

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

28th SEPTEMBER 2011 (6 PM)

Present:

Councillors: M Ahmed, J Aston, J Baker, G W 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, H J Martin, D J McCann, F M Oborski, T L 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.38 Prayers

Prayers were said by Pastor Rob Palmer from the Franche Evangelical Church, Kidderminster.

C.39 Apologies for Absence

Apologies for absence were received from Councillors M Kelly, C Nicholls, J Holden and T Ingham.

C.40 Declaration of Interests

Declarations of interest were received from

- Councillor Godwin declared a personal interest in agenda item 12.
- Councillor Sewell declared a personal interest in agenda item 9 as there was reference in the report to a family member.
- Councillor Clee declared a personal interest in agenda item 12 as Parish Clerk for Rock Parish.

C.41 Minutes

Decision: The minutes of the meeting held on 27th July 2011 be confirmed as a correct record and signed by the Chairman.

C.42 Public Participation

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

C.43 Questions

The Council received a report setting out a range of questions from Councillors Oborski, Bishop and Shaw, directed at the Leader of the Council and Cabinet Members.

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Question 1- From Councillor Fran Oborski to the Leader of the Council – Councillor John Campion

Throughout the process of creating shared services you have told the Council that you saw this as the way to preserve the independence of Wyre Forest Council. In mid July you were quoted in the local edition of the “Express and Star” as saying that a Unitary Authority, created by scrapping the District Councils of

Worcestershire would be of “great value” to the people of Wyre Forest, and implying that it should be considered after the next General Election. Would you please explain to Council exactly what future you see for localism and democracy in Wyre Forest?

Answer from the Leader of the Council

The reporting in the Express and Star was not accurate. With regard to a unitary authority, it will be discussed if it is in the best interests of the Council and it is something that the public wants. However, there are no proposals from Government for unitary authorities during the life of this parliament, and I believe that Wyre Forest District Council has a bright and healthy future.

Question 2 – From Councillor Fran Oborski to the Cabinet Member for Community Well-Being– Councillor Tracey Onslow

Kidderminster is one of 65 towns where bids are being invited for local TV stations. In at least one of the other towns selected to bid, Malvern, we are informed that the local MP and Leader of the Council have been actively involved in helping to set up a consortium to make such a bid. Will the Leader tell us what steps he has taken, with or without the local MP, to ensure that a single, suitable bid goes forward from Wyre Forest?

Answer from Councillor Tracey Onslow

At the Cabinet meeting of 6th September, Cabinet agreed to support the initial consultation and registered an interest for Wyre Forest in the project. This consultation will be fed back to OFCOM. The Council is awaiting the result of the consultation but understands that the larger conurbations will be considered first. However, it is hoped that Wyre Forest will be considered in the second tranche.

Question 3 – From Councillor Rose Bishop to the Cabinet Member for Environmental Services – Councillor Marcus Hart

Currently taxis are regularly double parked on the Blackwell Street taxi rank, whilst the Exchange Street rank often extends around the back of the library with taxis parked on both double yellow lines and hatch markings. Ordinary motorists would face penalty tickets for parking this way. What steps are being taken to regulate indiscriminate parking by licensed taxis?

Answer from Councillor Marcus Hart

This is an issue which is going to be put on the agenda for the next taxi liaison meeting so that the ‘taxi trade’ can be advised that parking outside the demarked taxi rank bays is unacceptable and that our Civil Enforcement Officers will be paying more attention to enforcing these sites. However, the issue of double (tandem) parking which often happens at the Blackwell Street location isn’t enforceable by our CEO’s and is a police matter if they are causing an obstruction in the highway.

Question 4 – From Councillor Jamie Shaw to the Cabinet Member for Place Shaping – Councillor Julian Phillips

With reference to possible future Section 106 Agreements in Stourport, with which agency should the District Council, (as Planning Authority), and developers engage concerning secondary school education, now that Stourport High School is “free from local authority control”?

