

Open

Council

Agenda

6pm
Wednesday, 10th December 2014
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Council

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Sue Saunders
Committee and Electoral Services Officer
Wyre Forest District Council
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF
01562 732733
susan.saunders@wyreforestdc.gov.uk



COUNCIL MEETING

2nd December 2014

TO ALL MEMBERS OF THE COUNCIL

PRESS AND PUBLIC

Dear Member

YOU ARE INVITED to attend a meeting of the Wyre Forest District Council to be held **at 6.00p.m. on Wednesday 10th December 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 the Council’s 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

Council

Wednesday, 10th December 2014

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Prayers To be read by Pastor Rob Palmer of Franche Evangelical Church, Kidderminster.	
2.	Apologies for Absence	
3.	Declarations of Interests by Members 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.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on 24 th September 2014.	10
5.	Public Participation One member of the public has registered to speak to act as spokesman for a number of traders located in Worcester Street, Prospect Hill and Coventry Street, Kidderminster. <i>If you wish to speak on an urgent matter that has arisen since the deadline and you could not reasonably have known about it at the time, you should register your interest in speaking no later than 9am on the day of the meeting of Council. In the case of a request to speak on an urgent matter, the Solicitor to the Council will rule on whether or not the matter is urgent and that ruling will be final.</i>	
6.	Questions Two questions have been submitted in accordance with Standing Order A5 by Members of the Council.	22

	<i>In the case of an urgent matter that has arisen since the deadline above, and could not have been reasonably known at that time, it must be delivered in writing to the Solicitor to the Council no later than 9am on the day of Council.</i>	
7.	Chairman's Communications To note the engagements of the Chairman of the Council since the Council's last meeting.	23
8.	Leader of the Council Announcements To receive announcements from the Leader of the Council.	
9.	Motions Submitted under Standing Orders One motion has been received in accordance with Standing Orders (Section 7, 4.1). <i>1. From Councillor J Shaw, Leader of the Labour Group Council,</i> <i>concerned that the average workplace wage in Wyre Forest is below the national average, and mindful of the example set by Salford City's Charter for Employment Standards, resolves to convene meetings with local employers and trade unions, in order to discuss ways in which remuneration could be increased towards, and ultimately attain, the level of the Living Wage.</i>	
10.	Urgent Motions submitted under Standing Orders To consider motions in the order they have been received which, by reason of special circumstances, should be considered as a matter of urgency, in accordance with Standing Orders (Section 7, 4.1 (vii)).	
11.	Review of Polling Districts and Polling Places To consider a report from the Chief Executive which asks Council to agree changes to the Polling Places and Polling Districts. <i>The appendices to this report are available on the Council's Website - on the council's website at http://www.wyreforestdc.gov.uk/the-council/elections-and-voting/electoral-register/polling-districts-and-polling-places-consultation.aspx</i>	24

17.	Exclusion of the Press and Public To consider passing the following resolution: “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

18.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

24TH SEPTEMBER 2014 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), C Rogers (Vice-Chairman), J Aston, G W Ballinger, R Bishop, C Brewer, J-P Champion, S J M Clee, A R Clent, E Davies, N J Desmond, H E Dyke, P Dyke, B T Glass, D R Godwin, J Greener, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, J Holden, L Hyde, M B Kelly, N Knowles, R J Lloyd, B McFarland, C D Nicholls, F M Oborski, T L Onslow, J W Parish, J Phillips, M Price, M Rayner, A M Sewell, J A Shaw, D R Sheppard, M J Stooke, P W Wooldridge, M J Wrench and G C Yarranton.

C.38 Prayers

Prayers were said by Pastor Dudley Anderson, Cornerstone Family Church, Stourport-on-Severn.

C.39 Apologies for Absence

There were no apologies for absence.

C.40 Declarations of Interests by Members

Councillor S J Williams declared an Other Disclosable Interest in Agenda Item number 11 – Chaddesley Corbett Neighbourhood Plan – Referendum. He would remain in the meeting but would not take part in the vote.

C.41 Minutes

Decision: The minutes of the meeting held on 30th July 2014 be confirmed as a correct record and signed by the Chairman.

C.42 Public Participation

There was no public participation.

C.43 Questions

Prior to the answering of question, Councillor Knowles stated he had submitted a question in good time to the Leader of the Council but it had not been printed on the agenda. The Leader replied that he had not seen the question and would only deal with the eight questions submitted.

Eight questions were submitted in accordance with Standing Order A5 by Members of the Council.

1. Question from Councillor J A Shaw to the Cabinet Member for Health, Well-Being and Housing

“Has the long-term future of the Bromsgrove Street Foyer project been secured, and if so, does provision for it meet its original specification?”

Answer from the Cabinet Member for Health, Well-Being and Housing

Thank you for the dedicated interest you take in the Bromsgrove Street Foyer which took 10 years to come to fruition. By way of introduction, I along with board members attend St Basils steering group meeting held at the Foyer and as at the 22nd August I can report 26 people have been accommodated by the scheme. Seven have moved on and currently there are 19 residents, this shows provision is meeting 100% of its original specification. Regarding the retendering this is the position and I read it with precision:

“The process of retendering from Worcestershire County Council funded services is still going through and we will not know who the successful bidder is until the end of October, as responses are expected back by 13th October then there is a 10 day cooling off period. The future of the foyer is dependent upon the outcome of these contracts and the ongoing provision on housing support. Once successful providers have been identified we will be able to make a contact with them and ensure that we sign a Service Level Agreement with them as with St. Basils, assuming they require our revenue funding, otherwise the nature of the scheme will fall back on grant funding agreement with West Mercia and 106 monies which prevent the use for other purposes without our agreement and the local letting plan which outlines how many units get allocated. We haven’t seen the housing specification as we haven’t been involved in the procurement of this service but fundamentally the building has to be used as a Foyer”.

