

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

20TH MAY 2009 (6.00PM)

Present for all or part of the meeting:

Councillor Mumshad Ahmed	Councillor John Holden
Councillor John Aston	Councillor Michael Kelly
Councillor Jeffrey Baker	Councillor Rachel Lewis
Councillor Graham Ballinger	Councillor Howard Martin
Councillor Arthur Buckley	Councillor Susan Meekings
Councillor John-Paul Campion	Councillor David Millis
Councillor Stephen Clee	Councillor Christopher Nicholls
Councillor Nathan Desmond	Councillor Fran Oborski
Councillor Helen Dyke	Councillor Tracey Onslow
Councillor Peter Dyke	Councillor Michael Partridge
Councillor Howard Eeles	Councillor Julian Phillips
Councillor Jill Fairbrother-Millis	Councillor Mike Price
Councillor Brain Glass	Councillor Ken Prosser
Councillor Douglas Godwin	Councillor Mike Salter
Councillor Jenny Greener	Councillor Michael Shellie
Councillor Paul Harrison	Councillor Dixon Sheppard
Councillor Marcus Hart	Councillor Kenneth Stokes
Councillor Pauline Hayward	Councillor John Thomas
Councillor Siriol Hayward	Councillor Nigel Thomas
Councillor Malcolm Hazlewood	Councillor Stephen Williams
Councillor Anne Hingley	Councillor Gordon Yarranton

Councillor Williams, the outgoing Chairman of the Council opened the meeting

C. 1 Prayers

Prayers were read by the Reverend Pam Garrud from Foley Park Methodist and Cookley Methodist Churches.

C.2 Election of Chairman

Councillor M Salter was nominated as Chairman. This was moved by Councillor Campion and seconded by Councillor Hart

Decision: Councillor M Salter be elected Chairman of the Council for the current Municipal Year.

C.3 Chairman – Investiture and Declaration of Acceptance of Office

After being invested with his Chain of Office, Councillor M Salter took his Declaration of Acceptance of Office as Chairman.

C.4 Chairman’s Response

The newly elected Chairman expressed his thanks for his election, in particular Councillor Williams for his help and guidance. He reminded Members of the Chamber of their responsibility towards the public, and that during these current difficult times the Council and its Members should serve and support the people of Wyre Forest.

The Chairman announced that his charity for the forthcoming municipal year would be the Millbrook Suite, Kidderminster and he asked for all Members and Officers to support this worthy cause. Further, that a fine of £5 would be levied when a mobile phone rang in Council or Committee meetings and that this money would go towards the Millbrook Suite Charity fund; all Chairs were asked to enforce this should the occasion arise.

C.5 Retiring Chairman

Group Leaders thanked Councillor Williams for the excellent manner in which he had represented the Council and chaired Council meetings during his period of office and recognised the good work that he had carried out on behalf of the Council.

C.6 Retiring Chairman and Consort – Presentation of Badges

The Chairman presented Councillor Williams with a Past Chairman’s Badge of Office.

In response Councillor Williams expressed his thanks to all those involved during his year in office including the support given by Councillor Salter and his wife Christine in her role as consort. He concluded by thanking Members and Officers for raising £1835 for prostate cancer support, his nominated charity.

C.7 Appointment of Vice-Chairman

Councillor Gordon Yarranton was nominated as Vice-Chairman. This was moved by Councillor Campion and seconded by Councillor Hart.

Decision: Councillor Yarranton be elected Vice Chairman of the Council for the current Municipal Year.

C.8 Vice-Chairman – Investiture and Declaration of Acceptance of Office

After being invested with his Badge of Office, Councillor Yarranton took his Declaration of Acceptance of Office as Vice-Chairman.

C.9 Vice-Chairman’s Response

In response, Councillor Yarranton thanked Councillors for their confidence in him. He considered it an honour and privilege to be appointed as Vice-Chairman again and would support the Chairman to the best of his ability.

Flowers were presented to the outgoing consorts.

C.10 Apologies for Absence

There were no apologies for absence.

C.11 Declarations of Interest

Councillor's Shellie, Aston, Williams, Kelly, Oborski and H Dyke, all declared a personal interest in agenda item 23, Right to Buy Proposal and the Community Housing Group.

With the consent of the Chairman, it was agreed that under item 25, Motions submitted under Standing Order D1(1), motion 4, Review of the Operation of the Council's Hackney Carriage Licensing Policy would be considered at this point in the meeting.