Answer from Councillor Julian Phillips

According to Worcestershire County Council (WCC), Stourport High School is an Academy school which means that they have the ability to source capital from outside the local education authority system. However, in terms of basic need provision; the necessary funding is still devolved to WCC as they retain the strategic responsibility for school places provision and therefore the necessary facilities to support that. Therefore in terms of Section 106 Agreements the message is ‘business as usual’ with WCC and the Education Contributions through the planning system. A similar question has recently been asked at WCC Council and WCC officer response is quoted as follows:

‘Question from Cllr Peters to Cabinet Member with Responsibility for Education and Skills: “It is common practice for the County Council to demand financial contributions from housing developers wishing to pursue a planning application. These so-called “Section 106 Agreements” frequently include monies to supplement education provision in a particular locality. Now that many schools have obtained, or are seeking, Academy status, how can the County Council continue to impose such financial demands in areas where education is provided by Independent schools outside the remit of the Local Education Authority? ”

Response: The current planning regulations permit Local Authorities to seek a contribution towards infrastructure changes as a consequence of a proposed housing development. In the case of education contributions the assessment is made by the County Council in line with the County Council's strategic responsibility for school place planning, although the relevant Supplementary Planning Guidelines under which the contributions are made form part of the District Council policy as the planning authority. Any planning agreement with a developer will name the local schools eligible to benefit from the contribution. Although academies are independent of the local authority they form part of the state funded education for the community and whilst the schools, in their admissions policy, still recognise their catchment area or local community then they will be able to benefit from the contribution. The guidance from the coalition government is that capital resources provided to Councils for Basic Need or School places is available for all tax payer funded schools whilst the capital for maintenance is only for schools maintained by the Council. Section 106 is a recognised source of capital funds for Local Authorities. The planning laws are in the process of being changed with the introduction of Community Infrastructure Levy schedule (CIL). At the moment the understanding is that the County Council could still apply CIL income to increase capacity/provision in any school where new residential development in the catchment would create demand for places in excess of the existing capacity. Pending the passage of the Localism Bill (which may alter the scope of the Community Infrastructure Levy) it is not possible to give a definitive answer.

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The County Council is working closely with the district councils to help them progress their CIL charging schedules. Officers in Children's Services are actively engaged in this process to ensure the needs of the community are fairly assessed and the contribution from developers is reasonable and clearly understood. The County Council is not a local planning authority and is therefore dependent on the district councils in this regard.'

Supplementary Question from Councillor Jamie Shaw

I understand that Stourport High School has no responsibility to the community and is in charge of its own admissions policy and in charge of its destiny in terms of extending the number of rooms in the school. Where is the role of the authority if it doesn't have power over decisions?

Answer from Councillor Julian Phillips

I am not going to comment on the hierarchy of the school governors and the recognised catchment area. The school provides state secondary education for Stourport students and it is funded by the Local Education Authority (LEA). The LEA would be consulted on any development that would impact on school places.

Question 5 - From Councillor Jamie Shaw to the Cabinet Member for – Environmental Services Councillor Marcus Hart

Comparing Lengthsman services in Stourport and Kidderminster, why is it the case that weeds in the highway are removed from Stourport, (albeit only by the application of weed killer), but not in Kidderminster?

Answer from Councillor Marcus Hart

Kidderminster and Stourport-on-Severn each have their own Lengthsman and I'm sure that both Lengthsman undertake weed removal across the District.

Supplementary Question from Councillor Jamie Shaw

Can I ask that during the growing season all weeds are removed from the traffic islands in Kidderminster, as they are in a terrible state for all to see, especially on Comberton Hill.

Answer from Councillor Marcus Hart

The Kidderminster Lengthsman scheme is there for the benefit of District Members in the unparished Kidderminster Area or their County Member Counterparts in terms of minor highway related works. All calls can be made to the Hub and are then actioned by the Environmental Maintenance Team. The process relies on Members utilising the Lengthsman scheme as they see fit.

C.44 Chairman's Communications

The Council received a list of functions attended by the Chairman or Vice-Chairman since the Council's last meeting. Members were reminded of the 'Music for You' concert that was being held on 7th and 8th October.

