

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

14TH DECEMBER 2005 (6PM)

PRESENT:

Councillors: S J Williams (Chairman), J C Simmonds (Vice-Chairman), J Aston, Mrs M H Baillie, J Baker, G W Ballinger, A J Buckley, J-P Campion, S J M Clee, N J Desmond, Mrs I M Dolan, J W Dudley, Mrs H E Dyke, P Dyke, Mrs L Edginton, Mrs J Fairbrother-Millis, B T Glass, P B Harrison, M J Hart, Mrs P V Hayward, Mrs S M Hayward, M A W Hazlewood, Mrs A T Hingley, J Holden, Mrs L Hyde, W G Jones, M B Kelly, Mrs R L Lewis, Miss M A Mason, Miss S C Meekings, C D Nicholls, Mrs F M Oborski, M M G Oborski, M W Partridge, Mrs A R A Poole, Mrs P A Rimell, Mrs J L Salter, J A Shaw, M J Shellie, K J Stokes, R Wheway and A D Williams.

C.86 APOLOGIES FOR ABSENCE

There were no apologies for absence.

C.87 DECLARATION OF INTERESTS

The following interests were declared:

Agenda Item 9 – Notice of Motion No. 1 (Minute C.94)

The following members declared a personal interest in view of being a member of a public service pension scheme:

Councillors G W Ballinger, Mrs I M Dolan, P B Harrison, Mrs S M Hayward, C D Nicholls, Mrs F M Oborski, M M G Oborski, Mrs A R A Poole, Mrs J Fairbrother-Millis and J A Shaw.

Councillor Mrs P A Rimell declared a personal interest in view of a close relation being a member of a local government pension scheme.

Councillor Mrs L Hyde declared a personal interest in view of her husband being Chairman of the local branch of Unison.

Agenda Item 9 – Notice of Motion No. 3 (Minute C 94)

Councillor Mrs P A Rimell declared a personal interest in view of her

employment in the Health Service.

Councillor J A Shaw declared a personal and prejudicial interest in view of his wife's employment in the Health Service.

C.88

MINUTES

DECISION:

The minutes of the meeting held on 16th November 2005 be confirmed as a correct record and signed by the Chairman, subject to the record in Minute C 68 of Councillor J-P Campion's interest being amended to refer to his membership of the West *Mercia* Police Authority and not the West *Midlands*.

C.89

PUBLIC PARTICIPATION

No members of the public had given notice to speak at the meeting in accordance with the Council's scheme for public participation at meetings of full council.

C.90

QUESTIONS

The Council received a report setting out questions from Councillors P B Harrison and J A Shaw, directed at the Leader of the Council and relevant Cabinet Members. The questions and answers are set out in full in Appendix 1 (attached).

C.91

CHAIRMAN'S COMMUNICATIONS

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

C.92

LEADER'S ANNOUNCEMENTS AND REPORT

The Leader of the Council made the following announcements:

a) ICT Issues

Further to Minute C. 76 of the Council's 16th November 2005 meeting, the Leader advised members that the ICT Working Group would be meeting on 16th December 2005. Hence, if members had any ICT issues they wished to raise, for example, regarding the use of laptops, they should notify the Group's Chairman, Councillor J-P Campion.

b) Major Road Works in the Stourport area

There would be considerable disruption of traffic flow, in the

Stourport area over the Christmas period and beyond, due to road works on behalf of Severn Trent Water.

c) Worcestershire County Council – Comprehensive Performance Assessment (CPA) Success

Worcestershire County Council had gained a four star rating under its Comprehensive Performance Assessment in respect of Children's Services and Value for Money. A letter of congratulation would be sent on behalf of the District Council to the leader of Worcestershire County Council.

e) Police Restructuring – Response to Consultation

Further to Minute C 77(d) of its 16th November 2005 meeting, the West Mercia Police Authority had thanked the Council for its response to the consultation survey regarding police force restructuring. Worcestershire County Council had endorsed the response from Wyre Forest.

C.93

POLICY AND BUDGET FRAMEWORK – MATTERS WHICH REQUIRE A DECISION BY COUNCIL

a) **Recommendations from the Cabinet – 24th November 2005**

i) **Member Development Charter**

The Council considered a recommendation from the Cabinet seeking approval for the Council to sign up to the West Midlands Development Charter - Primary Milestone. Members noted that the purpose of the charter was to improve the performance of local authorities through the development of elected members.