Supplementary Question from Councillor J A Shaw

I welcome the information and ask that when the final arrangements and details have been made, may I ask the Cabinet Member that all councillors are informed of the final resolution of the matter but bearing in mind the very productive debate about this matter last Autumn.

2. Question from Councillor M Wrench to the Leader of the Council

Given that other councils are actually reducing car parking charges to help businesses, does the leader think now is a good time to be increasing the inner town car parking charges by 22%?

Answer from the Leader of the Council

Thank you, as the question relates to car parking and this is within the responsibility of Councillor H Dyke, she will answer.

Answer from the Cabinet Member for Operational Services

I am sure that all councillors sat in this chamber would prefer not to increase any fees or charges and would imagine that any of us would find now a good time to do so. The increase in car parking charges were agreed by Council as part of the budget process which comes into effect October this year and forms part of the Council's medium term financial strategy, it's not an idea plucked out of the air. All groups were given the opportunity to submit alternative proposals during the budget process. The 22% increase is equivalent to 20p per hour when parking in an inner car park and this is the first increase in 2 years. Wyre Forest District Council's car parking charges are well below average compared with similar authorities. As we all know local authority finances are difficult and we make every effort to maintain a balance and being able to continue to fund all other commitments for the residents of Wyre Forest. If Councillor Wrench has an alternative to our charges, I would only be too happy to discuss but it cannot be a case of not doing anything. As normal process, all political parties will be able to put forward their suggestions via the Cabinet Financial Strategy Advisory Panel on 30th September. I can assure Councillor Wrench I do care about local businesses in and around our town centres and we are offering free parking 10am – 4pm in Kidderminster every Wednesday and the same in Bewdley and Stourport-on-Severn on Thursdays. Also, we have one hour free parking in the outer car parks and from 15th November, as we have done for the last 5 years, we are offering free parking from 4pm every evening until the second week in January.

Supplementary question from Councillor M Wrench

Thank you for the very detailed reply, however does the Cabinet Member agree that by offering free parking over the festive season, car parking charges have an adverse effect on the town centre trade. Unlike turkeys the town centre shops are not just for Christmas. Does the councillor acknowledge that by increasing car park charges from 1st October, the Council fail to realise our shops have to survive other days of the year?

Supplementary answer from the Cabinet Member for Operational Services

No, I don't agree because I work very closely with the Town Centres Manager as Member Champion for town centres and he talks to businesses around the town centre and the free car parking we've offered has met with a positive response and working through our Town Centres Manager we are doing everything we can to support our businesses.

3. Question from Councillor P Wooldridge to the Leader of the

Council

Does the leader of the council understand the dissatisfaction of UKIP ex armed forces councillors with the democratic deficit inherent in the Cabinet system that has allowed the appointment of an Armed Forces Champion without any requirement to consult full council?

Answer from the Leader of the Council

You refer to dissatisfaction by UKIP as ex armed forces councillors and whether I understand or not, the short answer is until I received notice of this question, I was not aware of any dissatisfaction of you or your colleagues.

Supplementary question from Councillor P Wooldridge

Thank you, for saying he's not aware of our dissatisfaction, not really surprising, the way the system works was part of the question. My supplementary question is during the discussions prior to making this appointment in Cabinet which would have been made without the full knowledge of any opinion of full council, its only the opinion of the cabinet members was he aware of the following two facts that UKIP would have brought and put forward before Council for their information, prior to this appointment. First fact is all ex armed forces of UKIP, out of their own pockets, donated to six armed forces charities. Second fact is the church service last month where the roll of honour was installed in St Marys church, neither the new armed forces champion or the Leader had attended that service, it's a deficit of democracy and credibility.

Supplementary answer from the Leader of the Council

In respect of the facts you referred to, all five donated out of their own pocket, all politicians of whatever political persuasion have donated to very important charities. It's not a political issue and you are seeking to make it a political issue. In respect of the church service you refer to I understand and am absolutely certain that I was at St Johns Church in the morning but attended the evening service and represented the Council at the evening service and hope that allays anybody's fear in respect of that. It's a smear that I take very seriously.

4. Question from Councillor M Rayner to the Leader of the Council

Can I ask the Leader the underpinning philosophy for the decision making process taken by this council?

Answer from the Leader of the Council

As councillors are aware and for members of the public in the chamber, overspill room and home, decision making on behalf of the Council is vitally important. This council has 42 elected politicians who get to vote on matters such as capital programme like the budget as they appoint under the strong leader model and of course I firmly

believe that democracy is alive and kicking in Wyre Forest and what underpins my philosophy of our constitution is the Local Government Act 2000 and we have a cabinet structure and the corporate governance model that we adopted on 1st December 2010 which comes from the Local Government Public Involvement in Health Act 2007 and I believe it's a fair, open and transparent decision making process in this Council

Supplementary question from Councillor M Rayner

I would like to ask that during the last calendar year, we voted for Armed Forces Champion, the Leader has taken his strong leader role to a point of champion for the Armed Forces, where is the consistency in this decision making process.

Supplementary answer from the Leader of the Council

Consistency, interesting word, coming from the Health Concern group and I did look up the word of philosophy on Wikipedia, philosophy is based on rational measures of decision making in order to address problems. Previously Council took the decision to have two armed forces champions a joint role between Councillor Knowles and Nicky Gale, at the time council appointed two representatives - Nicky Gale lost her seat so this left one armed forces champion. It's not an appointment to an external bodies and in particular no one else expressed an interest or, articulated their desire to be an armed forces champion. As previously Nicky Gale was a member of the largest group and still as the elected largest group that Councillor Champion would oblige and now some time after the event - indeed I did write to all councillors on 5th August and now it's the 24th September and note with some concern that the issue wasn't raised at the last Group Leaders meeting on 9th September. I'm sure all members of this chamber would wish to rally behind both our armed forces champions.