C.45 Leader's Announcements and Report

The Leader of the Council made the following announcements:

During the last three years the Council had made significant progress in recovering the Icelandic Banks investments and has remained confident that the vast majority of the Council's investments would be returned.

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It was reported at the previous meeting, the Council had won its court case in the Icelandic District Court which retained the Council's "priority" status for the Landsbanki investment. This decision was appealed and the case was heard by the Icelandic Supreme Court in mid September. The result of the appeal had been delayed whilst the Supreme Court heard the "Glitnir" appeal; this is another Icelandic bank in a very similar position. However, the Council did not have any investments with this bank. The result of the appeal is to be announced shortly, and the Council would be briefed as soon as any information became available. The Council remained confident that its position would be robustly defended and that the judgement would be in the Council's favour, there was no further right of appeal. With the "priority" status the Council expected to recover 95% of the investment and should see the first dividend payments before Christmas.

Good progress was being made in relation to the recovery of the investments with the Heritable and Kaupthing Singer and Friedlander with regular dividend payments being received. The Council had received over £3.6m in dividends from these two investments, and were expecting a further payment of at least £1¼ million from KSF, and had also been informed to expect a payment from the Heritable in October 2011. Further good news in relation to the Heritable investment was announced by the administrators on 28th July. The amount that was likely to be recovered on behalf of the Council has increased again and it was now anticipated that the maximum recovery would be around 92%.

The Statement of Accounts were due to be approved by the Audit Committee on the 29th September. This reflected the improved position with a 5% increase in the recovery to the Council, following the improved position on the KSF investment, which was reported in May 2011. Members were reminded that as further information emerged relating to the recovery of the investments they would be briefed accordingly.

Members were reminded of the activities occurring at Stourport Sports Club on Sunday 2nd October; a 10K road race, a fun run and walk.

The Leader of the Council also advised Members that together with the Chief Executive, he had spent the day with the refuse teams and he wanted to take the opportunity to commend the refuse crews for their work.

C.46 Annual Report

The Council received the annual report of the Chief Executive. The Chief Executive thanked Members and staff for their work and support during the year and briefly outlined some of the wider transformation work the Council had undergone during the previous twelve months.

In response to questions raised, the Chief Executive advised Members of the following;

- The forthcoming Peer Review would be led by a Chief Executive, Leader of a Borough Council and a senior Officer from another Council. The peer review team were the Council's 'equals' and would advise on best practice.

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- Systems Thinking was a tool that would be used to re-engineer working practices to drive out efficiencies and would be used to drive down costs. The scoping sessions were to be carried out on 29th and 30th of September. The process would involve staff challenging existing processes. £15K of the £40K project was being funded by Improvement and Efficiency West Midlands with the balance from the Transformation Fund.
- Council had agreed the move to the new Head Quarters, moreover many staff worked from home. A staff focus group was involved in shaping the new work environment.
- Encouraging behavioural change would be used to reduce demand for services for example encouraging recycling, and using the powers available to the Council to modify behaviours.
- A briefing for Members on asset transfers was being arranged for the end of October 2011.
- Transfers to private and public partners would be done on a basis that reduced costs but did not impact on service delivery and protected key assets.
- Figures for the new Head Quarters had been considered by Overview and Scrutiny and the Council had received a clear Audit opinion from the Audit Commission.
- The management review would take place in due course.
- The consultation on the Leisure Centre provision had just concluded and would be reported to Cabinet in October.
- Whilst the Council was not in a position to offer apprenticeships, the Council was working with Job Centre Plus to provide work placements, each for up to an eight week period.
- The Council would be playing an active part with two Local Enterprise Partnerships for Worcestershire and for Greater Birmingham and Solihull.
- The Town Centre Manager post had been funded for three years.
- Affordable housing included rented provision for older people.
- The mobile/flexible working was being successfully rolled out and the feedback from employees involved was positive.

Members thanked the Chief Executive for his report and asked that he reported to Council every six months.

Decision: The Chief Executive present an update to Council every 6 months.