DECISION:

1. **It be agreed that Wyre Forest District Council sign up to the West Midlands Development Charter - Primary Milestone as detailed in the report to the Cabinet on 24th November 2005.**
2. **The financial implications be agreed.**

ii) **Information and Communications Technology Policies and Guidelines**

The Council considered a recommendation from the Cabinet seeking approval for updated information and communications technology policies and guidelines.

DECISION:

The updated Information and Communications Technology

Policies and Guidelines dated October 2005, attached as Appendix 1 to the report to the Cabinet on 24th November 2005, be adopted.

iii) Proposed Alcohol Restriction Zone for Stourport-on-Severn

The Council considered a recommendation from the Cabinet regarding the designation of Stourport-on-Severn Town Centre and Stourport-on-Severn War Memorial Park as an alcohol restriction zone.

The Cabinet Member for Community and Leisure Services advised that no significant objections had been received in response to the statutory consultation on this proposal.

DECISION:

Having received no significant objections to the statutory consultation on the revised Alcohol Restriction Zone proposal for Stourport-on-Severn, as set out on Map 2 attached to the report to the Cabinet on 24th November 2005, this geographical area be designated as an Alcohol Restriction Zone under the provisions of the Criminal Justice and Police Act 2001, where restrictions to control anti-social drinking in public places will apply.

iv) Worcestershire Supporting People Strategy 2005-2010

The Council considered a recommendation from the Cabinet regarding the adoption of the Worcester Supporting People Strategy 2005-2010.

DECISION:

The Worcestershire Supporting People Strategy 2005-2010, as referred to in the report to the Cabinet on 24th November 2005, be agreed and adopted.

v) STC.4 – Draft Development Brief – Bridge Street Basins Link, Stourport-on-Severn

The Council considered a recommendation from the Cabinet seeking approval for a revised supplementary planning document in relation to the Bridge Street Basins Link, Stourport-on-Severn.

DECISION:

1. The Draft STC.4 Bridge Street Supplementary Planning Document set out at Appendix 5 to the report to the Cabinet on 24th November 2005, as amended by the schedule of

changes contained at Appendix 4 of the report, together with the revised Sustainability Appraisal (Appendix 6) be adopted as the 'Bridge Street Basins Link Development Brief' Supplementary Planning Document in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.

2. The Head of Planning, Health and Environment be authorised to prepare and publish the necessary documents and to follow the necessary procedures set out in Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004.

3. Approval be given to the following amendments to the appendices on the recommendation of the Environment and Economic Regeneration Policy and Scrutiny Panel at its meeting on 23rd November 2005:

(a) Appendix 3, (Summary of Consultation Responses) - Page 65 Head of Planning, Health and Environment's recommendation in response to R Clee:

Delete "Remove Option B..." and replace with "No further Action."

(b) Appendix 4, (Schedule of changes to the Draft SPD) - Proposed Modifications to Appendix 1 (PM16) on the final page:

Delete sub-heading "Remove Option B"... and replace with "Place options in order of preference."

b) Recommendations from the Licensing and Environmental Committee - 28th November 2005

Applications for Amusement with Prize Machine Permits - Section 34, Gaming Act 1968

The Council considered a recommendation from the Licensing and Environmental Committee, which sought approval for policy issues relating to amusement with prize machines on licensed premises.

DECISION:

1. In future, all applications requesting the installation of more than two Amusement with Prize Machines on licensed premises come before the Licensing and Environmental Committee or Licensing Sub-Committee for decision as to grant.
2. All future applications for two or less Amusement with Prize

Machines on licensed premises be determined by the Head of Planning, Health and Environment or the Environmental Health and Licensing Manager.

3. **The fee for such Permits be £32.**
4. **The Permit shall last for a period of 3 years from the date of issue.**

C.94 MOTIONS SUBMITTED UNDER STANDING ORDER NO. D1 (1)

Motion 1

The Council considered the following motion submitted by G W Ballinger, Mrs F M Oborski and M M G Oborski:

“This Council totally disassociates itself from the comment of the Cabinet Member for Community and Leisure Services in the Kidderminster Shuttle on 24th November 2005 that “Those like Mr Clark on the left of politics believe that he and his members have a divine right to act like leeches and suck this country dry”.

