

Open

# Special Council

## Agenda

6pm  
Wednesday, 26th March 2014  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Council

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**SPECIAL COUNCIL MEETING**

**18<sup>th</sup> March 2014**

**TO ALL MEMBERS OF THE COUNCIL**

**PRESS AND PUBLIC**

Dear Member

**YOU ARE INVITED** to attend a Special meeting of the Wyre Forest District Council to be held **at 6.00p.m. on Wednesday 26<sup>th</sup> March 2014**, in the Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster.

The Agenda for the meeting is enclosed.

Yours sincerely,

Ian Miller  
Chief Executive

## **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

## **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### **(A) TERMS OF REFERENCE OF THE COUNCIL**

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council’s business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

### **(B) MATTERS RESERVED TO THE COUNCIL**

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council’s Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

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Wyre Forest District Council

Special Council

Wednesday, 26th March 2014

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>3.</b>	<b>The Future Governance of Kidderminster</b>  To consider a report from the Chief Executive which asks Members to consider the future governance of Kidderminster, as recommended by the cross-party working group which has been examining the options.	7

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL**  
**26<sup>TH</sup> MARCH 2014**

**The Future Governance of Kidderminster**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	-
<b>CORPORATE PLAN PRIORITY:</b>	Improving Community Well-Being
<b>RESPONSIBLE OFFICER:</b>	Chief Executive
<b>CONTACT OFFICER:</b>	Ian Miller, Ext. 2700 ian.miller@wyreforestdc.gov.uk
<b>APPENDICES:</b>	Appendix 1 – Proposed terms of reference for the review Appendix 2 – proposed consultation question Appendix 3 – proposed information document Appendix 4 – analysis of benefits and disadvantages of various options for the future governance of Kidderminster

**1. PURPOSE OF REPORT**

- 1.1 To consider the future governance of Kidderminster, as recommended by the cross-party working group which has been examining the options.

**2. RECOMMENDATIONS**

**The Council is asked to DECIDE :**

- 2.1 to adopt as its policy to ask the public whether it supports the creation of a town council for Kidderminster;
- 2.2 to initiate a community governance review under the Local Government and Public Involvement Health Act 2007 with effect from 1 April 2014 in order to progress its policy;
- 2.3 to approve the terms of reference for the review in Appendix 1;
- 2.4 to approve the consultation arrangements as set out in paragraph 4.10;
- 2.5 to approve the wording of the consultation question, as set out in Appendix 2;
- 2.6 to approve the information document in Appendix 3 that would be sent to all electors in Kidderminster as part of the consultation, with delegated power for the Solicitor to the Council to finalise the document and make any minor amendments in order to comply with legislation and statutory guidance.

**3. BACKGROUND**

3.1 A Community Governance Review of Kidderminster was conducted in 2013 following receipt of a petition organised by the Charter Trustees and signed by over 5,000 electors in the town. The purpose of the petition was to call for Kidderminster to be parished and for the creation of a town council for Kidderminster. Following consultation, the results were reported to Council on 24 July 2013 and showed that, out of over 1,500 responses, 53% were against the proposal to create a town council. Council resolved as follows:

1. "The second stage of consultation with the proposal to create the parish of Kidderminster (and for the parish to be called Kidderminster) should not be undertaken.
2. Delegated authority be granted to the [Solicitor to the Council] for the drafting and publishing of the results of the consultation review in accordance with The Local Government and Public Involvement Health Act 2007.
3. The Chief Executive be authorised to convene a working group of Members to consider future options."

3.2 A cross-party working group of 10 members from Kidderminster was convened accordingly and met in November 2013, January 2014 and March 2014. The working group considered a wide range of options in respect of the future governance of Kidderminster, including:

- Making no change to the current position;
- Making use of the powers to incur expenditure in section 137 of the Local Government Act 1972;
- Changing the Council's policy and introducing "special items" under sections 34 and 35 of the Local Government Finance Act 1992, so that the Council's expenditure in Kidderminster on matters which are paid for elsewhere by parish councils would be charged solely on council tax payers in Kidderminster;
- Creating a development trust for Kidderminster;
- Creating an area planning committee for Kidderminster;
- Initiating a community governance review in order to parish Kidderminster but without creating a town council. This would seek to allow the holding of parish meetings that would be able to set a precept and therefore raise income from council tax payers in Kidderminster;
- Initiating a community governance review in order to create a town council for Kidderminster.

Appendix 4 sets out a summary appraisal of the benefits and disadvantages of the different options.

3.3 The working group has also considered various options for how such a review should be conducted, in particular the method and timing of consultation. The options included:

- Using an independent external company to undertake a consultation with each elector in Kidderminster;



- The Council undertaking such a consultation itself;
- Conducting a referendum by means of a local poll under section 116 of the Local Government Act 2003;
- Undertaking consultation/local poll at the same time as ordinary elections in May 2014 or May 2015;
- Undertaking consultation/local poll at a different time from ordinary elections.

The cost of the different options varied and the different timings would affect the timing of creation of a town council if the public consultation supported that outcome.

3.4 The proposals in this report are based on the majority view of members of the working group. They involve the Council using its powers to initiate a community governance review of Kidderminster in order to test public support for creating a town council.

#### **4. KEY ISSUES**

4.1 At any time, the Council can initiate a community governance review of Kidderminster under section 82 of the Local Government and Public Involvement Health Act 2007.

4.2 Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. The governance arrangements should reflect and be sufficiently representative of, people living across the community as a whole, and not just a discrete cross section or small part of it.

4.3 Before embarking on the step of initiating a further community governance review, the Council should consider the reputational risks associated with the step. There will be many electors across the district who might question why the Council was consulting again so soon after the previous review, particularly given the one-off costs involved and that the same answer might be obtained. These questions can be addressed by taking a different approach to the issue: as explained below, this would have to involve a clear policy stance by the district council that it wants to ask the public for their views (rather than being driven to ask them as a result of a petition). The financial context continues to deteriorate for local government and other public bodies, with ongoing restraint in public expenditure, leading to local spending reductions that will have an impact on the local services and assets that people in Kidderminster use. The county council's policy stance towards localism under "Act Local" involves the option of devolution of functions to town or parish councils – which means that Kidderminster could miss out on opportunities for devolution from the county council.