C.47 Policy And Budget Framework – Matters which require a decision by Council

Recommendations from the Cabinet – 20th September 2011

Wyre Forest District Local Development Framework (LDF) Churchfields Masterplan Supplementary Planning Guidance: Responses to Draft Consultation Paper and Final Masterplan for Adoption:

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The Council considered a report in relation to the Wyre Forest District Local Development Framework (LDF) Churchfields Masterplan Supplementary Planning Guidance: Responses to Draft Consultation Paper and Final Masterplan for Adoption.

The Cabinet Member advised that in proposing the adoption of the SPD the adoption of the Masterplan was being taken in advance of the adoption of the Kidderminster Central Area Action Plan DPD which was planned for 2012. Presently there was no conflict between the SPD and the draft DPD. However, should changes be made to the emerging DPD such that the two are in conflict, it would be the Kidderminster Central Area Action Plan DPD that would carry the greater weight for decision making purposes.

The Masterplan SPD did not allocate land for particular uses either formally or informally, expressly or impliedly. Plans and sketches contained within the SPD were indicative and also do not purport to allocate land for particular purposes

Members of the LDF Review Panel were thanked for their work and it was recognised that the Local Members should continue to play a part as local champions in the process of place shaping. Moreover Broadwaters had an identifiable sense of community and that it was intended that the Masterplan would support this in the longer term.

Further debate took place and Members raised their concerns regarding the access at the Broadwaters/Radford Avenue Kidderminster junction. Members felt that an alternative route should be considered with an exit via Lark Hill subject to the purchase of the Bear Pub. In response to a question regarding landscaping and open space, Council was advised that the Council had yet to adopt the Central Action Plan and that once adopted it would be for the Planning Committee to decide on the weight they gave it when making planning decisions.

Decision:

- 1. The Churchfields Masterplan (Draft) Supplementary Planning Document as amended by the recommended changes set out in Appendix 2 to the Cabinet Report be adopted as the “Churchfields Masterplan” Supplementary Planning Document, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.**
- 2. The Director of Planning & Regulatory Services be authorised to prepare and publish the necessary documents in accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004.**
- 3. Delegated authority be given to The Director of Planning & Regulatory Services to make any necessary presentational amendments.**

C.48 Revised Media Policy

The Council received a report from the Director of Community and Partnership Services on the revised Media Protocol.

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The Cabinet Member for Community Well-Being outlined the content of the report and reminded Members that the item had been previously withdrawn from the Council meeting in July 2011.

Decision: The revised Media Protocol be adopted.

C.49 Community Governance Review

The Council received a report from the Director of Legal and Corporate Services regarding the Terms of Reference for a Community Governance Review for Rock and Ribbesford.

The Cabinet Member for Place-Shaping outlined the content of the report and the timetable for the Community Governance Review. Members recognised that Rock Parish carried out work on behalf of Ribbesford for which Ribbesford residents did not pay a precept. Further debate ensued and it was agreed that the Community Governance Review was a suitable way for the views of the residents of Rock and Ribbesford to be considered. Councillor Clee did not vote on this item. Councillor Ballinger and Thomas voted against this item.

Decision:

- 1. The Terms of Reference as set out in appendix 1 of the report to Council be agreed.**
- 2. The Director of Legal and Corporate Services be given delegated authority to make any minor modifications to the Terms of Reference as necessary during the course of the review.**

C.50 Boundary Commission Review Response

The Council received a report from the Chief Executive in respect of the consultation being carried out by the Boundary Commission.

A brief debate ensued. Council agreed that it welcomed the proposal and felt that it was important that the Parliamentary constituency remained coterminous with the District, giving a sense of identity and place. Council agreed that it would write to the Boundary Commission and confirm that it was content with proposal for Wyre Forest.

Decision: The Council responds to the review and confirms that it is content with the proposals for Wyre Forest.

C.51 Motions Submitted Under Standing Orders

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

C.52 Urgent Motions Submitted Under Standing Orders

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

There being no further business the meeting ended at 19:20.