5. Question from Councillor M Rayner to the Cabinet Member for Operational Services

Can the appropriate cabinet member explain the new car parking charges that are commencing next month?

Answer from the Cabinet Member for Operational Services

I think I went into a lot of deal when I answered Councillor Wrench's two questions. In the Financial Strategy on page 74/75, it lists all the charges and I'm sure you don't want me to go through them one by one, I don't know what other information I can provide.

Supplementary question from Councillor M Rayner

I've been asked by several residents about your charges and that's why I've brought them to this venue. A season tickets for senior citizens has gone up by 100%, can I ask where the pensions increase has come up to reflect this 100% and why this increase has been put

on car parking charges for this group, I'm aware they have been kept down for a few years but not up by 100%.

Supplementary answer from the Cabinet Member for Operational Services

These charges were included as part of the budget process, as that time I don't remember any alternative being put forward, there was a named vote taken and as far as I'm aware the budget proposals were supported by your group. The season tickets are still 75% less than the full price and we and Wychavon are the only two authorities in Worcestershire that still provide that concession, I will do my best to keep that concession for the future.

6. Question from Councillor M Rayner to the Leader of the Council

Can we please be updated on the current progress of the new leisure centre?

Answer from the Cabinet Member for the Leader of the Council

Of course you will be aware that Wyre Forest District Council's planning committee back in April approved the site for the new leisure centre the land has been acquired for Silverwoods. The plan is for its cabinet policy to have one new leisure centre serving all residents of this district, it's been council policy for some time. We have a budget set aside for it and hope and anticipate that we get external funding from Sport England. We are in receipt of tenders and these are currently being elevated so that's good news, and hope that answers your question.

It's never my intention to mislead you but why I wasn't in a church service on 3rd August at St. Mary's I said that I was at St Johns but I was at Holy Innocents at a World War One service, together with 500 other people.

Supplementary question from Councillor M Rayner

I sit on the Overview & Scrutiny committee and it was agreed that we are able to have regular updates, the last update was in July and we were told they would be every two months, the next update is October, can I ask reason why and again where is the consistency in decision making.

Supplementary answer from the Leader of the Council

In order to be fair and to share democracy across this chamber, at annual council we voted and approved the chairman of the Overview & Scrutiny, that is Councillor Davies and she sits on your right, and I'm sure she has her work programme sorted and I'm confident given her competence that she has matters in hand. That is a question to the chair of the Overview & Scrutiny Committee.

7. Question from Councillor M Rayner to the Leader of the Council

Can I ask the Leader exactly when are members consulted on issues affecting their wards?

Answer from the Cabinet Member for the Leader of the Council

Obviously elected members are consulted on issues all the time. Our officers are aware of the No Surprises Protocol. All fundamental issues are consulted upon and budget amendments to the capital programme and all those types of decision effect all of our wards and I'm confident that all members of the council are fully engaged and fully consulted, we don't get everything right all the time but no one is perfect.

Supplementary question from Councillor M Rayner

I would like to know why it seems to be increasingly the case that the number of decisions being made without informing the ward councillors are either read in the local press or from finding out from residents and it looks even though we have No Surprises Policy, we have had quite a few surprises over the last 4/5 months and I'm finding it increasingly difficult to function.

Supplementary answer from the Leader of the Council

You didn't give examples, but let me reach out the hand of friendship, you chat to me afterwards and let me know which decisions have been taken over the last 6 months you weren't aware of.

8. Question from Councillor J Holden to the Cabinet Member for Planning and Economic Regeneration

The recently demolished Lloyds Garage has now become a car park in Bridge St, Stourport; where the shop was positioned there used to be a petrol station. This contained 3 petrol tanks and an oil waste tank beneath the ground.

Have these been checked for Health and Safety?

Question from the Cabinet Member for Planning and Economic Regeneration

The site in question was fully surveyed as part of a procurement process and understand we have full knowledge of the condition of the site including the tanks underground. The site has also been received considered by Worcestershire Regulatory Services who have confirmed they don't have any concerns about this site.

Supplementary question from Councillor J Holden

First of all thank you Councillor Campion for his in depth report in the format of questions, this covers majority of concerns regarding Lloyds

garage. Lloyds garage was registered as a petrol station as far back as 1953, and contains six underground fuel storage tanks and 3 of these were decommissioned in 1991 and 1995 by filling them with slurry leaving 3 untouched. The environmental report commissioned was only partly completed and in the recommendations JPB quoted as follows: It was recommended that following demolition that further risk assessments will be required and in order to complete further investigations. This was part of the recommendations. Would Councillor Campion agree with me that the development will take a further 2/3/4 years and considering the risk element, would the member agree this further report be finished as soon as possible?

Supplementary answer from the Cabinet Member for Planning and Economic Regeneration

Thank you. First of all I don't want to appear to be agreeing that the site is dangerous - I believe it is wholly irresponsible to use the lines that have been taken in public that it's about to explode. The photo of the site which is said to be too dangerous but the previous owner is happy to have his photo taken on it. It is also dangerous to quote from in depth technical reports and whilst he is right we have further work to do, and we have responsibility as land owner for pollution and there will be further work done but also further development of site. There is no imminent public concern. I would hope that all groups would act appropriately within the law to ensure public safety is maintained. It is wholly regrettable that we have had to find a temporary use of this site. Councillor Holden was on this council when it was decided to use it as a mixed use. We have to concentrate on temporary use and secondly secure a long term redevelopment and as members we should try to ensure our professional officers are able to take care of it.