4.4 Holding a further review would also acknowledge that there may have been weaknesses in the previous community governance review, such as:

- The turnout was low. Only a little over 3% of the electorate in Kidderminster responded to the consultation in 2013. This contrasts with turnout in local

elections which has typically been 30% in recent years and turnout in general elections which regularly exceeds 60%. Turnout may have been affected because the consultation in 2013 did not allow people the option of returning their comments by freepost. Without undermining the principle of decision-making by “first past the post” voting processes, there are concerns about how representative the result in 2013 was, when such a small proportion of the town’s electors took part;

- Some electors may have been confused by the fact that supporting the charter trustees’ petition was a separate process from (and run only a few months before) the District Council’s consultation;
- the rationale and business case for creating a town council may not have been made clear;
- there is anecdotal evidence that people were confused by the statutory terminology of “parishing” and “parish council” when the proposition was to create a town council.

4.5 Thus, if Council wishes to undertake a further community governance review, it is appropriate for the Council to adopt a policy to ask the public whether they support the creation of a town council for Kidderminster. In order to create a town council, Kidderminster would have to be parished i.e. created as a parish for the purposes of local government administration. (This is distinct from the ecclesiastical parishes that exist in the town.) A town council would have two main roles: community representation and local administration. For both purposes it is desirable that the parish for a town should reflect a distinctive and recognisable community of place, with its sense of identity. The general rules should be that the parish is based on an area that reflects community identity and interest and is viable as an administrative unit of local government. (*CLG Guidance on Community Governance Reviews*). There is no doubt that the town of Kidderminster is a clearly identifiable area which reflects community identity and interest. This is reflected in the maintenance since 1974 of the Charter for the town by the Charter Trustees, including the civic offices thereunder, principally the Mayoralty. The town has a wide range of institutions bearing the name of Kidderminster that reflect its history and status, ranging from the football club and branches of numerous voluntary organisations to the Civic Society and amateur dramatic and choral societies. The 2007 Act provides that the Council must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.

4.6 It is inevitable that, in line with the practice of other town and parish councils in Wyre Forest, a town council would set a higher precept than the Charter Trustees. Council tax bills in Kidderminster would increase by a modest amount as a consequence. It is not possible to predict the precise impact as the level of the precept would be a matter for the town council. For 2014-15, the Band D council tax set by parish and town councils ranges from £12.92 to £47.62, with most lying in the range of £22 to £32. This compares to £4.20 at Band D for the Kidderminster Charter Trustees. The two town councils have a Band D council tax of £25.71 (Bewdley) and £26.12 (Stourport-on-Severn). If a town council for Kidderminster had a precept of, say, £24 at Band D, it would represent an increase of about £20, or less than 40p a week, for properties in Band D: 80% of properties in

Kidderminster are in Bands A, B or C and most people would therefore pay less than this.

4.7 Given the impact on council tax, a clear rationale needs to be articulated for tax payers in Kidderminster as to why a town council should be created. The rationale identified by the working group is as follows:

- The existence of a town council in Kidderminster would give the town the same strengths, opportunities and voice as every other town and village in the district. Only the small hamlet of Ribbesford does not have a parish council and even it can have a parish meeting as it is a parish;
- Kidderminster is hampered by the absence of a town council which would give the means of delivering or providing funding towards local projects, activities and initiatives that would benefit the town. Other towns and villages in Wyre Forest already have this ability;
- A town council would provide a new focus for civic leadership and responsibility for local assets and services in Kidderminster, in line with the steps that many town and parish councils are taking to assume responsibility for such assets and to deliver services locally;
- Specifically, it would enable Kidderminster better to withstand the threats to assets and services that are arising from public expenditure reductions, which are affecting what services the county council, district council and other public bodies can afford to provide and operate in the town;
- The existence of a town council could also protect local assets and services if a future Government decided to undertake a reorganisation of principal councils, which – if a town council did not exist - would inevitably result in more remote decision-taking on the future of key local assets and services in Kidderminster;
- A town council for Kidderminster would act as the voice for the town in formal consultations and responding to proposals that affect the town. Specifically, in respect of planning applications, the creation of a town council would mean that it would be formally consulted on proposals affecting the town, putting it on the same footing as other towns and villages in Wyre Forest. Elected representatives from all areas in the town could have a say in providing a formal response to applications. At the moment, it is not guaranteed that district councillors from all parts of Kidderminster will have a role in decisions taken by Wyre Forest District Council's planning committee;
- In summary, a town council for Kidderminster would ensure that the town enjoys the same advantages and opportunities as other towns and villages in the district. As the Wyre Forest's largest town, there is scope for a town council over time to have a greater impact than other town and parish councils.

4.8 If a community governance review is undertaken and the result is the creation of a town council, it would fall to Wyre Forest District Council to make a reorganisation order. Among other things, this could specify any assets that would be transferred from the district council to the town council. The Council is supportive of transferring assets to town and parish councils as part of its policy on localism, a good example being the transfer of the Civic Centre and Civic Hall to Stourport Town Council. To assist the public's understanding of the possible scope of responsibility of a town council for Kidderminster, it is appropriate to illustrate the range of assets that could be transferred including:

- the Town Hall
- the parks in Kidderminster and all facilities in them
- self-standing toilets not in parks e.g. Market Street
- self-standing statues and memorials
- ownership of allotments in Kidderminster (this would not affect management of them by the existing allotment associations).

This is an illustrative list and no decision is being sought from Council at this stage about whether or not any particular asset should be transferred. It should also be stressed that transferring the ownership of an asset would not necessarily mean that the Council would cease to be involved. For example, the Council would still have to provide a financial contribution towards some of the assets mentioned above, as the cost of operating and maintaining them would far exceed the funding that could be generated by the town council if it raised, say, an additional £20 precept at Band D. The Council could still be involved in delivering its operations from the assets such as the Hub or (potentially) in operating the assets on behalf of a town council.