C.12 Review of the Operation of the Council's Hackney Carriage Licensing Policy Motion under Standing Order D1 (1)

Councillor Oborski introduced the motion and explained the rationale for its proposal. Councillor Oborski explained that whilst she welcomed taxi's that were suitable for wheelchair users, those same vehicles were unsuitable for people with other disabilities as the height and style of the vehicles caused difficulties when entering the taxi. Councillor Oborski concluded that a mixed fleet was required that met the needs of all taxi users in Wyre Forest. Councillor Oborski presents a petition to Council to save saloon taxis and concluded that equality of access was needed and that there should be a moratorium of six months whilst this matter was reviewed.

Councillor H Dyke seconded the motion.

Councillor Champion proposed an amendment to the motion, that 'Council notes the decision of the Administration to report the operation of the Council's Hackney Carriage Licensing Policy to the Licensing and Environmental Committee. Council believes that this is the most appropriate way to report on regulatory matters. In view of the importance to the public of the council maintaining a safe and accessible taxi fleet, the Council resolves to reaffirm its existing licensing policies, including the age policy which allows saloon or estate cars whose licences are due to expire at the end of June 2009 to continue in use for 12 months, subject to application to the Licensing and Environmental Committee and satisfactory inspection and testing.'

Councillor Champion explained the rationale for the amendment to the motion concluding that to supporting the substantive motion would allow the Council to be open to challenge.

Councillor Hart seconded the amendment

Councillor Martin stated that he was against the policy and that it was discrimination against those that were not wheelchair reliant. Further, that 22 saloon cars would be decommissioned at the end of July, moreover that a mixed fleet gave individuals a freedom of choice.

At the request of Councillor Ballinger, the Chief Executive outlined the relevant policies for Members and the reasons why decisions were made by the Licensing and Environmental Committee.

Councillor Nicholls commented on the amendment and stated that he supported the motion from Councillor Oborski.

Councillor Kelly stated that he felt people were suffering as a result of the policy and that the policy needed to be reviewed.

Councillor Helen Dyke stated that not everyone needed a large taxi, and that amendments were needed as some Wyre Forest residents could not access the taxi service.

Councillor Millis stated that there should be totally accessible vehicles for all regardless of ability and that a mixed fleet was the answer to the problem and provided a taxi service accessible for all.

Councillor Shepherd stated that he believed that less than 1% of taxi call outs were for wheelchair access.

Councillor Baker noted that all of the taxis in London were black cabs and conjectured if it was possible in Wyre Forest.

19:05 Councillor Meekings left the meeting.

Councillor Hingley addressed Council and explained that there should be fairness and in that respect all vehicles should be the same.

Councillor Champion clarified that the amendment allowed for appropriate guidance, and emphasised the need to ensure that there was a fair policy for users and operators.

Councillor Oborski concluded that she was concerned where and how the policy was reviewed, and that it should be considered by scrutiny.

Decision: Upon a vote the amendment to the motion be agreed.

19:14 Councillor Meekings returned to the meeting.

19:15 Councillor Fairbrother Millis and Councillor Millis left the meeting.

19:15 Council retired for a short interval.

19:24 Council reconvened.

19:26 Councillor Meekings and Councillor Lewis returned to the meeting

C.13 Minutes

Decision: That the minutes of the meeting held on 25th February 2009 be confirmed as a correct record and signed by the Chairman.

C.14 Public Participation

No members of the public had requested to address the Council in accordance with the Council's scheme for public participation at meetings of Full Council.

C.15 Questions

No questions had been submitted by Members of the Council.

C.16 Chairman's Communications

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

Decision: The report be noted.

C.17 Members' Annual Activity Reports/Outside Body Reports 2008/2009

These were noted

Decision: The reports be noted.

C.18 Member's Attendance 2008/2009

The Council considered details of Members' attendance at Council, Cabinet, committee and other meetings for the previous Municipal Year.

Decision: The reports be noted.

C.19 Annual Reports for the Municipal Year 2008/2009

Council received Annual Reports from the Leader of the Council and the Scrutiny Chairs.

Decision: The reports be noted.

C.20 Political Management and Committee Structure 2009/2010

The Council considered a package of the following documents, which had been circulated separately from the Council Book, relating to the proposed political and management structure for 2009/2010, as detailed below:

- To appoint a Leader of the council and Deputy Leader of the Council for the ensuing Municipal Year.
- To receive details of the Cabinet from the Leader.
- To receive a report from the Director of Legal and Corporate Services on the proposed political management structure for 2009/2010
- Political Representation and Proposed Allocation of seats on committees (Local Government and Housing Act 1989 Sections 15 and 16)
- Proposed Appointment of Members to serve on Committees 2009/10, including Chairmen and Vice-Chairmen

- Two scrutiny Committees be established. The Corporate Resources Scrutiny committee and the Community and Regeneration Scrutiny Committee.
- The Planning (Development Control) Committee and the Planning (Enforcement) committee be merged and known as the Planning Committee.
- A Corporate Performance Clinic be established.
- A special responsibility allowance be introduced for the Chairman of the Miscellaneous Functions Committee at Band 7.

