

WYRE FOREST DISTRICT COUNCIL

COUNCIL

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

18TH MAY 2011 (6.00PM)

PRESENT:

Councillors: M Ahmed, J Aston, J Baker, G Ballinger, R Bishop, A J Buckley, J-P Campion, S J M Clee, N J Desmond, H E Dyke, P Dyke, N Gale, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, J Holden, T Ingham, M B Kelly, H J Martin, D J McCann, C D Nicholls, F Oborski, T Onslow, J W Parish, J Phillips, M Price, K H Prosser, C Rogers, M A Salter, A M Sewell, J A Shaw, D R Sheppard, N J Thomas, S J Williams, and G C Yarranton

C.1 Prayers

Prayers were said by Pastor Rob Palmer of Franche Community Church, Kidderminster.

C.2 Election of a Chairman

Councillor S Clee was nominated as Chairman. This was moved by Councillor Campion and seconded by Councillor Hart.

Decision: Councillor S Clee 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 S Clee took his Declaration of Acceptance of Office as Chairman.

C.4 Chairman’s Response

The newly elected chairman expressed his thanks for his election.

C.5 Retiring Chairman

All Group Leaders thanked Councillor Yarranton for the excellent manner in which he represented the Council. In particular reflecting on the diligence and dignity in which he had carried out his role.

C.6 Retiring Chairman – Presentation of Badges

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

In response, Councillor Yarranton expressed gratitude to all colleagues that had supported him throughout the municipal year. Councillor Yarranton was delighted to announce that he had raised over £2100 and thanked all that had contributed so generously to his Charity, Kemp Hospice.

- C.7 Appointment of Vice-Chairman**
Councillor K Prosser be nominated as Vice-Chairman. This was moved by Councillor Campion and seconded by Councillor Hart.

Decision: Councillor K Prosser 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 Prosser took his Declaration of Acceptance of Office as Vice-Chairman.

- C.9 Vice-Chairman’s Response**
In response, Councillor Prosser thanked Members for the honour of being appointed Vice-Chairman of the Council and he commented that he would support the Chairman to the best of his ability.

- C.10 To appoint a Leader of the Council**
Councillor J Campion was nominated as Leader of the Council. This was moved by Councillor Hart and seconded by Councillor Desmond.

Decision: That Councillor J-P Campion be appointed as Leader of the Council.

- C.11 Apologies for Absence**
There were no apologies for absence.

- C.12 Declaration of Interests**
There were no declarations of interest.

- C.13 Minutes**

Decision: The minutes of the meeting held on 23rd February 2011 be confirmed as a correct record and signed by the Chairman.

- C.14 Public Participation**
No members of the public wished to address Council in accordance with the Council’s scheme for public participation at meetings of Full Council.

- C.15 Questions**
No questions were received.

- C.16 Chairman’s Communications**
The Chairman paid tribute to the work of the past Chairman and Vice Chairman.

The Chairman welcomed Councillors Sewell, Higgs, Rogers and J Hart to their first Council meeting following the election in May.

The Chairman congratulated the Waste Management Service on their recent national award for Waste Collection Crew of the Year and on behalf of the team a certificate and award was presented to John Burgess, Waste Operative.

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In response Councillor Desmond expressed his delight in the award and explained that the team carried out an exemplary role and were a credit to themselves and the authority.

C.17 Leader's Announcements and Report

The Leader of the Council made the following announcements:

The Council had been successful in defending its priority status in relation to the Landsbanki investment of £3m. This decision announced in mid April was made by the Icelandic District Court, and was the unanimous verdict of the three judges sitting on the panel. Members were advised that this was excellent news for the Council as the priority status would mean that the Council would receive the vast majority of the investment back during the winding up of the bank.

However Members were advised that an appeal against this decision had been made to the Icelandic Supreme Court and the appeal would be heard in the coming months, probably by September. Moreover, this was the final challenge that the Council could face on its status and once more the Council were working with the Local Government Association along with other public bodies in the UK and the Netherlands to defend the Council's position. The Leader of the Council remained confident that the Council would retain this status and would provide further updates when the more information was available.

In relation to the Council's other two investments with the Heritable and Kaupthing Singer and Friedlander, regular dividend payments are still being received. To date out of the original £6m invested the Council had received dividend payments of over £3.2m with a further payment of at least £250,000 expected next week. A full update of the position on the recovery of these investments was provided to the Corporate Resources Scrutiny Committee in April and further information would be contained within the Statement of Accounts.