This Council does NOT regard its staff as “leeches” out to “suck this country dry”. Council believes that its officers and staff are dedicated and hard working, deserve a fair deal, and are entitled to be treated with respect and consideration.

Council calls upon Councillor Desmond to apologise immediately for the widespread offence which he has caused.”

In the ensuing debate, the main issues related to the interpretation of Councillor N Desmond’s comments, as reported in the Shuttle newspaper, with particular reference to their impact on Council staff, and possible implications for him. In responding to the issues raised, Councillor Desmond reiterated the main points in his answer to a Member’s question earlier in the meeting (Minute C 90 refers).

The Council noted that Councillor Desmond had already apologised unreservedly to Terry Clarke, UNISON Branch Secretary, and to the Council, for any offence that that he had caused. He had also made it clear that his remarks should in no way be interpreted as attack on Council staff, whom he regarded as dedicated and hardworking. In addition, he would be meeting shortly with the Chief Executive, the Leader of the Council and Unison to clarify the matter once and for all.

On being put to the meeting, the motion was LOST.

Motion 2

The Council considered the following motion submitted by G W Ballinger,

Mrs F M Oborski and M M G Oborski:

“Council congratulates Dr. Richard Taylor MP on his principled behaviour in supporting the Conservative and Liberal Democrat Parties in their Parliamentary opposition to the Government’s illiberal proposals for the Introduction of ID cards and to the 90 Detention Clause in the Prevention of Terrorism Bill.”

Whilst considering the motion, Members discussed the proposals contained in the Bill. In conclusion, the Council agreed to adopt the motion.

DECISION:

The motion be adopted as recorded above.

Motion 3

(Councillor J A Shaw left the meeting at this point 8.07pm, having declared his prejudicial interest in the following motion.)

The Council considered the following motion submitted by Mrs J Fairbrother-Millis:

“This Council deplores the statements made in the Right Honourable Jacqui Smith’s letter of 29 November, to the Chairman of Worcestershire Acute Hospitals NHS Trust to the effect that she:

is disappointed to learn that the Chairman of the Trust has closed the door on any further changes at Kidderminster;

suggests the total closure of the Kidderminster Birth Centre and the removal of the night time service at our minor injuries unit to help keep services at Redditch.

This Council opposes any further downgrading of services at Kidderminster Hospital.”

The Council noted that Jacqui Smith MP’s letter of 29th November 2005 related to the pre-consultation stage of the Clinical Service and Finance Review of the Worcestershire Acute Hospitals NHS Trust. Members discussed the motion in the light of the review, particularly the implications of the Trust’s need to achieve a financial balance. As a consequence, the Council strongly reaffirmed its commitment to opposing any further downgrading of services at Kidderminster Hospital.

Issues were raised over the appropriate time to respond to the review and it was agreed to await the formal consultation document, to be published in the new year. Arrangements for the formulation of the Council’s response were approved, as set out in the decision below.

DECISION:

The motion be adopted, as amended by Council, to read as follows:

This Council re-affirms its previous commitment to opposing any further downgrading of services at Kidderminster Hospital and delegates authority to the Cabinet Member for Housing, Health and Rural Affairs to respond to the consultation paper from the Department of Health, when it is published in January 2006, taking into account any views expressed by the Housing, Health And Rural Affairs Policy and Scrutiny Panel at its next meeting.

C.95 **URGENT MOTIONS SUBMITTED UNDER STANDING ORDER NO. D1 (7)**

No motions were considered in accordance with Standing Order D1(7).

C.96 **RETURNING OFFICER'S REPORT – BEWDLEY TOWN COUNCIL EAST WARD BY-ELECTION – 24TH NOVEMBER 2005**

The Council was advised that, following the resignation of Councillor Frank Baillie and a request from ten electors that an election take place, a by-election had been held on 24th November 2005. A copy of the summary of the result notice had been circulated in the Council book.

DECISION:

The Returning Officer's report on the outcome of the Bewdley Town Council East Ward by-election on 24th November 2005 be noted.

The meeting ended at 8.38 p.m.

WYRE FOREST DISTRICT COUNCIL**COUNCIL MEETING – 14TH DECEMBER 2005****AGENDA ITEM 5****QUESTION TIME AT COUNCIL MEETINGS - STANDING ORDER A5****Question from Councillor P B Harrison****To the Cabinet Member for Community and Leisure Services**

1. “Prior to 1989, the Local Government Pension Scheme Regulations required that both the employee and the employer paid their contributions into the scheme, and the employer's contribution was required to be 100% funded. The employer's contribution was part of the salary of a Local Government Officer.

