

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

30TH SEPTEMBER 2009 (6.00PM)

PRESENT:

Councillors:, Mrs R L Akathiotis, J Aston, J Baker, G W Ballinger, A J Buckley, J-P Campion, S J M Clee, N J Desmond, Mrs H E Dyke, P Dyke, B T Glass, D R Godwin, Mrs J Greener, P B Harrison, M J Hart, Mrs P V Hayward, Mrs S M Hayward, M A W Hazlewood, Mrs A T Hingley, J Holden, H J Martin, D J Millis, C D Nicholls, Mrs F M Oborski, Mrs T L Onslow, J Parish., M W Partridge, J Phillips, M Price, K H Prosser, M A Salter, M J Shellie, D R Sheppard, K J Stokes, J Thomas, N J Thomas, S J Williams, G C Yarranton,

C.52

Prayers

Prayers were said by Reverend Jack Bentham of Milton Hall Baptist Church, Kidderminster.

C.53

Welcome

The Chairman welcomed Diane Tilley as Interim Chief Executive, and Councillor Jim Parish as the newly elected representative for the Lickhill Ward.

C.54

Apologies for Absence

Apologies for absence were received from Councillors M Ahmed, G H Eeles, M B Kelly and Miss S C Meekings.

C.55

Declaration of Interests

No declarations were made.

C.56

Minutes

Decision: The minutes of the meeting held on 29th July 2009 be confirmed as a correct record and signed by the Chairman.

C.57

Public Participation

In accordance with the Council's scheme for public participation at meetings of Full Council, no members of the public addressed the meeting.

C.58

Questions

The Council received a report setting out a range of questions from Councillor Ballinger, Councillor Mrs F M Oborski and Councillor N Thomas directed at the Leader of the Council and Cabinet Members, as detailed below:

Question from Councillor G W Ballinger

Is the Cabinet Member content that the legal advice available to this Authority, prior to the recent Raising Reptiles exhibition at the Glades, was adequate and consistent given the local and national public interest and concern subsequently expressed at this time?

Reply from Councillor M J Hart

Legal advice was sought from the Council's legal team as soon as the Animal Protection Agency raised their concerns about this event and the potential breach under Section 2, Pet Animals Act 1951.

The matter was thoroughly investigated by the licensing officers and it was established that the event was purely an exhibition not for sales for commercial gain and therefore not in breach of the law. Sales of excess stock between hobbyists are permitted by law.

The Licensing Section advised the organisers, the West Midland Reptile Society, of the legal position and warned that the event could not be held at the Glades Leisure Centre if commercial trading of animals was to take place. The organisers confirmed that no commercial sales would be permitted at the event and agreed to give the Council a written assurance that there would be no commercial trading of animals. This had also been made clear on the booking form sent to the exhibitors.

The Animal Protection Agency at no point offered the Council any evidence at all that illegal trading of animals would take place despite being requested to do so. With evidence presented to the Council prior to the event the Council's Legal and Licensing Officers were satisfied that this event was to be held legally and within the required regulations.

Supplementary Question from Councillor G W Ballinger

Given the publicity that the Trust generated both locally and nationally, was not the contradictory nature of the advice given by the organisers in the early stages, based on the advice given locally, both an embarrassment locally and nationally, with a lot of unfortunate feelings generated about Wyre Forest.

Reply from Councillor M J Hart

I am not aware of this in this area or nationally, other than one or two articles published in the local press. I cannot comment on prosecutions that may or may not take place, however I am of the opinion that the advice given by the Council's professional officers was correct. The Animal Protection Agency are a specific lobby group that lobbies local authorities in these matters and I am confident that the advice given was consistent and clear.

Question from Councillor G W Ballinger

Is the Cabinet Member satisfied with the current fall of Wyre Forest District Council's placing from first to last of the Districts within the Worcestershire County Council area, in respect of recycling of waste?

Reply from Councillor N J Desmond

I must say that this is déjà vous, as this is the fourth time that Councillor Ballinger has asked this question, as he had previously asked it at Scrutiny and I believe had received a robust answer. On a general point I wholly refute the allegations that our recycling targets are failing. This is unfair and disingenuous as we have never been the last in the league tables in Worcestershire. In 2004/5 we were at the top and the beacon in 2003, to get it underway and set the benchmark. From 2004 until 2007 collection was consistent, second only behind Bromsgrove. When delving behind the figures we find that for example with Bromsgrove and their collection of 44%, 22% of this is made up dry waste, the remainder being green waste. Second is Worcester City, who has adopted the Waste Strategy; third is Redditch with 33% who are doing well because they have partly adopted the Core Strategy and recycle fortnightly and collect more. Fourth is Wychavon, they have moved up from fifth at 23% to 31%, again they have implemented the Core Strategy and collecting green and food waste to supplement their dry waste collection figures. We are fifth and Malvern sixth. If we look at dry recycling alone we are doing a fantastic job. In terms of our performance rate for dry recycling during 2007/08, Wyre Forest District Council came third in the West Midlands out of thirty-seven authorities, and forty-second nationally out of three hundred and ninety-four authorities. In fact top of the league table was East Lindsey District council with a total collection rate of 58.4%, however only 26% came from their dry scheme.