However, there was one further update, since the Corporate Resources meeting, it had been announced that the forecast potential maximum recovery from the KSF investment has increased from 78% to 86%, if this was achieved it will mean that a further £400k will be recovered.

The Leader of the Council concluded that should further information emerge in relation to the recovery of these investments Members would be briefed accordingly.

C.18 Members' Annual Activity Report and Attendance 2010/2011

Council received the schedule of annual activity reports, records of Members attendance for the previous municipal year.

Decision: That the reports be noted.

C.19 Annual Reports for the Municipal Year 2010/2011

Council received Annual Reports from the Leader of the Council, Scrutiny Chairs and the Ethics and Standards Committee.

Decision: That the reports be noted.

C.20 Political and Constitutional Structures 2011/2012

The Council received a tabled paper on Political and Constitutional Structures for the municipal year 2011/2012.

Some Members expressed their frustration that the paper was tabled late. Members were advised that the agenda was marked that the papers would follow and that this complied with the constitution and legislation . A brief discussion ensued where comments were also made of the ability by some Members to access reports on CAIRO.

Council was advised of the move to Independent Community and Health Concern by Councillor Ballinger and Group Leaders were asked to confirm their nominations for Committee places. Members were advised of the key points contained within the report, in particular the changes to the frequency of committee meetings, the reduction in the size of the Cabinet from 6 members to 5 and that there would be only one scrutiny committee. Moreover that the changes would allow for significant savings.

A debate ensued on proposed amendments to the constitution. Members expressed their concerns that they had not had adequate time to consider the amendments and asked that they be deferred to the Council meeting in July.

Council agreed to consider the recommendations in two parts, recommendations 2.1 to 2.9, excluding 2.6.

In response to the paper a motion was proposed and seconded by the Labour Group.

- a) The proposed management structure be amended to include reference to the Transformation Board and to include two Scrutiny Committees, Corporate Resources and Community and Regeneration, both to consist of 14 Members.
- b) Consequently, item 2.3, 2.4 and 2.5 be appropriately amended.
- c) Item 2.7 not be approved.
- d) Individual votes be taken on the appointments to representatives to outside bodies for the following: Citizens Advice Bureau, Wyre Forest Cycle Forum and Wyre Forest Highways Partnership Forum.
- e) The revisions to the Councils Constitution be subject to a scrutiny process before a vote by Council.

A lengthy debate on the Labour motion ensued and clarification was given on the independent Members Councillors' Dyke's grouping with the Liberal Party.

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The Leader of the Council gave clarification on role of the Transformation Board as a non decision making body and further explained that the proposed amendments to the Constitution had been shared with Group Leaders as they had been developed. Upon a vote the Labour amendment was lost.

A further motion was proposed by the Labour Group requesting that the item on the constitution was debated as a separate item. Members further debated this item and it was subsequently agreed that the Council would recess for 10 minutes at 7.23pm.

Upon the returning to the Chamber at 7.33, the Leader of the Council announced that pages 31 to 38 of the report would be withdrawn. Page 39 would be subject to one minor amendment and be retained; pages 41 and 42 would be retained down to and including paragraph 8. The Labour Group withdrew their amendment and thanked the Leader of the Council. The Leader indicated a further Member seminar would be held for all Members prior to the next Council meeting.

Decision:

- 1. The proposed Political Management Structure for 2011/2012 as set out in Appendix 1 of the report.**
- 2. The portfolios of the Cabinet Members as set out in appendix 2 of the report be noted.**
- 3. The political balance of the Council as set out in Appendix 3 of the report be noted.**
- 4. The Chairmen and Vice-Chairmen and other members of committees as contained in Appendix 4 of the report be agreed.**
- 5. The Municipal Calendar as set out in Appendix 5 of the report be adopted.**
- 6. The Overview and Scrutiny structure be approved.**
- 7. The revisions to the Constitutions regarding the delegations for Licensing and Planning be approved. The remaining amendments to the constitution be considered at the Council meeting in July.**
- 8. The Director of Legal and Corporate Services 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.**

Outside Bodies

Council considered an amendment to the substantive item and proposed that Councillor Kelly be appointed to the Community Housing Group. Upon a vote the amendment was lost.

