

WYRE FOREST DISTRICT COUNCIL

COUNCIL

HELD REMOTELY

12TH MAY 2021 (6PM)

Present:

Councillors: S Miah (Chairman), J Aston (Vice-Chairman), G W Ballinger, C J Barnett, J F Byng, V Caulfield, S J Chambers, A Coleman, R H Coleman, B S Dawes, N J Desmond, H E Dyke, P Dyke, C Edginton-White, N Gale, S Griffiths, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, A L L'Huillier, N Martin, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, S E N Rook, D R Sheppard, J W R Thomas, A Totty, L Whitehouse and P W M Young.

In response to a member question regarding the legality of the meeting being held remotely, the Solicitor to the Council made the following statement:

Council considered and debated thoroughly all the risk issues in April and unanimously voted to continue remote meetings until July.

This is still an extant decision and it is still the case today that 1 in 3 people who do not realise they have contacted covid may be transmitting on a daily basis to others

From confidential health information on the specific vulnerabilities of individual members and officers in Wyre Forest, meeting in person would undoubtedly expose those individuals to unnecessary and totally avoidable risk of contracting covid 19.

This council would be liable to those individuals if we ignored these known risks and met face to face where the ability is available to meet remotely until such time as it is safe to do so.

C.01 Prayers

Prayers were said by Councillor P Young.

C.02 Election of Chairman

Councillor J Aston was nominated as Chairman. This was moved by Councillor H Dyke and seconded by Councillor G Ballinger.

Decision: Councillor J Aston be elected as Chairman of the Council for the municipal year 2021-2022.

Agenda Item No. 4

- C.03 Chairman – Investiture and Declaration of Acceptance of Office**
After being invested with his Chain of Office, Councillor J Aston made his Declaration of Acceptance of Office as Chairman.
- C.04 Chairman’s Response**
The Chairman thanked members for supporting his appointment as Chairman. He announced that his chosen charities for the municipal year are Marie Curie and the Kidderminster & District Youth Trust (KDYT).
- C.05 Retiring Chairman**
The Leader of the Independent Health Concern Group, Councillor G Ballinger and the Leader of the Conservative Group, Councillor M Hart thanked the retiring Chairman for his contribution to the role over the last two years.
Councillor S Miah thanked the Group Leaders for their kind words and said it had been an honour to be given the opportunity to take on this role.
- C.06 Appointment of Vice-Chairman**
Councillor M Rayner nominated Councillor P Dyke as Vice-Chairman. This was seconded by Councillor S Griffiths.
Decision: Councillor P Dyke be appointed as Vice-Chairman of the Council for the municipal year 2021-2022.
- C.07 Vice-Chairman – Investiture and Declaration of Acceptance of Office**
After being invested with this Badge of Office, Councillor P Dyke made his Declaration of Acceptance of Office as Vice-Chairman.
- C.08 Election of Leader**
Council considered a report from the Chief Executive which asked members to elect a Leader of the Council for the period to the annual general meeting following the ordinary elections in 2023, in accordance with sections 44A and 44D of the Local Government Act 2000.
Councillor G Ballinger addressed members and nominated Councillor H Dyke for the position of Leader of the Council. The proposal was seconded by Councillor A L'Huillier.
There were no other nominations and following a unanimous vote Councillor H Dyke was elected as Leader of the Council.
Decision: Councillor H Dyke be appointed as Leader of the Council.
- C.09 Apologies for Absence**

There were no apologies for absence.

C.10 Declarations of Interests by Members

No declarations of interests were made.

C.11 Minutes

Decision: The minutes of the meeting held on 24th February 2021, 1st March 2021 and 21st April 2021 be confirmed as a correct record and signed by the Chairman.

C.12. Public Participation

There was no public participation.

C.13 Questions

No questions had been submitted in accordance with Standing Order Section 7, 1.8 by Members of the Council.

C.14 Chairman's Communications

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

C.15 Political and Constitutional Structures 2021-2022

Council considered a report from the Solicitor to the Council on the proposed political and constitutional structures for the municipal year 2021-2022.

The Leader of the Council presented the report and formally moved the full suite of recommendations as set out in the report for approval. Councillor G Ballinger seconded the proposals.

Upon a vote, the recommendations were agreed.

Decision:

1.1 The revisions to the Constitution as set out in Appendix 1 be agreed.

1.2 The proposed Political Management Structure of committees for 2021/2022 as set out in Appendix 2 of the report be approved.

1.3 The Chairmen and Vice-Chairmen of Committees as contained in Appendix 3 be agreed.

1.4 The Municipal Calendar as set out in Appendix 4 be adopted.

- 1.5 The appointments to outside bodies as set out in Appendix 6 be agreed.**
- 1.6 The Solicitor to the Council be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

C.16 Members' Annual Activity Reports and Attendance 2020-2021

Council received the schedule of Members' Annual Activity Reports giving details of their activities in their role as District Councillors and a record of attendance for the 2020-2021 municipal year.

Decision: The reports and attendance be noted.

C.17 Annual Reports for the Municipal Year 2020-2021

- (a) Cabinet
- (b) Overview & Scrutiny Committee
- (c) Ethics and Standards Committee

Council received the annual reports from the previous Leader of the Council, and the Chairmen of both the Overview & Scrutiny Committee and the Ethics and Standards Committee.