C.44 Chairman's Communications

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

The Chairman invited all Members to the Civic Service at 3pm on Sunday 28th September 2014 at St. Mary's Church, Kidderminster to commemorate World War I.

C.45 Leader's Announcements and Report

The Leader of the Council tabled his report which included an update on economic regeneration, "Meet the Leader" sessions and the Kidderminster Arts Festival.

C.46 Motions Submitted Under Standing Order No. D1 (1)

Three motions were received in accordance with Standing Orders (Section 7, 4.1).

1. Councillor Shaw, Leader of the Labour Group presented his motion and explained that the matter had been discussed in 2013 where it had been

agreed to support a supermarket levy. He stressed that large supermarkets had seriously damaged the commercial life of every town centre throughout the country.

A debate took place. Councillor Sheppard moved an amendment to the motion to add the word "supermarket" before the word levy but there was no seconder.

Decision:

The following motion from Councillor J Shaw, Leader of the Labour Group be agreed:

Council notes that Derby City Council, following resolutions by Wyre Forest District Council, and other councils, has submitted to the Department for Communities and Local Government a proposal under the Sustainable Communities Act 2007, that a power for all local authorities be granted to introduce a levy of up to 8.5% of the business rate on large retail units* in their area, with the intention of using the income generated to help revitalise local economic activity, particularly in town centres.

Council urges Mark Garnier, MP for Wyre Forest, to support this initiative by contacting the DCLG to advocate for acceptance of the proposal, which, if implemented in Wyre Forest, would generate a sum of over £300,000 per annum to be directed to local economic projects.

*** Units with a rateable value of £500,000 per annum and above.**

2. Councillor M Wrench, UK Independence Party (UKIP) presented his motion asking that all councillors take an immediate 15% reduction in the basic allowance. He explained none of his group claimed travel allowances and perceived that councillors were well rewarded for the job they did.

An amendment was proposed and seconded by the Labour Group that the 15% reduction should be across all Member allowances and a saving of £37K could be saved annually.

A robust debate then took place. Key points included that Members received their allowance to carry out their duties.

It was stated that a new Independent Remuneration Panel (IRP) would be formed and a number of councillors would be interviewed as part of the process. The decision would be presented to the December meeting of Council where a full debate could be held. Members also did not have to take their allowance, but it was thought by some Members that the work that was carried out and time spent on work for the community far outweighed the amount of allowance they received.

A named vote on the proposal was lost. This was recorded as followed:

For: G W Ballinger, C Brewer, A Clent, E Davies, B T Glass, V Higgs, J Holden, L Hyde, M B Kelly, N Knowles, R Lloyd, B McFarland, C D Nicholls, J Parish, M Rayner, J A Shaw, A Sewell, D R Sheppard, M Stooke, P Wooldridge and M Wrench.

Against: J Aston, R Bishop, J-P Campion, S J M clee, N J Desmond, H E Dyke, P Dyke, D R Godwin, J Greener, P B Harrison, J Hart, M J Hart, P V Hayward, A T Hingley, F M Oborski, T Onslow, J Phillips, M Price, C Rogers, S J Williams and G C Yarranton.

The vote being tied, the Chairman used his casting vote and he voted against the motion.

Decision: Upon a named vote, the motion that all councillors take an immediate 15% reduction in all allowance across the board not be agreed.

3. Councillor M Wrench, UK Independence Party (UKIP) presented his motion asking that all travel expenses for councillors within Wyre Forest be removed. He believed that many councillors were not claiming their expenses because they did not need them but some were “milking the system”. He was immediately asked to withdraw his remark which he did.

A robust debate was held and again the IRP was mentioned in that their recommendations would be presented to the December meeting of Council. Some Members were upset with the comments made and stated that it was up to Members whether to claim their expenses or not.

Decision: The motion that all travel expenses for councillors within Wyre Forest be removed not be agreed.

C.47 Urgent Motions Submitted Under Standing Order No. D1 (7)

There were no urgent motions submitted.

C.48 Policy And Budget Framework – Matters which require a decision by Council

a. Recommendations from Overview and Scrutiny Committee, 10th September 2014

- **Annual Report on Treasury Management Services, Actual Prudential Indicators 2013/14 and Proposed Technical Revision to the Treasury Management Strategy Statement 2014/15**

Decision:

1. **Approve the actual 2013/14 prudential and treasury indicators as set out in the report to the Overview and Scrutiny Committee at its meeting on 10th September 2014.**

2. Note the annual treasury management report for 2013/14.
3. Note the technical revision to the Investment Policy and Strategy Statement 2014/15, set out in Appendix 2 to the report to the Overview and Scrutiny Committee at its meeting on 10th September 2014.

b. Recommendations from Cabinet, 16th September 2014

- **Worcestershire Regulatory Services (WRS) – Changes to Partnership Agreement**

A discussion took place and it was reported that a special meeting of the Overview & Scrutiny Committee had taken place to discuss the issue. However, not everything had been agreed with but due to the pressures of finance it was agreed to go with the recommendations.

The Leader of the Council reminded Members that the Council had two representatives on the WRS board and all Members received a copy of the agenda and minutes from the meetings electronically.

Decision: The proposed changes to the WRS Partnership Agreement as set out in Appendix 1 to the report to Cabinet be agreed and that delegated authority be granted to the Director of Economic Prosperity & Place and Solicitor to the Council to agree and enter into the revised Partnerships Agreement.