Council considered an amendment to the substantive item and proposed that Councillor Higgs be nominated to the Citizens Advice Bureau. Upon a vote the amendment was lost.

Council considered an amendment to the substantive item and proposed that Councillor Kelly be nominated to the Wyre Forest Highways Partnership Forum. Upon a vote the amendment was lost.

At the withdrawal of Councillor Shaw as nominee to the Wyre Forest Cycle Forum Councillor Campion agreed to be the nominee. This was carried.

Decision: Subject to Councillor Campion being the representative on the Wyre Forest Cycle Forum the report be agreed.

C.21

Policy And Budget Framework

Recommendations of the Cabinet Meeting 15th March

Fees and Charges Policy

The Council considered a report on the fees and charges policy.

Decision: The Fees and Charges Policy be endorsed and adopted.

Recommendation of the Cabinet Meeting 19th April

Worcestershire Housing Strategy 2011-2016

The Council considered a report recommending the Worcestershire Housing Strategy and associated Action Plan 2011/12

Decision: The Worcestershire Housing Strategy and associated Action Plan 2011/12 be adopted.

Wyre Forest District Local Development Framework Development Plan Documents and Churchfields Master Plan Preferred Options Consultation

The Council considered a report on the Wyre Forest Local Development Plan Documents and Churchfields Master Plan Preferred Options Consultation.

Decision:

- 1. The Local Development Framework Development Plan Documents as detailed in the report to Cabinet be approved for the purposes of consultation in accordance with Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.**

2. **The Consultation Draft Churchfields Master Plan, set out in the report to Cabinet be approved for the purposes of public consultation and that it be given due weight as a material consideration in determining planning applications falling within its boundaries.**

3. **The Director of Planning & Regulatory Services, in consultation with the Cabinet Member for Planning & Economic Regeneration, be given delegated power to determine the final format and presentation of all of the papers referred to in paragraphs 2.1 and 2.2 of the report to Cabinet.**

Recommendation of the Licensing and Environmental Committee 21st April 2011

Hackney Carriage and Private Hire Vehicle Testing

The Council considered a report on proposals to change the licensing conditions relating to the number of annual mechanical inspections of taxi's operating within the District of Wyre Forest.

Decision: To change the current system of mechanical Taxi inspections from the requirement to have 3 annual inspections carried out by the Council's testing station at Green Street and an MOT carried out by an external testing station to 2 annual inspections and an MOT test all carried out by the Council's testing station be agreed.

C.22 Motions Submitted Under Standing Orders

No notices of motion were received in accordance with Standing Orders.

C.23 Urgent Motions Submitted Under Standing Orders

No notices of motion were received.

C.24 Report of the Independent Remuneration Panel (IRP)

The Council considered a tabled report, together with supplementary paper written by the Leader of the Council on the report of the Independent Remuneration Panel, the purpose of which was to decide the allowances to be paid for the forthcoming municipal year.

Members expressed their dissatisfaction with paper being tabled as they felt it gave them insufficient time in which to respond. Members were advised that the phone allowance of £23 per month was proposed to be withdrawn for all Members, and although this was not a recommendation of the IRP it was a saving to the Council.

Members considered the proposals in detail. Members spoke in support of proposals, in particular asking Members to note the value of the work carried out by Vice Chairman and the value of the allowance in supporting Members to carry out their duties, for example unpaid leave or caring responsibilities.

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Members also spoke against the proposals reminding Members that they were public servants and that upon joining a joint remuneration panel with other District Councils in Worcestershire notice should be taken of the recommendations, in particular that the allowance paid to Wyre Forest Members was in excess of those paid to their peers in the other Districts.

An amendment was proposed, but upon a vote it was lost. The substantive recommendation were then voted upon and carried.

Decision:

1. Council has **REGARD** to the conclusions and recommendations of the Independent Remuneration Panel (IRP) in making any amendments to the Members' Allowances Scheme for 2011/12;
2. Council **RESOLVES** to amend the Allowances Scheme for 2011/12 with effect from 18 May 2011;
3. Council **AUTHORISES** the Director of Legal and Corporate Services to amend Part 17 of the Constitution as appropriate to give effect to the Council's decisions;
4. Council **ACCEPTS** the recommendations of the IRP except as follows:

Basic allowance The IRP's recommendations do not give sufficient recognition to the fact that allowances have been frozen since 2008; and that the freeze will continue for 2011/12 when RPI is currently running at 5.2% (April 2011). There has thus been a significant real terms reduction in the value of allowances. In recognition of this, it is proposed to set the public service discount at 30%. This results in a basic allowance of £4,900.