It was proposed by Councillor Hart and seconded by Councillor Desmond that Councillor Campion be Leader of the Council.

It was proposed by Councillor Campion and seconded by Councillor Desmond that Councillor Hart be Deputy Leader of the Council

Councillor Campion recommended to Council the proposals relating to the proposed political and management structure as set out in the tabled papers and explained the rationale for the proposed Chairs and Vice Chairs for each Committee. This was seconded by Councillor Hart.

Councillor Ballinger proposed that the vacancies on the Planning and Licensing and Environmental Committees caused by Councillor Harrison becoming an independent member be filled by Councillor Harrison.

Councillor Oborski signalled that she was content with this and Councillor Campion advised Members that this would be included in the proposal.

Decision: That the political management structure for 2009/2010 be approved.

C.21 Calendar of Meetings 2009/2010

The Council considered a proposed calendar of meetings (copies of which were tabled) for the 2009/2010 municipal year, copies of which were circulated at the meeting. This took account of the new political structure referred to in Minute C.20 above and was proposed by Councillor Campion and seconded by Councillor Hart.

Decision: That the calendar of meetings for the ensuing municipal year be approved subject to minor amendment by Group Leaders.

C.22 Appointment of Representatives on Outside Organisations 2009/2010

The Council received a table of the appointments to Outside Bodies (copies of which were tabled). Councillor Campion moved that the appointments be agreed subject to the following amendments:

Councillor Millis be the Wyre Forest representative on the Citizens Advice Bureau and the nomination for Councillor Holden be withdrawn.

Subject to the approval of the Kidderminster and District Youth Trust, Councillor Stokes be appointed as an additional Wyre Forest representative.

Following a vote, and a brief adjournment at 8pm, Councillor Kelly be a Wyre Forest Representative on the Community Housing Group and that Councillor Buckley's nomination be withdrawn.

Decision: That the Appointment of Representatives on Outside Bodies be approved subject to the following amendments;

- 1. The appointment of Councillor Millis to the Citizens Advice Bureau.**
- 2. Subject to the approval of the Kidderminster and District Youth Trust Councillor Stokes be appointed as an additional Wyre Forest representative.**
- 3. The appointment of Councillor Kelly to the Community Housing Group.**

C.23 Policy and Budget Framework – Matters Which Require a Decision by Council

Revised Data Protection Policy 2009 – 2011

The Council considered a recommendation from 26th March 2009 Cabinet regarding the Revised Data Protection Policy 2009 – 2011.

Decision: The revised Data Protection Policy 2009 to 2011 be adopted by the Council and the next review of the policy be carried out in 2011.

Revised Freedom of Information Policy 2001 – 2011

The Council considered a recommendation from 26th March 2009 Cabinet regarding the Revised Freedom of Information Policy 2001 – 2011.

Decision: The revised Freedom of Information Policy 2009/2011 be adopted by Council and the next review of the policy be carried out in 2011.

Wyre Forest Climate Change Strategy and Action Plan 2009/2010

The Council considered a recommendation from 23rd April 2009 Cabinet regarding the Wyre Forest Climate Change Strategy and Action Plan 2009/2010.

Decision:

1. The Wyre Forest Climate Change Strategy and 2009/10 action Plan are adopted, and

A guide be produced for householders in the District on ways of reducing their carbon footprint and surface water flooding.

Guidance relating to the Licensing of Hackney Carriage/Private Hire Vehicle, Drivers and Operators Published in a Handbook

The Council considered a report (copies of which had been circulated) regarding the guidance relating to the Licensing of Hackney Carriage/Private Hire Vehicle, Drivers and Operators published in a Handbook.

Following debate, the Chief Executive agreed to look at the individual case that had been raised.

Decision: The guidance/policy to Hackney Carriage/Private Hire Vehicle, Drivers and Operators, as set out in appendix 2 to the report be adopted.

Amendment to Taxi Licensing Conditions

The Council considered a report (copies of which had been circulated) regarding Amendments to Taxi Licensing Conditions.

Decision: The amendment to the current Hackney Carriage and Private Hire Vehicle Licence Conditions be approved.