- **Chaddesley Corbett Neighbourhood Plan - Referendum**

Thanks were given to Chaddesley Corbett Parish Clerk and officers in the Council's Planning Department for all their hard work. The Neighbourhood Plan had been the first plan to be approved in Worcestershire and Members were advised that Churchill & Blakedown Parish Council and Bewdley Town Council were to start the process for their plans.

Councillor J Parish left the meeting at this point, (8.15 pm) and returned at 8.17pm.

In response to a Member question, it was confirmed that authorities without plans in place could lose planning appeals. With regard to staffing, the Council consistently invested in the Planning area and the Council should be proud of where they were.

Decision: The adoption of the Chaddesley Corbett Neighbourhood Plan as part of the Development Plan for Wyre Forest District Council be agreed.

Councillor M Stooke left the meeting at this point, (8.20pm).

C.49 Exclusion of the Press and Public

Decision: Under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of “exempt Information” as defined in paragraphs 8 and 9 of Part 1 of Schedule 12A of the Act.

C.50 Policy and Budget Framework

Recommendations from Cabinet, 16th September 2014

a. Amendment to the Capital Programme

The Leader of the Council presented the recommendations from Cabinet and a robust debate was held.

Councillor M Stooke returned to the meeting at this point, (8.26pm).

An amendment to the recommendation was made and a full debate was held. Members perceived there would be no cost to council taxpayers.

Councillor V Higgs left the meeting at 8.39pm and returned at 8.42pm.

Councillor D Sheppard left the meeting at 8.42pm and returned at 8.43pm.

Councillor M Rayner left the meeting at 8.43pm and returned at 8.46pm.

Councillor L Hyde left the meeting at 8.44pm and returned at 8.46pm.

Councillor M Wrench left the meeting at 8.45pm and returned at 8.47pm.

A vote on the amendment was taken and was lost.

Members then returned to the substantive recommendation.

Decision:

- 1. The Capital Programme be updated as detailed in the confidential report to Cabinet.**
- 2. Any additional expenditure, as detailed in the confidential report to Cabinet, be undertaken only if funding is available from a third party to fund in full the extra borrowing in accordance with rules on prudential borrowing.**

The meeting ended at 21.17 pm.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
10TH DECEMBER 2014
QUESTIONS TO COUNCIL

1. Question from Councillor N Knowles to the Leader of the Council

The Chairman has refused me, for the second Council meeting running, to ask a Question of the Leader after he gave his announcements. Which rule is it that precludes a Member questioning the Leader on his announcements?

It ought to be a democratic right. My question was, as I indicated, a seven word question "When will the link road be finished?" I respectfully ask whether, in future, the Leader will agree to take questions on his announcements.

2. Question from Councillor N Knowles to the Leader of the Council

Would the Leader of the Council tell me if he still supports Kidderminster having its own elected Town Council and if he is prepared to use his office to help achieve it.

CHAIRMAN'S LIST OF FUNCTIONS

2014/15

September

28th WFDC WW1 Civic Service at St Mary and All Saints Church

October

1st Visit Development and Show Home, Stourport Road, Kidderminster
4th Wyre Forest Talking Newspaper AGM
5th Droitwich Spa Civic Service
5th County Harvest Service
10th Mayor of Worcester's People's Banquet
12th Kidderminster Mayor's Sunday
15th Officer/Member Meet Up
18th British Masters Judo Championships
20th Oliver by Carpet Trades Musical Theatre
24th Citizenship Ceremony
24th No Barriers Awards
24th Carpet Museum Exhibition Opening *
25th Your Music Concert

November 2014

9th Remembrance Sunday
15th Kidderminster Christmas Lights Switch on
16th Mayor of Droitwich Sunday Lunch
16th RoadPeace Service *
21st Stourport Three Kings Parade *
21st Mayor of Kidderminster's Charity Dinner
22nd The Old Carolians Association Annual Dinner
24th Ushakov Medal Ceremony
27th Opening Ceremony of Worcester Victorian Christmas Fayre *
27th Bewdley Mayor's Pre Christmas Celebration
28th Wychavon Christmas Fayre
29th Switching on of Bewdley Christmas Lights
29th Kidderminster Choral Society
30th Freedom March
30th WFDC Chairman's Advent Service

December 2014

3rd Wyre Forest Sports Awards
6th Worcester Male Voice Choir at Pershore Abbey

* denotes attendance by Vice Chairman

WYRE FOREST DISTRICT COUNCIL

COUNCIL
10TH DECEMBER 2014

Review of Polling Districts and Polling Places

OPEN	
CABINET MEMBER:	The Leader of the Council
RESPONSIBLE OFFICER:	Ian Miller Ext 2700 Returning Officer & Chief Executive
CONTACT OFFICER:	Alison Braithwaite Ext 2781 Head of Transformation and Communications
APPENDICES:	Appendix A - Polling Districts and Polling Places Consultation Document – October 2014 Appendix B – Polling Districts and Polling Places Consultation Responses – November 2014 <i>(Due to the size of the above documents, they have been placed on the council's website at http://www.wyreforestdc.gov.uk/the-council/elections-and-voting/electoral-register/polling-districts-and-polling-places-consultation.aspx</i>

1. PURPOSE OF REPORT

- 1.1 To decide on the polling districts and polling places within the Wyre Forest District following the review and consultation.

2. RECOMMENDATION

The Council is asked to **DECIDE** that:

- 2.1 **The polling districts and polling places set out in the chart at paragraph 4.5 be used with effect from the elections in May 2015.**

3. BACKGROUND

- 3.1 Section 17 of the Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must be completed by 31 January 2015. The last such reviews for the Wyre Forest District were undertaken and agreed by Council on 23 February 2011 and 26 September 2012 respectively.