- 4.9 The 2007 Act requires that the Council prepare and publish terms of reference under which the review is to be undertaken and the area under review. The proposed terms of reference for the community governance review of Kidderminster are set out in Appendix 1. The area to be parished would comprise the current district wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche. A map detailing the electoral wards covered by the terms of reference is included in Appendix 1.
- 4.10 As part of a community governance review, it is also necessary for the Council to undertake consultation with local government electors for the area and with interested bodies. In respect of registered local government electors in Kidderminster, this will be achieved by conducting a formal consultation with them, administered by an independent supplier of ballot and election services. There are a number of potential suppliers and therefore a tendering exercise has been undertaken: a contract will be awarded only if the Council decides to go ahead with a community governance review and with this method of consultation. The process would be similar to the arrangements used by many companies for their AGM. It would involve a named mailshot to each registered elector and free voting options using a security code (for example via a dedicated website or by SMS text message) as well as the option of returning a voting form by freepost. A short information document about the proposal would be issued as part of the mailshot and a draft is in appendix 3 for approval. These arrangements are considered to be independent and robust, and could encourage high levels of participation as there would be no cost to participate, unlike last year's consultation where people had to pay to send back the comments card if they did not respond on line. Based on the tendering exercise, the estimated cost, inclusive of an A5 information leaflet that would be distributed to all electors in Kidderminster, is £25k to £35k. The consultation would be undertaken for a period of three weeks in June 2014, in order to avoid any confusion with the district and EU Parliamentary elections being held on 22 May 2014. This timing would allow the results to be reported to the Council's

meeting in July 2014. The proposed wording of the consultation question is in Appendix 2 for approval.

**Timetable**

4.11 The proposed timetable for the review is set out in the table below.

Action	Dates
Report to Council to approve the Terms of Reference for the review	26 March 2014
If Council approves the holding of a review: Commencement of review and publication of Terms of Reference	1 April 2014
Undertake formal consultation with local government electors in Kidderminster and other interested bodies	June 2014
Full Council considers responses to consultation	30 July 2014
<b>If there is positive support for the creation of a town council from the public consultation</b>	
Full Council considers and approves publication of draft proposals for reorganisation order including electoral arrangements etc.	30 July 2014
Consultation on draft proposals for reorganisation order	August – September 2014
Approval of reorganisation order by full Council	September 2014 or November 2014 (depending on how long is allowed for consultation on the draft reorganisation order)
Effective date of order	1 December 2014
Town council created in temporary form from existing district councillors (this is necessary, among other things, so that a precept can be set for 2015-16)	December 2014
Elections to Kidderminster Town Council	7 May 2015
<b>If there is <u>not</u> positive support for the creation of a town council from the public consultation</b>	
Recommendation to full Council to end the community governance review and take no further action	30 July 2014

**5. FINANCIAL IMPLICATIONS**

- 5.1 The estimated cost of the consultation process set out in paragraph 4.9 is £25k to £35k, inclusive of an A5 leaflet to be distributed to 43,000 electors, which can be met from an existing specific reserve for community governance reviews. Otherwise, the costs of staff time in progressing the review, if the Council agrees to go ahead, will be met from existing budgets.
- 5.2 There would be financial implications for council tax payers in Kidderminster and for the Council itself if a town council were created for Kidderminster:
- It is expected that council tax for dwellings in Kidderminster would increase. This would have a financial impact for the Council as it meets some or all the council tax of approximately 7,000 households in Kidderminster under the local council tax discount scheme. Assuming a town council precept of £24 at Band D, the estimated impact for the Council is £125,000. To put this in context, the 1.9% increase in Worcestershire County Council's council tax for 2014-15 has a similar financial impact for the Council;
  - On the other hand, creation of a town council for Kidderminster would provide the Council with opportunities to reduce its expenditure by a far greater amount than £125,000 by transferring assets/services to the town council or obtaining financial contributions from the town council towards the running costs of assets/services or projects;
  - The operational costs of dealing with a town council would be absorbed within existing budgets e.g. consulting on planning applications. There is a risk that the requirement to consult the town council on applications could, on occasion, delay decision-making by Wyre Forest compared to current performance. This could result in adverse impacts for the Council if performance in speed of processing led to intervention by the Government, allowing the Planning Inspectorate to take over the role of making planning decisions in the district.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Local Government and Public Involvement in Health Act 2007 sets out the powers associated with Community Governance Reviews and provides the power for the Council to take decisions regarding matters arising from the review, as proposed in the terms of reference. The Council is required by Section 100(4) to have regard to the guidance issued by the Secretary of State relating to Community Governance Reviews.
- 6.2 Under section 83 of the 2007 Act, there is no duty on the Council to initiate a further review if a petition is received within two years after a previous review. Section 82 of the Act permits the Council to conduct its own Community Governance Review, without the need for a further petition.
- 6.3 In addition to the 2007 Act, legislation relating to parishes will have to be considered during the review as set out in the Local Government Act 1972 and the Local Government Act 1992.

- 6.4 Section 94(2) of the 2007 Act states 'If the Parish has 1000 or more local government electors, the review must recommend that the Parish should have a Council'.

**7. EQUALITY IMPACT ASSESSMENT**

- 7.1 In carrying out the review, the Council is required to engage with local communities to address their needs and any impact on community cohesion. No potential adverse impact has been identified at this stage and therefore a full impact assessment has not been undertaken.

**8. RISK MANAGEMENT**

- 8.1 Risks will be mitigated by ensuring that the CGR accords with the legislation and guidance given by the Government and the Local Government Boundary Commission for England. This will include ensuring that the review is carried out within the statutory timescales and that the terms of reference are appropriate.

**9. CONCLUSION**

- 9.1 The Council is invited to proceed with a community governance review of Kidderminster with a view to asking the public whether they support creating a town council for Kidderminster.

**10. CONSULTEES**

- 10.1 On this report: the cross-boundary working group on options for Kidderminster; the Leader of the Council; and the Corporate Leadership Team.

**11. BACKGROUND PAPERS**

- 11.1 Reports:  
[http://www.wyreforest.gov.uk/council/docs/doc48860\\_20140226\\_council\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc48860_20140226_council_agenda.pdf)  
[http://www.wyreforest.gov.uk/council/docs/doc48167\\_20130724\\_council\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc48167_20130724_council_agenda.pdf)
- 11.2 DCLG Guidance on Community Governance Reviews.  
<https://www.gov.uk/government/publications/community-governance-reviews-guidance>
- 11.3 Local Government and Public Involvement in Health Act 2007, Part 4, Chapter 3  
<http://www.legislation.gov.uk/ukpga/2007/28/part/4/chapter/3>
- 11.4 Papers of the cross-party working group, 14 November 2013, 31 January 2014 and 13 March 2014