Supplementary Question from Councillor G W Ballinger

What is the position of the collection of green waste in terms of the County Council?

Reply from Councillor N J Desmond

The District Council is on target. I am the Cabinet Member for the District Council not the County Council, and questions of this nature should be directed to the County Council, who have a duty to collect recyclables. I believe I gave a comprehensive answer and the Council's dry waste recycling is well above average.

Question from Councillor G W Ballinger

At the last meeting of full Council, the Director of Legal and Corporate Services addressed Members on an investigation she was undertaking into an alleged breach of confidentiality by a Member, in passing on information on a restricted subject to the local press. An update on this matter is therefore now requested.

Reply from Councillor A T Hingley

I confirm that it has not been possible to identify with certainty the Member who acted against the interests of the Council. Thank you to Members who did come forward and should further information come to light a report will go to the Ethics and Standards Committee.

Supplementary Question from Councillor G W Ballinger

There is uncertainty surrounding all of us, and I feel that we are owed some form of explanation.

Reply from Councillor A T Hingley

Forty-two members returned their forms, and at the moment there is no more that can be investigated with certainty.

Question from Councillor Mrs F M Oborski

In view of thefts and vandalism which have taken place can the Cabinet Member tell me what steps are being taken to ensure that adequate security fencing is provided at Dunclent Crescent allotment site to ensure that access is prevented from the grounds of the Wyre Forest Community Housing flats adjacent to the site?

Reply from Councillor M J Hart

I am sorry to hear of the theft and vandalism on the allotment site. In terms of the fencing, Wyre Forest Community Housing own the fencing and officers from Parks and Spaces have reported to Wyre Forest Community Housing that the fence is damaged and needs to be repaired as soon as possible.

Supplementary Question from Councillor F M Oborski

I have been informed that the replacement fence will be only one metre high. Can the Cabinet Member ask our staff to put pressure on securing a higher fence to secure the allotments?

Reply from Councillor M J Hart

I am happy to do so, and I hope that Wyre Forest Community Housing won't take offence as I know that Board Members are in the Chamber and I am sure that they will also put pressure on Wyre Forest Community Housing to reconsider the height and to reconsider making it higher to keep out people that should not be there.

Question from Councillor Mrs F M Oborski

Can the Cabinet Member tell me how many applicants are currently on the waiting list for allotments in Kidderminster?

Reply from Councillor M J Hart

Seventy-three.

Supplementary Question from Councillor F M Oborski

In view of this, could the Cabinet Member tell me about the initiative suggested by Joe Scully this summer where the Council could take into operation privately owned abandoned allotments on the Chester Road site, where the Council have some allotments and put in a water supply some years ago?

Reply from Councillor M J Hart

Joe Scully has raised this because of waiting lists and the popularity of allotments due to cookery programmes and celebrity chefs. In terms of the specific initiative and bringing back to use abandoned plots on the Chester Road, and getting external funding to create more sites is a long term plan and there is only so much money in the pot. It is not that simple in terms of taking over abandoned sites as there are legal issues regarding ownership, however you have my assurance that if there are sites across the district that we can reinstate easily we will do it.

Question from Councillor Mrs F M Oborski

Can the Cabinet Member tell me how many fewer journeys are now being made by OAP's since the changes to the bus passes were introduced?

Reply from Councillor N J Desmond

We do have the figures for Councillor Oborski, the number of passenger journeys between April and July 08 and April and July 09 show only a 2% reduction, which is fairly consistent. Other authorities in Worcester who have removed the pre 9.30am concession i.e. Worcester City, have seen an 11% reduction. Interestingly the 4 authorities who have not got rid of the pre 9.30am have shown a reduction in concessionary travel, Bromsgrove 5%, Malvern 3.5%, Redditch 2% and Wychavon 7%. They are just figures at the moment and it is too early to establish the rationale behind the reduction. My suggestion is that early next year Scrutiny have a one off report to delve into the figures because everyone has seen a reduction.

18:25 Councillor Phillips left the meeting.

Question from Councillor Nigel Thomas

Can you please inform me of how many floors the new council office block will contain, what will be the floor area and how many people will be employed there by the Council?

Reply from Councillor Campion

I don't anticipate any flaws as it will be perfect.

C.59

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 reminded Members of his charity event on the 31st October and thanked that Vice Chairman for his support during his recent holiday.

C.60

Leader's Announcements and Report

The Leader of the Council welcomed the Interim Chief Executive Diane Tilley. Members were advised of the recruitment process for the new Chief Executive and that an Appointment and Appeals Committee had been convened for 19th and 20th October, with the intention that a recommendation to appoint a new Chief Executive be considered at the additional Council meeting on 22nd October. Members were further advised that there would be an opportunity for them to meet the candidates and to feedback to the consultants coordinating the recruitment. In respect of Alderman Simmonds, Members were advised that his recovery was progressing well.