- 3.2 Polling Places should be within the polling district they serve unless special circumstances make it desirable to designate an area outside of the polling district. This review has therefore had to await the publication of the Local Government Boundary Commission's final recommendations for the Electoral Review of the District to take into account any realignment required of polling districts and polling places to the new wards, which will come into force from May 2015. The final recommendations for the new boundaries were published on 14 October 2014 and can be accessed from http://www.lgbce.org.uk/_data/assets/pdf_file/0018/23508/Wyre-Forest-alternative-FINAL-report-POST-EDITOR-2014-10-14.pdf
- 3.3 The overall review of polling districts and polling places offers an opportunity to examine options to rationalise and reduce costs without making the process of voting unduly difficult for the electorate. It should also take account of known future changes e.g. buildings that will cease to be capable of being used as polling stations in the near future and more suitable buildings that are, or are due, to become available.
- 3.4 The cross-party Electoral Review Working Group has met twice. At their meeting on 22 October 2014 they endorsed the content of the consultation document, which, for certain polling districts, involved asking respondents to advise of their preferred polling place from a choice of two or three different venues. The Group also noted that both the Kidderminster County Buildings, Bewdley Road, Kidderminster and Stourport Youth Centre, Windermere Way, Stourport-on-Severn were no longer available for use as a Polling Place.
- 3.5 A copy of the consultation document as attached in **Appendix A** was circulated to a list of key consultees as well as being made available on the council's website, at the Worcestershire Hub in Kidderminster and in the libraries across the District. A public notice and press release were published encouraging residents and interested bodies to submit their views. Consultation with the public and stakeholders commenced on 24 October 2014 and concluded at 5pm on 17 November 2014.
- 3.6 Ninety two consultation responses were received from a range of stakeholders including the (Acting) Returning Officer (Wyre Forest Parliamentary Constituency), 67 residents, a number of town and parish councils, a number of political parties or branches of political parties, the MP for Wyre Forest, and several district or county councillors. A copy of all the consultation responses is in **Appendix B**.
- 3.7 Any proposal which seeks to cease the use of a polling place is always going to be a matter of debate, whether it has a history of poor turnout, is in a deprived area of the district or has been displaced by the new ward boundaries. As part of the 2011 Polling Places Review, Council agreed to some fairly radical changes. However those changes have not resulted in any adverse effect on turnout levels. In 2014, the turnout for all wards where there was a District Council election was between 4 and 9 percent higher than the levels for 2012.
- 3.8 There is also clear evidence that the convenience of being able to complete a vote at home, on a day and time that suits the voter, results in higher elector participation rates. For the District elections in May 2014, 10,074 postal votes

were issued and 7,784 were returned, a participation rate of 77%. This contrasts with turnout among other voters in polling stations, which ranged from 15% to 42% and with an average of about 29%.

4. KEY ISSUES

4.1 On 18 November 2014 the Electoral Review Working Group met to consider the consultation responses received. The Group noted that, in many cases the proposals had not drawn any comment or objections and were not a source of contention between the political groups. In a small number of cases, there had been responses in support of or objecting to particular proposals and it was clear from the discussion that a consensus was not possible across political groups. Recognising that there is a strategic alliance in place which provides the administration of the Council, the chart in paragraph 4.5 sets out the proposed polling districts and polling places that reflects the alliance's position.

4.2 It should be noted therefore that some of the polling place proposals are not supported by all members of the Working Group or by specific communities/bodies as indicated by the level of consultation responses received for the alternative polling places that were consulted on. However, the polling places that are proposed in this report have also received significant levels of support.

4.3 Responses have been received in support of designating the following polling places, which do not form part of the proposals in this report:

- a) **Walshes Community Hall (AK-B)** instead of the proposed Areley Kings Village Hall. The latter venue is a larger, superior building and does not have the difficulties that the car park at the Walshes Community Hall can present to some electors. It is not far from the present polling place on foot, and the case for retaining two polling places on this side of the river is not strong. It has also been noted from the consultation response submitted by one of the ward councillors for Areley Kings that '*This hall is already under serious threat of closure in the next few years*'. This information supports the case for not designating the Walshes Community Hall as a polling place for the AK-B area of Areley Kings, as the Council would not wish to be in the position of having potentially to undertake another review in the short term.
- b) **St John's Church Hall, Habberley** instead of the proposed Kidderminster Carolians Rugby Football Club for HA-B1 electors. The proposal in the report reflects that, wherever possible, polling places should be designated within the polling district they serve. Due to the new ward boundaries, St John's Church Hall now falls outside of both the polling district and new ward area of Habberley & Franche North. The nearest suitable venue within the ward area is Kidderminster Carolians Rugby Football Club whose facilities are suitable for coping with the additional electors. It is acknowledged that the distance to this venue may be prohibitive for those electors who do not have access to a car or for those who cannot, or do not wish to, make the journey of 1.6 miles by foot or on public transport. However, postal votes are always available on demand.

For HA-B2 electors, St John's Church Hall is located in the polling district. However, it can no longer be justified to serve fewer than 600 electors in an urban area. Other polling places in Kidderminster will typically deal with at least c1500 electors and often many more, up to 4,000 in some cases. The Gainsborough House Hotel is proposed for HA-B2 electors and would serve an area comprising almost 3,200 electors.