**COMMUNITY GOVERNANCE REVIEW  
KIDDERMINSTER**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

**DRAFT TERMS OF REFERENCE, April 2014**

**INTRODUCTION**

**Why undertake a community governance review?**

1. The Local Government and Public Involvement in Health Act 2007 (LGPIH) devolved the power to take decisions relating to the creation or abolition of parishes, the boundaries of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils. From 2008, district councils have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to the recommendations made in those reviews. In making that decision, Councillors need to take into account the views of local people and to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England.
2. Wyre Forest District Council has resolved to undertake a Community Governance Review (CGR), pursuant to Part 4, Chapter 3 of LGPIH, with a view to asking the public whether they support creating a Town Council for Kidderminster. In order to create a Town Council for Kidderminster, the review will consider creating Kidderminster as a parish for the purposes of local government legislation (this is known as “parishing”) and the establishment of a council for Kidderminster that would be known as Kidderminster Town Council.
3. A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area.
4. A CGR is a review of the whole or part of the district to consider one or more of the following:
  - Creating, merging, altering or abolishing parishes
  - The naming of parishes and the style of new parishes
  - The electoral arrangements for parishes ( the ordinary year of election: council size, the number of councillors to be elected to council, and parish warding) and
  - Grouping parishes under a common parish council or de-grouping parishes.
5. The government has emphasised that ultimately, recommendations made in CGR ought to improve community engagement, result in more cohesive communities, yield better local democracy and result in more effective and convenient delivery of local services.



6. Parish councils are a democratically elected tier of local government with their own Councillors, which provide a range of local services for a locally defined area. In towns, a parish council is usually known as the town council and elects a Mayor who performs civic duties. In many respects they mirror the structure and decision-making processes of the district council but on a smaller scale. Councillors would be elected by local residents.

### **Scope of the review**

7. The District Council has resolved to undertake a CGR to consider whether governance arrangements within Kidderminster are:
  - a) Reflective of the identities and interests of the community in that area:
  - b) Effective and convenient to the community in that area

In doing so, the review is required to take into account:

- a) The impact of community governance arrangements on community cohesion, and
  - b) The size, population and boundaries of the parish
8. The area that is the subject of the review and would be created as a parish for local government purposes comprises the current district wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche. Together, these wards make up the town of Kidderminster, and are identical with the area served by the Kidderminster Charter Trustees. A map of the area is attached to the terms of reference.

### **Who will undertake the community governance review?**

9. As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area.
10. Draft recommendations will be made to Full Council for consideration and, depending on the outcome of the consultation, creation of a Community Governance Order.

### **CONSULTATION**

11. Before making any recommendations or publishing final proposals, in line with legislative requirements, the District Council will take full account of the views of local people. The District Council will comply with legislative requirements by:
  - Consulting all local government electors for the area under review. Each elector will be asked formally whether or not they support the creation of a town council for Kidderminster and will be able to submit their response by a variety of methods. In addition, electors are welcome to submit written responses to the proposals if they wish.

- Consulting any other person or body (including Worcestershire County Council and other local authorities) which appears to the principal council to have an interest in the review.
  - Taking into account any representations received in connection with the review.
12. When taking account of representations, the District Council is bound to have regard to the need to secure that community governance within the area under review:
- Reflects the identities and interests of the community in that area, and
  - Is effective and convenient
13. In order to ensure that this review is conducted transparently, as soon as practicable, the District Council will publish its recommendations and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.
14. The District Council will also notify the outcome of the review to any persons or bodies who submit written representations.

**Timetable for the review**

15. A CGR must, by statute, be concluded within a twelve month period from the day on with the review commences. A CGR commences when the Council publishes its Terms of Reference and it concludes when the District Council publishes the recommendations made in the review.

Action	Dates
Report to Council to approve the Terms of Reference for the review	26 March 2014
If Council approves the holding of a review: Commencement of review and publication of Terms of Reference	1 April 2014
Undertake formal consultation with local government electors in Kidderminster and other interested bodies	June 2014
Full Council considers responses to consultation	30 July 2014
<b>If there is positive support for the creation of a town council from the public consultation</b>	
Full Council considers and approves publication of draft proposals for reorganisation order including electoral arrangements etc.	30 July 2014
Consultation on draft proposals for reorganisation order	August – September 2014
Approval of reorganisation order by full Council	September 2014 or November 2014 (depending on how long is

Action	Dates
	allowed for consultation on the draft reorganisation order)
Effective date of order	1 December 2014
Town council created in temporary form from existing district councillors (this is necessary, among other things, so that a precept can be set for 2015-16)	December 2014
Elections to Kidderminster Town Council	7 May 2015
<b>If there is <u>not</u> positive support for the creation of a town council from the public consultation</b>	
Recommendation to full Council to end the community governance review and take no further action	30 July 2014

## PRINCIPLES GUIDING THE REVIEW

### Relevant legislation

16. In undertaking a CGR, the District Council will apply the guiding principles as appropriate from the following legislation and guidance:
- The Local Government and Public Involvement in Health Act 2007
  - The Local Government Act 1972
  - Guidance on Community Governance Reviews (DCLG/EC)
  - Local Government (Parishes and Parish Councils)(England) Regulations 2008 (SI 2008/625)

### Electorate

17. In considering the electoral arrangements of the area proposed to be created as a parish within these Terms of Reference the District Council is required to consider any change in the number or distribution of the electors.
18. Kidderminster has 43,300 electors. The District Council has used the Register of Electors published in February 2014 to provide existing local government electorate figures.