In 1989 the Conservative Government issued Regulations allowing Local Government Pension Funds to reduce their funding levels to 75% of full funding. This allowed Councils to reduce their Employer's Pension Contributions and therefore make a saving on their budgets. This saving was meant to assist with the additional cost of the Poll Tax which came into being in April 1990.

Subsequently, following difficulties with the pensions industry, the Conservative Government issued Regulations requiring all Local Government pension funds to move towards being 100% funded. The Hereford and Worcester Pension Fund has never recovered from the loss of the employers' contributions, and currently the funding level averages 68%.

Most public sector pension schemes, such as those for the police, fire service, National Health Service and teachers are met from revenue rather than savings. Does the Cabinet Member for Community and Leisure Services understand that the situation with Local Government pensions is fundamentally different from other public sector pension schemes, in that the Scheme was always fully funded by the employee and the employer, prior to the Conservative Government changes of 1989?

In your letter to the Kidderminster Shuttle of 24 November 2005 you claim that "this country is facing a crisis, a ticking timebomb over public sector pensions that is growing out of all proportion and threatens to swamp us all" and "this is largely due to the fact that under this Labour Government the public sector has ballooned out of all proportion" and "those like Mr Clark on the left of politics believe that he and his members have a divine right to act like leeches and suck this country dry". The Cabinet Member for Community and Leisure Services has published an apology for describing

his staff as "leeches", but does he understand that the crisis in the Hereford and Worcester Local Government Pension Scheme is because a Conservative Government allowed the employers to evade their commitments to their employees, and that Wyre Forest District Council staff have every right to be angry with a Conservative Cabinet Member who has been gratuitously insulting to them?"

Answer from the Cabinet Member for Community and Leisure Services

"I do not believe that the first four paragraphs of Councillor Harrison's question are within the spirit of Council's Questions, because they are predominantly associated with national issues of which, as Cabinet Member, I have no duty or power over nor does this Council. However in the interests of democracy, transparency and helpfulness I will answer the latter part of the question, particularly the last sentence.

I have already issued a letter of apology to Mr Terry Clarke, Branch Secretary Unison Wyre Forest, and also issued a public statement setting out very clearly that my letter to the Shuttle should never be interpreted as an attack on staff nor that I wished to undermine staff of this authority.

I fully recognise that the staff are dedicated and committed and in that letter nowhere do I attack them, nor would I. They do a tremendous job and have my full support.

I will issue another apology to the Council tonight, an unreserved apology for any offence caused in the letter. I never intended this as an attack on the employees of this authority. I need to make this very clear."

Questions from Councillor J A Shaw

To the Cabinet Member for Commercial Services

2. **"Does the Portfolio Holder agree that the current appearance of the District Council's maroon-painted street furniture in Kidderminster town centre is poor, because of insufficiently regular maintenance?"**

Answer from the Cabinet Member for Commercial Services

"I will be exceptionally brief. No, I don't agree that the state of the painted furniture is poor."

Supplementary question from Councillor J A Shaw

"I would ask the Portfolio Holder if he would consider investigating, under the relevant budget heading, how often there is provision for those bollards and seats to be repainted."

Answer from the Cabinet Member for Commercial Services

“In respect of bollards, members of the Council will be aware that bollards are not under the control of Wyre Forest District Council and are therefore not my responsibility. In terms of benches, there is some duplication because some of the maroon benches, which are separate from the bedding planters, are the responsibility of Worcestershire County Council, whereas the benches in High Street, Kidderminster, and the remaining seats and planters are the responsibility of Wyre Forest District Council. I will raise your concerns with the appropriate officers and Cabinet members of Worcestershire County Council.

In respect of street furniture, for which Wyre Forest District Council is responsible, the seats and planters were painted in 2000 and, rest assured, that the benches will be repaired and repainted in 2006.

There are a number of street cleaning operatives who work tirelessly and diligently in the town centre on a daily basis. Street cleaners are working later in the evening as a result of negotiations with employees. They are the eyes and ears of the Council and they report damage and graffiti. All this helps to ensure that street furniture, under the control of this authority, is aesthetically pleasing. For example, the bus shelter outside the Town Hall has recently been painted. Thank you for raising these issues. If you have any further concerns, please do not hesitate to contact me.”