- c) **St Oswald's School, Sion Hill (BR-B)** instead of the proposed St Oswald's Church Centre. The latter venue has superior accommodation in terms of space and car parking and is much better placed to be able to cope with the higher turnout for a General Election without causing traffic congestion in a residential area. It is recognised that electors in the Sion Hill area who choose to go on foot to the Church Centre (if designated as a polling place for this polling district) would face a relatively steep uphill return journey. However, there are buses available that travel up and down Sion Hill and postal votes are available on demand.
- d) **The Y Centre, Rifle Range Community Centre (OL-A1)** instead of the proposed Holy Innocents Community Hall. The continual poor turnout at the Y Centre and consequent relatively high costs can no longer be justified in these austere times (2014 15%, 2013 11%, 2012 9%, 2011 13% and 2010 31% - General Election). There is a regular bus service that stops outside Holy Innocents Community Hall and postal votes are available on demand. Moreover there are electors at the Bewdley end of Sutton Park Road, for example, who already vote at Holy Innocents Community Hall and who live much further away from it than electors on the Rifle Range estate.
- e) **Old Rose and Crown Public House, Stourport-on-Severn (MI-B)** instead of the proposed St Wulstan's Community Centre. The Old Rose and Crown does not provide satisfactory accommodation, with access for infirm or disabled electors in particular not being easy. It is also the most expensive of all Polling Places in respect of hire costs of £1,000, and some electors may feel uncomfortable using a public house environment. The distance between the two venues is one mile and for those electors who wish, and are able, to go on foot, the provision of pedestrian controlled traffic lights on the one way system has improved pedestrian accessibility to St Wulstan's.
- f) **Wilden Village Hall (MI-C)** instead of the proposed St Wulstan's Community Centre. It is difficult to justify retaining Wilden Village Hall for an electorate of just over 600 given that it is only about a mile to the proposed polling place at St Wulstan's, although it is further for electors on The Slad Estate. There is a bus service from Wilden Lane and postal voting is available on demand. If Wilden Village Hall was to be retained it would serve the smallest number of electors in the district by some margin (613 compared to 1079 for Shatterford Village Hall).

It should be noted that the Old Rose and Crown Public House and Wilden Village Hall are within the Mitton Ward where there is already a further three polling places proposed to be designated for this area. It would therefore be difficult to justify five polling places for one largely urban ward when other such wards only have two or three.

g) Other polling place proposals received

As part of the consultation, three requests were received for a polling place in the Park Street/Wood Street area of Kidderminster (SP-A1). However, no specific venues have been formally suggested through the consultation process. There were also three polling place venues suggested in Truro Drive for the HA-B2 polling district. However, as explained earlier, due to the change in ward boundary, a polling place for an electorate of fewer than 600 is difficult to justify. Finally, one (late) proposal from Upper Arley parish council was received, which called for the reopening of Upper Arley Memorial Hall as a polling place, which ceased to be used as a result of the 2011 polling places review. There was no reasoning submitted for this proposal which would involve re-providing a polling place serving fewer than 200 voters, which would be difficult to justify when voters from that area have used Shatterford Village Hall since 2011.

4.4 There were no comments received on the proposed polling districts other than to support the fact they need to take account of any differences between town/parish wards, district council wards and county council divisions.

4.5 The proposed Polling Districts and Polling Places for implementation from the Elections in May 2015 are as follows:

Name of New Ward	Proposed New Polling District(s)	Current Polling District(s) (# - split polling district)	Electorate Number September 2014	Proposed Polling Place
Aggborough & Spennells	AS-1	AG-A# GR-E#	224 706	Kidderminster Harriers Social Club , Stadium Close, Hoo Road, Kidderminster Total 3,142
	AS-2	OF-C# GR-D1# GR-C1	1,280 222 710	
	AS-3	AG-B	3,779	Heronswood Primary School , Heronswood Road, Kidderminster
Areley Kings & Riverside	AKR-AKE (Areley Kings East)	AK-A AK-B	567 2,008	Areley Kings Village Hall , Areley Kings, Stourport-on-Severn Total 2,575
	AKR-AKW (Areley Kings West)	AK-C	2,154	Areley Kings Village Hall , Areley Kings, Stourport-on-Severn
	AKR-SC (Stourport-on-Severn -	LI-A# MI-D# MI-A#	183 1,366 429	Stourport Workmen's Club , Lickhill Road

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	Central)			Stourport-on-Severn Total 1,978
Bewdley & Rock	BR-BE (Bewdley East)	BE-A	2,218	St George's Hall, Load Street, Bewdley Total 2,708
	BR-BR (Bewdley Ribbesford)	BE-C	282	
	BR-UAP (Upper Arley – Pound Green)	BE-E	208	
	BR-BW (Bewdley West)	BE-B	2,207	St Anne's CE Primary School, Wyre Hill, Bewdley
	BR – RO (Rock Parish)	RO-A RO-B RO-C	447 1,104 447	Far Forest Society Pavilion, Callow Hill, Rock Kidderminster Total 1,998
Blakebrook & Habberley South	BHS-1	SP-A1	1,105	Evangelical Church, Greatfield Road, Kidderminster Total 3,767
	BHS-2	SP-B1# SP-C1#	1,768 3	
	BHS-3	SP-A2 SP-B2	299 592	
	BHS-4	GR-B	183	Gainsborough House Hotel, Bewdley Road, Kidderminster Total 3,186
	BHS-5	HA-A2 HA-C HA-B2	878 1,580 545	
Broadwaters	BR-1	BR-A	1,417	Trinity Methodist Church, Churchfields, Kidderminster Total 3,320
	BR-2	BR-D GR-A1#	1,353 550	
	BR-3	BR-B BR-C GR-A1#	1,526 1,793 19	St Oswald's Church Centre, Broadwaters Drive, Kidderminster Total 3,338