### Consultation – How to contact us

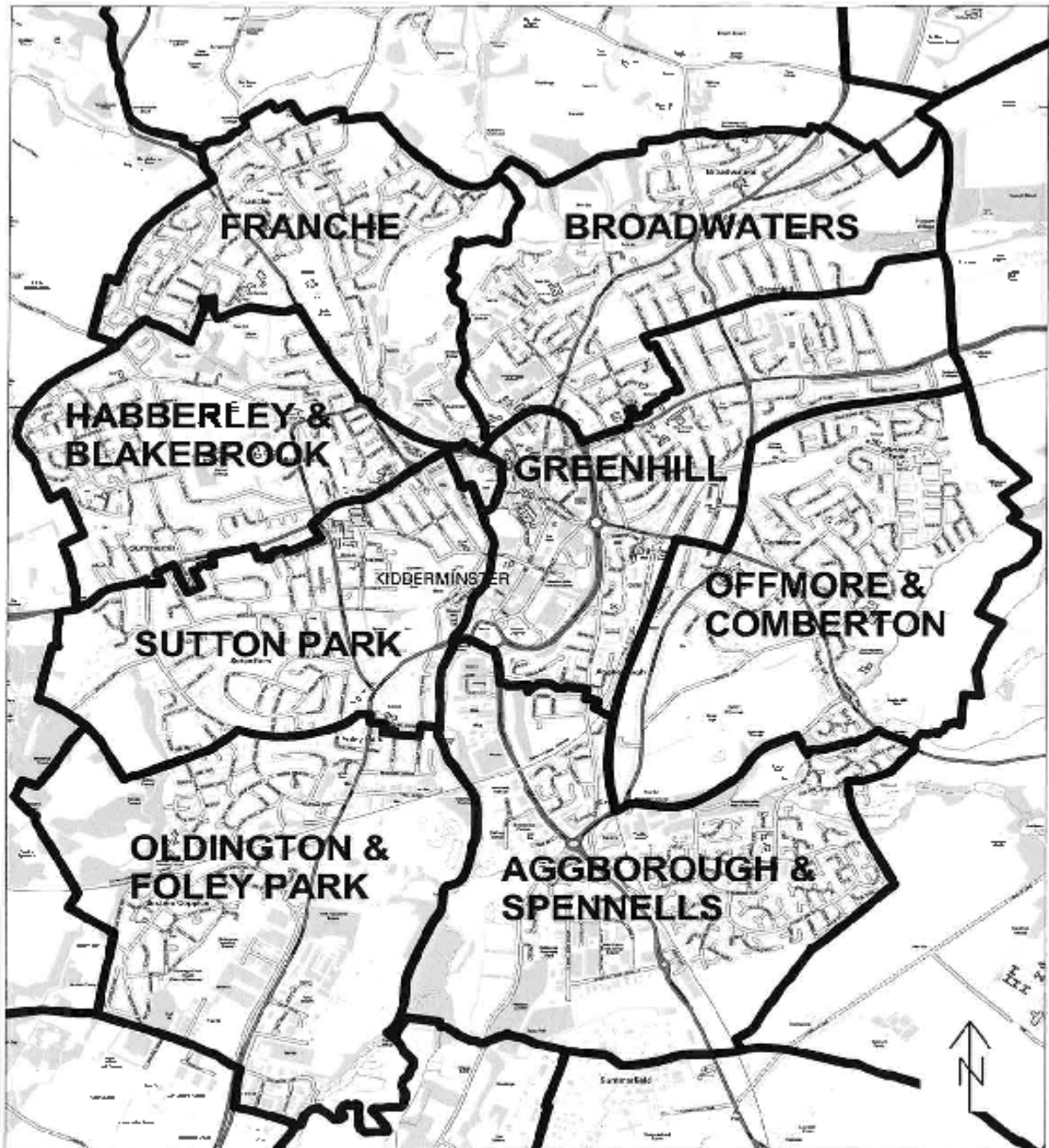
19. Every elector in Kidderminster will be sent a voting pack to express their views on the proposal. If you have additional written comments that you would like to submit about how you view potential future arrangements under these Terms of Reference please send them to arrive no later than 30 June 2014 by email to: [communitygovernancereview@wyreforestdc.gov.uk](mailto:communitygovernancereview@wyreforestdc.gov.uk)

or by post to:

C S Newlands  
Solicitor to the Council  
Wyre Forest District Council, Wyre Forest House  
Finepoint Way, Kidderminster, DY11 7WF

**Publication of Terms of Reference**

20. These Terms of Reference will be published on the District Council web site: [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk) and will be available for public inspection at The Worcestershire Hub, Vicar Street, Kidderminster DY10 1DB. See map below.



Wyre Forest House  
Finepoint Way  
Kidderminster  
DY11 7WF



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**DRAFT CONSULTATION QUESTION**

**Background**

The Electoral Commission has produced guidance for central Government for assessing referendum questions, and it is useful to reflect that in Council’s consideration of the question to be used for this formal consultation.

A question should present the options clearly, simply and neutrally, so it should be easy to understand and to the point.

It should be unambiguous, it should avoid encouraging voters to consider one response more favourably than another and it should avoid misleading voters.

In that context, the question should be written in plain language, that is language that uses short sentences (around 15-20 words), is simple, direct and concise and uses familiar words and avoids jargon or technical terms that would not be easily understood by most people.

The question should be written in neutral language, avoiding words that suggest a judgement or opinion either explicitly or implicitly.

The information contained in the question should be factual, describe the question, the options clearly and accurately and the question should avoid assuming anything about voters’ views.

**Proposal**

Taking all these factors into account, it is proposed that the following is the question and that voters are asked to respond with either a “yes” or “no” response

<i>Do you support the setting up of a Town Council for Kidderminster?</i>	<i>Yes</i>
	<i>No</i>

## **Draft Information Document**

### **Consultation on creation of a Town Council for Kidderminster**

This leaflet explains the consultation process. It gives information about what a town council could do for Kidderminster if it was created and what effect it might have on you.

“Kidderminster” means the current district council wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche.

#### **Who has organised this consultation?**

The consultation has been organised by Wyre Forest District Council as part of what is called a “community governance review” for Kidderminster. The Council has arranged for an independent company [xxxxx] to send this voting pack to you so that you can let us know your views. The letter explains how you can submit your vote and the deadline. It is free to return your vote by post and we are also providing the option to cast your vote by electronic means.

#### **Who is being asked to give their view about whether Kidderminster should have a town council?**

All local government electors in Kidderminster.

#### **I signed the petition for a town council last year. Do I need to vote?**

Yes, you should let us know what you think. A review was undertaken in 2013 following the petition but this is a fresh review – if you want your views to be taken into account, you should use your vote.

#### **We had a review in 2013. Why is there another review being held on the same issue?**

Wyre Forest District Council feels that the previous review did not explain fully the reasons why a town council should be created. There may have been some confusion about what was being proposed and who should take part in the consultation.

For example, in order to create a town council for Kidderminster, the town would have to be made into an administrative parish (this is not the same thing as a Church of England parish). People who had signed the petition may have felt that they did not also need to take part in the consultation we held in 2013 – as a result, their views were not taken into account.

Finally, the Council did not pay for return postage in last year’s consultation and this may have put some people off from taking part.

**How much money is it costing to hold this consultation?**

£25k to £35k [precise figure to be inserted after award of contract]. This is being met by Wyre Forest District Council from a specific reserve intended for this purpose.

**How many town councillors would there be and would they be paid?**

A town council would be made up of councillors directly elected by people in Kidderminster.

