddesley Corbett Neighbourhood Plan as part of the Development Plan for Wyre Forest District Council be agreed.

Councillor M Stooke left the meeting at this point, (8.20pm).

C.49 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.

C.50 Policy and Budget Framework

Recommendations from Cabinet, 16th September 2014

a. Amendment to the Capital Programme

The Leader of the Council presented the recommendations from Cabinet and a robust debate was held.

Councillor M Stooke returned to the meeting at this point, (8.26pm).

An amendment to the recommendation was made and a full debate was held. Members perceived there would be no cost to council taxpayers.

Councillor V Higgs left the meeting at 8.39pm and returned at 8.42pm.

Councillor D Sheppard left the meeting at 8.42pm and returned at 8.43pm.

Councillor M Rayner left the meeting at 8.43pm and returned at 8.46pm.

Councillor L Hyde left the meeting at 8.44pm and returned at 8.46pm.

Councillor M Wrench left the meeting at 8.45pm and returned at 8.47pm.

A vote on the amendment was taken and was lost.

Members then returned to the substantive recommendation.

Decision:

- 1. The Capital Programme be updated as detailed in the confidential report to Cabinet.**
- 2. Any additional expenditure, as detailed in the confidential report to Cabinet, be undertaken only if funding is available from a third party to fund in full the extra borrowing in accordance with rules on prudential borrowing.**

The meeting ended at 21.17 pm.