The Right to Work and Enhanced Criminal Records Checks for Foreign Nationals – Taxi Drivers

The Council considered a report (copies of which had been circulated) regarding the Right to Work and Enhanced Criminal Records Checks for Foreign Nationals – Taxi Drivers.

Decision:

- 1. The current procedure for criminal records checks in relation to applications received from foreign nationals and other persons who have lived abroad be amended, as set out in paragraph 4 of the report to Council; and**
- 2. Measures be introduced to ensure that an applicant has the right to live and work in the United Kingdom before applications are processed.**

Private Hire Vehicle – Identification Plate Exemption Policy

Councillors Kelly, Yarranton, Greener and N Thomas, all declared a personal interest at this point in them meeting in relation to the following item.

Decision:

- 1. That the Private Hire Exemption from Displaying Plates/ Decals Policy/Conditions set out in appendix 1 and 2 of the report to Council be adopted.**
- 2. That authority to determine such applications in accordance with the proposed Policy be delegated to the Director of Planning and Regulatory Services.**
- 3. That a fee of £25.00 is set for a copy of a Replacement Plate or Exemption Notice.**

C.24

Right to Buy Proposal from the Community Housing Group

The Council received a report (copies of which had been circulated) on the Right to Buy Proposal from the Community Housing Group. The purpose of the report was to advise Members of the Right to Buy Proposal from the Community Housing Group in relation to the future Right to Buy Receipts in respect of the Neighbourhood Warden Service.

Decision:

- 1. The proposed scheme be accepted without RPI increases**
- 2. The 50/50 splitting of any surplus at the end of 5 years be capped at \$100K. Above this figure 100% of the surplus be returned to the Council.**
- 3. The position be reviewed at the end of the 5 year period and a further decision be made on whether to continue with the scheme.**
- 4. The Director of Legal and Corporate Services be authorised to complete the variation of the existing scheme.**

C.25

The Wyre Forest District Council (Off Street Parking/Places) (Consolidation) Order 2009

The Council received a report (copies of which had been circulated) of the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009. The purpose of the report was to ask Members to decide to the amendment of the Wyre Forest (Off Street Parking Places) (Consolidation) Order 2007 (Variation No. 3) Order 2008 by the adoption of the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 following the necessary consultation, with a view to implementation with effect from 1st October 2009.

In response to comments from Councillor Martin regarding parking in the Horsefair, Councillor Onslow advised that she was aware of the issues that had been raised and that the purpose of this report was to amend any small

anomalies in parking orders, further that this would be advertised to the public and would be in the press.

Decision:

- 1. The draft Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 be approved.**
- 2. The Director of Planning and Regulatory Services in Consultation with the Director of Legal and Corporate Services be given to the Cabinet to consider any objections/responses from the consultation and agree the adoption of the Order.**

C.26 Motions Submitted under Standing Order D1(1)

A motion was received from Councillor Hart (copies of which had been circulated) on the Private Board Meetings, Worcestershire NHS Trust. It was agreed that this would be combined with the motion submitted by Councillors H Dyke and Councillor Oborski.

Councillor Oborski spoke in support of the motion, reiterating the need for the Board meetings to be held in public. This was followed by support from Councillor's Nicholls and Eeles.

It was proposed that the Chief Executive of the Worcestershire NHS Foundation Trust be invited to the next meeting of the Council.

Decision: That the motion be carried and the Chief Executive of the Worcestershire NHS Foundation Trust be invited to the next meeting of the Council.

A motion was received from Councillor Campion and Councillor Phillips (copies of which had been circulated) on the maintenance of Wyre Hill Play Area in Bewdley.

Members were advised that the motion demonstrated the Council's commitment to support the Wyre Hill Play Area in Bewdley whilst working closely with Bewdley Town Council.

Decision: That the motion be carried.

C.27 Urgent Motions Submitted Under Standing Order No. D1 (7)

None were received.

C.28 Ethics and Standards Committee

Members noted the recommendation of the appointment of Mr R Reynolds as an independent member of the Ethics and Standards Committee and received the Annual Report 2008/2009.

Decision: Mr R Reynolds be appointed as an Independent Member of the Council's Ethics and Standards Committee.

C.29 Exclusion of the Press and Public

This was moved by Councillor Campion and seconded by Councillor Hart.

C.30 Summary of Minutes

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minutes relating to these items has been made as 'Exempt Information' would be disclosed if the minutes were published in full.

C.31 Minutes

The exempt minutes of the meeting held on 25th February 2009 were confirmed as a correct record and signed by the Chairman.

C.32 Policy and Budget Framework – Matters which require a Decision by Council

Property Matters

Council received a report on property matters.

There being no further business the meeting ended at 20.45