Decision: The Annual Reports for the Cabinet, Overview & Scrutiny Committee and Ethics and Standards Committee be noted.

C.18 Leader of the Council Announcements

The Leader of the Council thanked Councillor G Ballinger for his kind words and for the support of members for her appointment. She advised that there would be no changes to the membership of the Cabinet; however slight changes would be made to the portfolios which will be circulated in due course.

C.19 Urgent Motions submitted under Standing Orders

There were no urgent motions.

C.20 Policy and Budget Framework

Matters which require a Decision by Council.

- a) Recommendations from Cabinet – 22nd December 2020**
 - Capital Strategy 2021-31**

The Leader of the Council presented the recommendations from Cabinet

Agenda Item No. 4

and formally moved them for approval. The proposal was seconded by Councillor G Ballinger.

Upon a show of hands, the vote was carried.

Decision: Council AGREED that:

- 1. Delegation of authority to Cabinet to make amendments to the Capital Programme in instances where the Council receives external capital grants and the full amount of the grants to be distributed is met from the external funding source.**
- 2. Delegation to the Corporate Director: Resources and Corporate Director Economic Prosperity and Place to make revisions to the Capital Portfolio Strategy and Asset Management Strategy in order to comply with best practice and latest relevant guidance.**

C.21 Management review

Council considered a report from the Chief Executive and Head of Paid Service on changes to the senior management structure of the Council.

The Chief Executive gave a brief introduction to the report. He said that he and members of the Corporate Leadership Team (CLT) would stay in the meeting to deal with any factual questions that members may have. If any of those factual questions relate to the confidential appendix 3, members were asked to hold on to the question until the Council had resolved to exclude the press and public. Once all the questions had been dealt with, he and CLT members would leave the meeting, but would welcome being invited to re-join it after the Council has taken a decision.

The Chief Executive advised that the Solicitor to the Council had provided legal advice throughout the process leading to the publication of the report and advised on the process constitutionally, and the report and appendices had been verified by the S151 officer.

Council were advised that West Midlands Employers were asked to provide independent external assurance on the consultation process and adherence to policy and legal requirements in respect of the employment aspects of the overall process. The Chief Executive added that for the purposes of this report Colin Williams, who is an associate with West Midlands Employers, would remain in the meeting and be able to support members in responding to any employment related questions that they may have. Claire Felton has kindly agreed to support the Council as deputy monitoring officer for the purposes of this item of the meeting only, to ensure the Council has the appropriate assistance on the rules of debate in accordance with the Council's Standing Orders and provide assistance to the Chairman of the Council.

The Chief Executive advised that on 1st March, Council decided that he should lead a management review and that it should be implemented by April 2022 at the latest (no other parameters were set). He said that a

Agenda Item No. 4

consultation paper, which was fully supported by all members of CLT, was issued on 31st March and consultation closed on 26th April. He advised that over 40 responses had been received. The Chief Executive drew members' attention to the two options as set out in the report and invited members to ask any factual questions relating to the report and appendices 1 or 2.

A discussion ensued. Several members thanked the Chief Executive for taking the time to attend their Group meetings to brief members on the process.

C.22 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.

The Chief Executive and CLT members left the meeting at this point. Colin Williams, Claire Felton and the Principal Committee and Member Services Officer remained in the meeting whilst members reached their decision.

C.23 Management review

The Leader of the Council formally moved the recommendations for option 2 for approval. Councillor G Ballinger seconded the proposals.

A discussion ensued. Upon a vote, the recommendations were carried unanimously.

The Chief Executive and CLT members returned to the meeting and were advised of the decision.

Decision: Council AGREED:

1.1 The following changes to be implemented with effect from no later than 31 December 2021:

Option 2

- (c) The redundancy of the posts of Corporate Director: Resources and Corporate Director: Economic Prosperity and Place;**
- (d) Acceptance of an application from the Solicitor to the Council for flexible retirement on the basis of reduction in working hours to three days a week without actuarial reduction in pension;**
- (e) No change to the terms and conditions or designation of the Chief Executive.**

Council:

- 1.2 AUTHORISE the Head of Paid Service to take all necessary steps to ensure implementation of the agreed changes on the basis set out in this report, with AUTHORISATION for the HR and Organisational Development Manager to bring forward the date of implementation if necessary as set out in paragraph 4.19 of the report;**
- 1.3 AUTHORISE the Solicitor to the Council, in consultation with the Chairman of the Council and the Head of Paid Service, to amend the Constitution as appropriate to reflect the changes to the senior management structure (paragraph 4.20);**
- 1.4 AUTHORISE the Corporate Director: Resources/Section 151 Officer in consultation with the Leader and the Cabinet Member for Finance to determine the most advantageous way of funding one-off costs, including the balance between use of capital and revenue resources, but subject to obtaining Cabinet's approval for use of any capital resources that it allocates (paragraph 5.8).**

There being no further business, the meeting ended at 7.22pm.

The full meeting is available for viewing on the Council's website
<https://www.wyreforestdc.gov.uk/53298>