The number of town councillors has not yet been decided. This would be covered by a reorganisation order to be made by Wyre Forest District Council. The reorganisation order would create the town council, set out the arrangements for elections and so on. It would specify the number of town councillors and the areas that they would be elected to represent. The reorganisation order would be the subject of separate consultation later in 2014.

Members of town and parish councils do not receive pay or an allowance for being a councillor. However their councils can choose to pay their costs in travelling to attend meetings.

**What would happen to the Charter Trustees and the Mayor of Kidderminster?**

If created, Kidderminster Town Council would replace the Charter Trustees.

The town council would elect a Mayor to undertake civic duties to represent the town.

**What would a town council do?**

It would give Kidderminster the same strengths, opportunities and voice as most other towns and villages in Wyre Forest and elsewhere.

A town council would be able to provide funding towards local projects, activities and initiatives that would benefit the town.

A town council would have various powers to provide and run services and facilities for the town.

A town council could take over responsibility for local assets and services in Kidderminster that are presently run by other bodies. Some of these assets or services are being or could be affected by reductions in public spending, as the County Council, District Council and other public bodies decide what services they can afford to provide and operate in Kidderminster in future.

A town council would fund its activities from council tax. It would decide what amount of council tax to raise.



A town council would provide a democratic voice for Kidderminster - and only for Kidderminster - on the range of issues that affect the town. In particular, it would be formally consulted on planning applications affecting the town, in the same way as other town and parish councils are consulted about planning.

In summary, a town council for Kidderminster would mean that the town enjoyed the same advantages and opportunities as other towns and villages in the district. As the Wyre Forest's largest town, it is possible for a town council over time to have a greater impact than other town and parish councils.

### **Would a town council have any buildings or land?**

A town council can decide to rent or own buildings and land. These decisions would be taken by the town council if created.

However if a town council is created for Kidderminster as a result of this review, Wyre Forest District Council can choose to transfer some of its buildings and land to the town council as part of the reorganisation order.

No decisions have yet been taken and the reorganisation order would be the subject of a separate consultation. Buildings and land that *might* be transferred from the district council to a town council include:

- the Town Hall
- the parks
- self-standing toilets not in parks e.g. Market Street
- self-standing statues and memorials
- ownership of land comprising allotments (this would not affect their management by the allotment associations).

If any assets were transferred to the town council, it would have to meet some of the costs of running those assets.

### **How much would a town council cost?**

Town and parish councils decide how much funding they wish to raise from council tax.

In Wyre Forest, for 2014-15, the Band D council tax set by parish and town councils ranges from £12.92 to £47.62. This compares to £4.20 at Band D for the Kidderminster Charter Trustees. The two town councils have a Band D council tax of £25.71 (Bewdley) and £26.12 (Stourport-on-Severn).

The decision about council tax would be taken by a town council if one is created. For example, if a town council for Kidderminster decided to set its council tax at £24 at Band D, it would represent an increase of about £20, or less than 40p a week, for properties in Band D. 80% of the properties in Kidderminster are in Bands A, B or C and would therefore pay less than this.

**What is the deadline for submitting my vote?**

The deadline is for your vote to be received by post is....pm on....June 2014. Please return your vote as soon as possible to make sure that you don't miss the deadline.

The deadline for you to vote by electronic means is also xxx pm on xxx June 2014.]

**I have some other comments that I want to send in. What do I do?**

Please use your vote to let us know what you think. If you've got some additional comments that you want to make, please send them by email or post to arrive no later than 30 June 2014:

[communitygovernancereview@wyreforestdc.gov.uk](mailto:communitygovernancereview@wyreforestdc.gov.uk)

or

C S Newlands  
Solicitor to the Council  
Wyre Forest District Council, Wyre Forest House  
Finepoint Way, Kidderminster, DY11 7WF

**What happens next?**

The independent company will count all the votes and the result will be announced within 24 hours of the deadline for voting.

Wyre Forest District Council will consider the results of the vote and any other comments received at its meeting on 30 July 2014. It will then decide whether or not to go ahead with the creation of a town council. We will make sure that the Council's decision is widely publicised.

**Where can I find more information?**

Wyre Forest District Council has published terms of reference for the review which can be seen at <insert link>

You can also read the report considered by Wyre Forest District Council on 26 March 2014 which sets out more detailed background and other options that were considered. <link>

### Options Appraisal

This appendix summarises the options that have been considered, describing their main features and providing a summary appraisal of their benefits and disadvantages.

#### **Option 1: no change, retain the charter trustees.**

The Charter Trustees' powers can be found in section 246 of the Local Government Act 1972 –in essence, the Trustees exist to preserve the privileges and rights under the Charter and to elect a Mayor and appoint local officers of dignity. Additional powers are granted by the Charter Trustees Order 1974 No 176.

<http://www.legislation.gov.uk/uksi/1974/176/contents/made>

Article 8 is of particular relevance as it limits the trustees' powers to acquire property – they cannot acquire land and buildings.

“ Charter trustees for any city or town may acquire, or accept gifts of, and hold historic or ceremonial property other than land and buildings, and in particular charters, insignia and plate, of the city or town, and may execute any work (including works of maintenance or improvement) incidental to or consequential on the acquisition, acceptance or holding. “

There is limited scope to develop the activities of the Charter Trustees in a way that would make a difference to the delivery and funding of services in Kidderminster. In particular, powers to incur expenditure under section 137 of the Local Government Act 1972 are not available to the Charter Trustees.

#### **Option 2: Section 137 of the Local Government Act 1972**

Section 137 is a power for parish councils to “incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants”. The limit that may be incurred relying on this power is set out in Schedule 12B to the 1972 Act and is a little more than £5 per head of population.

Wyre Forest District Council can use section 137 only as set out in subsection (3) which relates to expenditure on “contributions to any of the following funds, that is to say—

- a. the funds of any charitable body in furtherance of its work in the United Kingdom; or
- b. the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or

- c. any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by.... the chairman of a principal council ....”

If WFDC were to use this power – for example to contribute to a charity set up to raise funds for refurbishing the Town Hall and historic monuments in Kidderminster – it would add to the total amount of council tax to be raised as there would be no off-setting reduction in other expenditure. This could not be charged solely on dwellings in Kidderminster (unless parish councils are making such contributions to charities in their areas). It would add to the overall amount of council tax and, depending on the amount to be raised under section 137, it could trigger the need for a referendum about an “excessive” council tax increase.

The conclusion is that section 137 is not a viable route for WFDC to pursue. It would be relevant to Kidderminster Town Council if one were created.