To the Leader of the Council

3. “With reference to the “Worcestershire Local Area Agreement 2006-2009” November 2005 submission:
 - a) What is the difference between “pooled” and “aligned” funding? (Page 18)
 - b) Why is it envisaged that there may be an underspend in the Building Safer Communities Fund in Worcestershire in 2005-06? (Page 21)
 - c) Why is Greenhill ward identified as a targeted area for “improvement of quality of life” when there are other local government wards in Wyre Forest in which greater social deprivation exists? (Page 29)
 - d) Why does traffic congestion in Stourport warrant exclusive specific reference in this document? (Pages 67, 69 & 78)
 - e) Why has so little work been done by the Partnership on “affordable, appropriate and decent housing”? (Page 68)”

Written answer from the Leader of the Council

“Thank you very much for your question submitted in relation to the Worcestershire Local Area Agreement Document. Due to the detail behind each question I feel it would be better to furnish you and all Members of the Council with a written response. Taking

your questions in the order that they were submitted and to help Members I have reprinted the question before giving my answer, as follows:-

With reference to the "Worcestershire Local Area Agreement 2006-2009" November 2005 submission:

(a) What is the difference between 'pooled' and 'aligned' funding? (p.18)

Pooled Budget

This is a mechanism by which the agencies contribute to a discrete fund. Within this fund or "pool", contributions lose their original identity and are committed and accounted for against the joint aims of the partners. For accountability and legal reasons a pooled budget is hosted by one of the partner agencies in accordance with its standards of financial governance and the requirements of the agencies for monitoring and review.

Aligned Budget

This involves the grouping together of separate budgets to improve the joint planning and deployment of resources by local partners. Decisions are taken collectively about the aligned budget but the individual accounts are still technically held within separate agency budgets to allow them to identify and account for their own contribution. This approach does not require new powers.

b) Why is it envisaged that there may be an underspend in the Building Safer Communities Fund in Worcestershire in 2005-2006?

We are aware that a County-wide Substance Misuse Action Team Project which has been jointly funded by Worcestershire's Community Safety Partnerships from their Building Safer Communities Fund for 2005-2006 will now not commence until April 2006. Therefore there will be an underspend by all Community Safety Partnerships in Worcestershire. We are requesting a freedom and flexibility from the LAA to carry this money over into 2006/07.

c) Why is Greenhill Ward identified as a targeted area 'for improvement of quality of life' when there are other local government wards in Wyre Forest in which greater social deprivation exists? (p29)

The LAA Reward Target, which identifies the Greenhill Ward was originally a Community Safety Local Public Service Agreement 2 Target. However all of the LPSA 2 targets have now been subsumed into Worcestershire's LAA.

The geographical hotspot area of Greenhill and Broadwaters was determined on the basis of high local crime and disorder and primary and secondary fire statistics. There was **no 'quality of life'** element to the target. Now the target is part of the Local Area Agreement, Government Office West Midlands has requested that the target be renegotiated and broadened to include 'quality of life' issues.

d) Why does traffic congestion in Stourport warrant exclusive specific reference in this document (pgs. 67, 69, 78)

This LAA Reward Target was originally a target in Worcestershire County Council's Local Public Service Agreement 2, which has now been subsumed into the Local Area Agreement. Initial negotiations for this target were with the Office of the Deputy Prime Minister (ODPM). Based on ODPM's traffic congestion criteria for Local Public Service Agreements, Stourport-on-Severn was identified by Worcestershire County Council as the area where most difference could be made regarding this matter.

e) Why has so little work been done by the Partnership on 'affordable, appropriate and decent housing'? (p68)

'Affordable, appropriate, decent housing' is a cross cutting issue that the Worcestershire Partnership recently brought forward and which it considered would assist in improving the wellbeing of people living in Worcestershire. The primary strategic responsibility for housing lies with the District Councils, who would need to jointly agree any County-wide measures or targets and be sure that they were meaningful, added value and achievable. It has been agreed with the County that because of the limited time that was available to develop such proposals, that the housing targets would be subject to inclusion in years 2 and 3 of the Local Area Agreement. This of course in no way affects the delivery against a range of housing targets that each District Council has.

I hope that the above answers all the details in full, but if I can be of further assistance then please do not hesitate to contact me."