In addition, the total cost of basic allowances is expected to fall further in future if the Council seeks an electoral review by the Boundary Commission to reduce the number of Councillors. The appropriate level of allowances should be reviewed closer to the time that the size of the council is reduced.

Cabinet members and chairs of committees The IRP's recommended multipliers for these posts are accepted, with the following exceptions:

Post	Multiplier	Allowance (£)
Deputy leader	1.875	9,188
Cabinet members	1.625	7,963
Chair of Planning and Licensing Committees	1.125	5,513
Chair of Audit Committee	0.5	2,450

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It was felt that the IRP's recommendations had not taken full account of relevant factors:

- the IRP's recommendations were submitted before proposals about reducing the size of the Cabinet from 6 members to 5 and merging the two scrutiny committees into one. It was felt appropriate to retain broadly the present level of allowances for these roles, as the same work would be done by fewer members. In the case of the vice chair of the scrutiny committee, this could include chairing a proportion of any review panels established by the scrutiny committee;
- sufficient account had not been taken of the importance of the roles of the Chair of the Planning and Licensing Committee who lead decision-making committees that were subject to close public interest. Both committees require a high level of technical understanding and, in respect of the licensing committee, the chair has additional responsibilities liaising with the Taxi Trade with the District supported by Worcestershire Regulatory Services;
- while the principle of a lower multiplier for the Chair of the Audit Committee was accepted, in view of the lower frequency of meetings compared to other committees, the recommendation from the IRP did not take sufficient account of the growing complexity of the process for approving accounts and auditing and the need for the Chair of the Committee to be fully conversant with them. For example, significant changes were being implemented this year as result of new International Financial Reporting Standards.

Allowances for vice chairs of Committees It was felt that the IRP had not given sufficient consideration to the preparation that vice chairs have to undertake in advance of meetings, including attendance at briefing and agenda setting meetings with officers – they do not know when they might be called upon to chair a meeting. It is therefore proposed to retain allowances for vice chairs with a multiplier of 0.25, with the exception of the vice chair of the Audit Committee where a lower multiplier of 0.125 would be appropriate for the reasons mentioned above.

Council DECIDES to cease payment of Councillors telephone allowance

The Council pays a telephone allowance of £23 a month to all councillors. Equivalent payments to relevant staff were brought to an end in 2010. While the telephone allowance lies outside the scheme of basic and SRA's and the IRP's recommendations, it is proposed to end the telephone allowance. The effect is to reduce further the overall payments made to all members, by £11,592 in a full year.

Councils NOTES that the proposed amended Councillor Allowance Scheme and reduced committee frequency will save £163,304 over the next four years.

The agreed rationalisation of meetings will save £4,521 pa and the revised Councillors Allowance scheme will save £36,305 pa. The total savings are £40,826 pa from this proposal.

C.25

Boundary Commission

The Council received a report proposing that a formal request be made to the Boundary Commission for England for a review of the size of the Council. A Supplementary paper was also circulated that proposed alternative recommendations to those reported.

Members robustly debated the report. Amongst the points raised were concerns regarding the amount of ward work and the ability of a reduced number of Members to support the community. Further, that it would be beneficial if wards and divisions remained coterminous, as it was felt there had been failings in the previous review of the Boundary Commission.

In response to questions regarding the validity of the statistics referred to in paragraph 10.2 of the report the Chief Executive advised Council the figures were derived from the budget consultation exercise carried out during Autumn 2010. At this point in the proceedings the Chairman had cause to reprimand Councillor Ballinger for inappropriate comments made about Council Officers. Councillor Ballinger apologised and withdrew his comments.

Further debate ensued, where Members reiterated their concerns regarding workloads, with particular reference to housing issues and also the validity of the statistics due to the small sample size. Members also voiced their frustration regarding the lateness of the supplementary paper.

Decision:

- 1. The Council resolves to invite the Local Government Boundary Commission for England to conduct an electoral review, with the aim of reducing the size of the council by 20 to 25%**
- 2. The Council resolves to invite the Commission to produce recommendations for the implementation through all-out elections in May 2015.**
- 3. The Council delegates to the Chief Executive decisions on any relevant steps to progress the resolutions.**

The meeting ended at 8.58p.m.