**Option 3: change the Council’s policy and introduce “special items” under sections 34 and 35 of the Local Government Finance Act 1992**, so that the Council’s expenditure in Kidderminster on matters which are paid for elsewhere by parish councils would be charged solely on council tax payers in Kidderminster.

The relevant provision is that “any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by .... a parish or community council or the chairman of a parish meeting are the authority’s special expenses unless a resolution of the authority to the contrary effect is in force”.

There are undoubtedly items of expenditure incurred by WFDC that meet the definition of “special expenses” such as funding for the provision of the town hall, Christmas lights, Kidderminster lengthsman’s scheme etc. The total expenditure involved is estimated to be up to £265k. Treating them as special expenses would mean that the cost of them would fall solely on council tax payers in Kidderminster – council tax in the town would go up by about £17 at Band D, but would go down elsewhere by a broadly similar amount. This would not provide any more income overall and therefore would not assist WFDC’s financial position. However it would ensure that costs are more fairly charged to residents of the town. Kidderminster residents would see their bills rise without a town council and might wish to see greater local control over such matters.

The question of special items was considered by full Council when the council tax was introduced in 1993. A relevant resolution was passed at a Council meeting on 27 January 1993. The minute reads as follows:

**“C.76 LOCAL GOVERNMENT FINANCE ACT 1992 - PARISH COUNCILS’ SPECIAL EXPENSES**

Special items are items taken into account by a billing authority and which are chargeable on a part only of the authority’s area; they consist of parish precepts and special expenses. Under Section 35 of the Local Government Finance Act 1992, expenses incurred by the authority in performing in part of its area a function performed elsewhere by a Parish Council must be treated as special expenses unless the Council resolve otherwise.

It has not been the practice in Wyre Forest to treat such expenses as special expenses, since the same effect can be achieved by the Council’s practice of giving grants to parish councils towards such functions under Section 136 of the Local Government Act 1972.

RESOLVED that

- i) any expenses incurred by the Council in performing in part of its area a function performed elsewhere in its area by a parish or town council or the chairman of a parish meeting shall not be treated as special expenses for the purposes of Section 35 of the Local Government Finance Act 1992;
- ii) the foregoing resolution shall remain in force for the current and successive financial years until expressly rescinded.”

It is apparent that the council’s approach to special items predates 1993 but the rationale advanced in the minutes of the January 1993 meeting is confused and by now out of date. It seeks to justify the practice of not treating such expenses as special expenses as “the same effect can be achieved” by giving grants to parish councils under section 136 of the Local Government Act 1972. This is incorrect. The point of sections 34 and 35 of the 1992 Act is that certain items of expenditure are recovered from some taxpayers rather than all taxpayers. Creating grants to give to parish councils may have allowed those councils to have higher levels of expenditure than would otherwise have been the case, and therefore sought to “compensate” them for the higher levels of expenditure being incurred by WFDC in Kidderminster on things that would have been special expenses. However:

- 1) There is no guarantee that the level of funding being given to the parish councils was commensurate with the level of expenditure on special items in Kidderminster – in other words, the relative value of WFDC’s expenditure on special items in Kidderminster may have differed from the value of WFDC’s grants to parish councils;

- 2) The grants added to WFDC's expenditure and to council tax levels overall. Therefore it certainly did not achieve "the same effect" as sections 34 and 35 intended (which would have seen the WFDC element of council tax being higher in Kidderminster than in other areas);
- 3) In any case, by now, the general grants to parish councils have ceased and have been replaced by grants to compensate parish councils for the loss of council tax base resulting from the introduction of the local council tax discount scheme.

The conclusion is that changing the approach on "special items" would not, in itself, provide any benefits in improving the governance of Kidderminster.

### **Option 4: create a development trust for Kidderminster**

This would involve establishing a Community Interest Company (CIC) for Kidderminster. Whilst such companies do not have tax-raising powers, they can provide focus for doing things differently and representing an area, although they are not democratically elected bodies.

One example is Stourport Forward which is a 'not for profit' company limited by guarantee (a form of CIC).

A CIC can take 3 forms:

- Company limited by shares
- Company limited by guarantee
- Public limited company (plc)

The advantages are:

- CICs are easy to set up
- The "asset lock" ensures any assets are used for the benefit of the community
- Once a CIC is incorporated it will continue providing benefit to the community until it is dissolved or converted into a charity.
- If it is wound up under the Insolvency Act 1986 any residual assets, after satisfying its creditors, will be transferred to another asset-locked body, such as a charity or another CIC.
- The CIC is quick, easy and inexpensive to set up and specifically designed for social enterprise.
- The CIC provides limited liability for its members.
- It can be tailored to a specific organisational structure, governance
- A CIC limited by shares may expand by selling its shares.
- A CIC can enter into Contracts
- It can rent or own property in its own right
- CICs are able to access grants and soft loans from the Community Development Finance Institutions

- free access to the advisory powers of the Charity Commission

Disadvantages are:

- An organisation cannot be both a CIC and a charity
- CICs are more regulated than charities
- They do not have the benefit of charitable status
- There are additional fees to pay to the CICs Regulator, as well as to Companies House
- CICs cannot just be 'wound up'
- They must pay taxes on profits, must pay stamp duty, no gift aid, no mandatory rate relief
- They can take longer to register than Charities
- To become a CIC, an organisation would need to satisfy the regulator that its purposes could be regarded by a reasonable person as being in the community or wider public interest. It will also be asked to confirm that access to the benefits it provides will not be confined to an unduly restricted group.
- A development trust would have no tax-raising powers and therefore would be dependent on accessing other streams of funding in order to be sustainable.

Stourport Forward and Bewdley Development Trust are examples of contemporary town community groups that have both achieved impressive changes for their towns, using flexible statutory frameworks. Both bodies are outcome-based rather than another layer of local government and are able to access a more varied range of domestic and European funding streams, combined with a representational role for a town. However they are not directly elected and therefore do not provide democratic representation for an area.

A development trust could be created for Kidderminster. However, as start-up/ongoing funding would be required, in the absence of any other source, this route would be likely to add to the council's costs in the short term.

### **Option 5: create an area planning committee for Kidderminster.**

This would involve creating a sub-committee of the district council, made up of some or all district councillors for Kidderminster, to take decisions on planning applications relating to the town.

It might provide additional accountability for such decisions as, technically, there is no guarantee that any councillors from Kidderminster will be members of the Council's Planning Committee.