18:29 Councillor Phillips returned to the meeting.

C.61

Recommendations from Cabinet

Recommendations from the Cabinet Meeting 22nd September 2009

Transformational Change and Delivery Programme.

The Council considered a report (copies of which had been circulated) regarding the Transformational Change and Delivery Programme. Members were advised that the programme brought together the strands of the Council's core functions and afforded an opportunity for Members to focus on back office activities.

DECISION: The expansion of the terms of reference of the Single Site Project Board to include the monitoring of the Transformational Change and Delivery programme be approved.

Budget Monitoring – First Quarter 2009/10

The Council considered a report (copies of which had been circulated) regarding Budget Monitoring for the First Quarter 2009/10.

DECISION:

- 1. The use of £14,500 of general reserves to fund the regional subscription to West Midlands Local Government Association in 2009/10 be approved.**
- 2. The use of earmarked reserves of £166,549 to fund costs which are not able to be capitalised in relation to implementing restructuring relating to 2008/09, be approved.**

Putting Customers First – A Customer Strategy for Wyre Forest District Council 2009/2012

The Council considered a report (copies of which had been circulated) regarding the 'Putting Customers First' customer strategy.

DECISION: The Putting Customer First – A Customer Strategy for Wyre Forest District Council 2009 – 2012 be adopted and implemented.

Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 and the Issue of 1 month and 6 Month Season Tickets.

The Council considered a report (copies of which had been circulated) regarding the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 and the issue of 1 month and 6 month season tickets.

Members welcomed the good news regarding the offer of the monthly and 6 monthly season ticket.

DECISION:

- 1. The continued availability of 1 month and 6 month season tickets as set out in paragraph 4.6 of the report to Cabinet be approved; and**

2. **During the interim period from 1st October 2009 to the date upon which 1 and 6 month season tickets at the rates set out in paragraph 4.6 of the report will be made available, Council agrees to authorise the issue of 1 month season tickets at the current rate of £45.00 per full season ticket and £24.00 per restricted season ticket, having regard to the Council Scheme of Delegations which gives the Director of Planning and Regulatory Services power to undertake the routine management of the Council's Car Parks within the Council's overall policy and budget.**

C.62 Recommendations from Licensing and Environmental Committee 25th September 2009

Statement of Gambling Policy

The Council considered a report (copies of which had been circulated) regarding the Statement of Gambling Policy.

DECISION: The Draft Statement of Gambling Policy for the Wyre Forest District be approved following consultation with relevant stakeholders (as listed in Appendix 1 of the report to the Licensing and Environmental Committee).

Draft Policy for the Licensing of Novelty Vehicles to Operate as Private Hire Vehicles in the District.

The Council considered a report (copies of which had been circulated) regarding the draft policy for the licensing of Novelty Vehicle to operate as private hire vehicles in the District.

Following discussion Members were advised that novelty vehicles were increasing in popularity and that VOSA (the Vehicle and Operator Services Agency) issued the relevant safety certificates for such vehicles.

DECISION: The introduction of a policy to allow the licensing of Novelty Vehicles in the district as private hire vehicles on a case by case basis subject to the Licensing and Environmental Committee being satisfied that conditions can be attached ensuring that safety criteria are met. The conditions set out in *Appendix 2* of the Report to the Licensing and Environmental Committee of 25th September 2009 be adopted to ensure the safety of the general public using such vehicles.

C.63 Recommendations from Community and Regeneration Committee 3rd September 2009

Action Plan for Wyre Forest Cultural Strategy

The Council considered a report (copies of which had been circulated) regarding the Action Plan for Wyre Forest Cultural Strategy.

DECISION: The Cultural Strategy and Action Plan for Wyre Forest be adopted.

C.64 Motions submitted under Standing Order D1 (1)

None were received.

C.65 Urgent Motions Submitted under Standing Order D1 (7)

None were received.

C.66 Corporate Governance

The Council considered a report (copies of which had been circulated) regarding proposed amendments to the Constitution.

Members debated at length both the contentiousness of increasing the allowance for the Vice Chairman and the necessity of providing an allowance that allowed a Vice Chairman to attend functions on behalf of the Council without impinging on their personal resources.

Decision:

1. **The proposed changes to the Council's constitution as set in the report to Council be adopted.**
2. **The necessary amendments be made to the Council's Constitution.**
3. **The allowance for the Vice-Chairman of the Council be adjusted to be in line with Band 7 of the Members allowance scheme.**
4. **The revised political balance sheet be agreed.**

C.67 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 1 and 2 of Part 1 of Schedule 12A of the Act.

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. 68 Exempt Minutes

The exempt minutes of the special meeting, and meeting held on 29th July 2009 were confirmed as a correct record and signed by the Chairman.

The meeting ended at 19:03