There are concerns that any such approach would also lead to the creation of sub-committees for other towns or areas in the district, which would be accompanied by a significant risk of inconsistent decision-making and the inability for members to take up a joined up view of applications and their impact for the district as a whole. For example, a decision on a major application just within the boundaries of Kidderminster would be taken – under this model – by the sub-committee for

Kidderminster even if major impacts of the development were felt by neighbouring areas. There is a guarantee of more bureaucracy, because there would be more meetings to administer than the present monthly meeting of a single planning committee.

This option would not contribute in any way to addressing wider issues of governance or service delivery for Kidderminster, and it would not provide any ability to raise additional revenue.

### **Option 6: initiate a community governance review in order to create a town council for Kidderminster.**

Legally, below the district level, a district may be divided into several civil parishes (in Wyre Forest we have 11 such parishes, of which 9 have Parish Councils and 2 have Town Councils although, in practice, there is no difference between their powers). Typical activities undertaken by a parish council might include allotments, parks, public clocks and floral displays. They also have a statutory consultative role in planning - although the charter trustees could be consulted on planning matters, if they so requested.

Parish and Town councils are not uniform in their existence. Local councils tend not to exist in Metropolitan areas but there is nothing to stop their establishment. For example, Birmingham has a parish, New Frankley. Parishes have not existed in Greater London since 1965, but from 2007 they could legally be created (one is about to come into being in Westminster). In some districts, the rural area is parished and the urban is not — such as the Borough of Hinckley and Bosworth, where the town of Hinckley is unparished and has no local councils, while the countryside around the town is parished. In other areas, there is a more complex mixture, as in the case of the Borough of Kettering, where the small towns of Burton Latimer, Desborough and Rothwell are parished, while Kettering town itself is not. In addition, among the rural parishes in Wyre Forest, two share a joint parish council and one has no council (Ribbesford) but is governed by an annual parish meeting.

The option exists at any time for WFDC to initiate a community governance review for Kidderminster.

Principal councils must also consider other (non-parish) forms of community governance when conducting a review. These other options may be seen either as alternatives to, or stages towards, the establishment of parish councils and would include the establishment of community or resident groups. We have these already in some areas such as friends of parks groups, but they have shown no appetite to take on significant service delivery responsibilities.

The creation of a town council would involve a democratically elected and accountable body, and would be a robust vehicle for raising extra finance and/or taking on service delivery or overseeing projects for the improvement of the town. It would have the following benefits:



- The existence of a town council in Kidderminster would give the town the same strengths, opportunities and voice as every other town and village in the district. Only the small hamlet of Ribbesford does not have a parish council and even it can have a parish meeting as it is a parish;
- Kidderminster is hampered by the absence of a town council which would give the means of delivering or providing funding towards local projects, activities and initiatives that would benefit the town. Other towns and villages in Wyre Forest already have this ability;
- A town council would provide a new focus for civic leadership and responsibility for local assets and services in Kidderminster, in line with the steps that many town and parish councils are taking to assume responsibility for such assets and to deliver services locally;
- Specifically, it would enable Kidderminster better to withstand the threats to assets and services that are arising from public expenditure reductions, which are affecting what services the county council, district council and other public bodies can afford to provide and operate in the town;
- The existence of a town council could also protect local assets and services if a future Government decided to undertake a reorganisation of principal councils, which – if a town council did not exist - would inevitably result in more remote decision-taking on the future of key local assets and services in Kidderminster;
- A town council for Kidderminster would act as the voice for the town in formal consultations and responding to proposals that affect the town. Specifically, in respect of planning applications, the creation of a town council would mean that it would be formally consulted on proposals affecting the town, putting it on the same footing as other towns and villages in Wyre Forest. Elected representatives from all areas in the town could have a say in providing a formal response to applications. At the moment, it is not guaranteed that district councillors from all parts of Kidderminster will have a role in decisions taken by Wyre Forest District Council's planning committee;
- in summary, a town council for Kidderminster would ensure that the town enjoys the same advantages and opportunities as other towns and villages in the district. As the Wyre Forest's largest town, there is scope for a town council over time to have a greater impact than other town and parish councils.

### **Option 7: initiate a community governance review in order to parish Kidderminster but without creating a town council.**

This would seek to allow the holding of parish meetings that would be able to set a precept and therefore raise income from council tax payers in Kidderminster. Parish meetings in addition have a range of powers to own property and deliver services etc.

However it is not a legally viable option as a result of Section 94(2) of the Local Government and Public Involvement in Health Act 2007 which states 'If the Parish

has 1000 or more local government electors, the review must recommend that the Parish should have a Council’.

The option is therefore discounted automatically.

**Summary comparison of benefits and disadvantages**

(Option 7, of parishing Kidderminster and holding parish meetings, has been ignored as it is not a legally viable option.)

	Option 1 Retain charter trustees	Option 2 Section 137, LG Act 1972	Option 3 Change policy on special items	Option 4 Area planning committee	Option 5 Create development trust	Option 6 Create town council
<b>Benefits</b>						
Clear democratic accountability	x	✓	✓	✓	x	✓
Ability to raise tax revenue for benefit of the town, services and assets	x	✓ (limited)	x	x	x	✓
Ability to attract grants not available to principal councils	?	x	x	x	✓	✓
Ability to fund, host and protect local services/assets	x	x	x	x	✓	✓
Robust governance, dependable funding stream	✓	✓	✓	✓	✓ (governance) x (funding)	✓
Financial benefits for WFDC	x	✓ (limited)	x	x	x	✓
Statutory voice for the town on planning	x	x	x	✓	x	✓
Body with voice on other issues for and only for Kidderminster	✓	x	x	x	✓	✓
<b>Disadvantages</b>						
Higher council tax in Kidderminster	x	✓	✓	x	x	✓
Ongoing costs to	x	x	x	✓	✓ (probably)	✓

	<b>Option 1 Retain charter trustees</b>	<b>Option 2 Section 137, LG Act 1972</b>	<b>Option 3 Change policy on special items</b>	<b>Option 4 Area planning committee</b>	<b>Option 5 Create development trust</b>	<b>Option 6 Create town council</b>
<b>WFDC</b>						
<b>One off or initial costs for WFDC</b>	x	x	x	x	✓ (probably)	✓
<b>Another body operating in the town – structural complexity</b>	x	x	x	x	✓	✓
<b>Process complexity e.g. in consultations</b>	x	x	x	x	?	✓