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Foley Park & Hoobrook	FPH-1	OL-A1 OL-A2 SP-C2	1,270 884 270	Holy Innocents Community Hall, Sutton Park Road, Kidderminster Total 4,144
	FPH-2	SP-B1# SP-C1#	4 1,716	
	FPH-3	OL-B	1,571	St Peter's Church Hall, Birchen Coppice, Kidderminster
	FPH-4	AG-A# GR-E#	1,267 130	1st Kidderminster Sea Scout Group Hut, Hoo Road, Kidderminster Total 1,397
Franche & Habberley North	FHN-1	FR-A	1,774	Franche Community Church, Chestnut Grove, Kidderminster
	FHN-2	FR-B	1,327	St Barnabas Community Hall, Wolverley Road, Kidderminster
	FHN-3	FR-C HA-A1 HA-B1	2,544 1,041 1,210	Kidderminster Carolians Rugby Football Club, Marlpool Lane, Kidderminster Total 4,795
Lickhill	LI-SL (Stourport-on-Severn Lickhill)	LI-A# LI-D#	1,114 1,127	Scout Headquarters, Lickhill Road North, Opposite Garland Road, Stourport-on-Severn Total 2,241
Mitton	MI-SSW (Stourport-on-Severn – Stour and Wilden)	MI-A# MI-B MI-C	1,013 1,719 613	St Wulstan Community Centre, Vale Road, Stourport-on-Severn Total 3,345

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	MI-SN1 (Stourport-on-Severn – North)	MI-D# LI-A# LI-B	888 519 706	10:32 @ Half Crown Wood , Stourport Primary School, Park Avenue, Stourport-on-Severn Total 2,113
	MI-SN2 (Stourport-on-Severn – North)	LI-C LI-D#	685 1,233	Stourport High School Sixth Form Centre , Coniston Crescent, Stourport-on-Severn Total 1,918
Offmore & Comberton	OFC-1	OF-A OF-C# GR-D1#	1,843 140 490	St Chad's Church Hall , Burcher Green, Comberton, Kidderminster Total 3,692
	OFC-2	GR-C2 GR-D2	831 388	
	OFC-3	OF-B GR-A2	2,188 609	Offmore Community Centre , Grays Close, Offmore, Kidderminster Total 2,797
	OFC-4	GR-A1#	1,271	Offmore Community Centre , Grays Close, Offmore, Kidderminster
Wribbenhall & Arley	WA-BW (Bewdley Wribbenhall Parish)	WR-A	3,382	Wribbenhall Parish Rooms , Kidderminster Road, Bewdley
	WA-KF (Kidderminster Foreign Parish)	WR-B WR-C WR-D	285 179 242	Shatterford Village Hall , Arley Lane, Shatterford Total 1,079
	WA-UAV (Upper Arley – Arley Village)	BE-D	173	
	WA-UAS (Upper Arley – Shatterford)	BE-F	200	
Wyre Forest Rural	WFR-WO (Wolverley Parish)	WO-A	1,796	Wolverley Memorial Hall , Wolverley

	WFR-CO (Cookley Parish)	CO-A	1,990	Cookley Village Hall , Lea Lane, Cookley
	WFR-BD (Blakedown Parish)	BL-A	1,048	Blakedown Parish Room , Belbroughton Road, Blakedown, Kidderminster Total 1,565
	WFR-BM (Broome Parish)	BL-B	267	
	WFR-CH (Churchill Parish)	BL-C	250	
	WFR-CC (Chaddesley Corbett Parish)	BL-D BL-E BL-F	771 242 175	
	WFR-RH (Rushock Parish)	BL-G	119	Chaddesley Corbett Village Hall , Potters Park, Brockencote, Chaddesley Corbett, Kidderminster Total 1,767
	WFR-ST (Stone Parish)	BL-H	460	

5. NEXT STEPS

- 5.1 Following the Council's decisions, steps will be taken to promote awareness of the new voting locations and of the availability and convenience of postal voting as well as monitoring the turnout levels. If the changes result in a significant adverse effect on turnout, although past experience has shown this not to be the case, then a future review can consider whether or not the respective polling place(s) should be re-designated.

6. FINANCIAL IMPLICATIONS

- 6.1 It is estimated that implementation of the proposed changes to the polling places will realise savings of approximately £3k.

7. LEGAL AND POLICY IMPLICATIONS

- 7.1 Section 18B(4)(e) of the Representation of People Act 1983 states the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- 7.2 A polling district is a geographical area created by the sub division of a constituency, ward or division into smaller parts.

7.3 The Electoral Commission uses the following definitions:

- A polling place is defined as the building or area in which a polling station will be selected by the (Acting) Returning Officer.
- A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the (Acting) Returning Officer for the election.

8. EQUALITY IMPACT NEEDS ASSESSMENT

8.1 The recommendations will enable the Council to meet its requirements under the Disability Discrimination Act and subsequent legislation by ensuring that access to polling stations meets the needs of all electors.

9. RISK MANAGEMENT

9.1 There are no significant risk management issues identified with this report.

10. CONCLUSION

10.1 The Council has undertaken a comprehensive review in consultation with key stakeholders, including consideration at the meeting of the Electoral Review Working Group on 18 November 2014. Some adjustments to polling districts may be necessary depending on the final decisions on polling places.

11. CONSULTEES

- Chairman of the Electoral Review Working Group.
- Cabinet Member for Resources and Transformation.
- Corporate Leadership Team.

12. BACKGROUND PAPERS

- Agenda and Minutes of meetings of the Electoral Review Working Group held on 22 October 2014 and 18 November 2014.
- Electoral Registration and Administration Act 2013.
- Final Recommendations of the Local Government Boundary Review for the Wyre Forest District – 14 October 2014.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
10TH DECEMBER 2014

The Future Governance of Kidderminster

OPEN	
CABINET MEMBER:	The Leader of the Council
RESPONSIBLE OFFICER:	Chief Executive
CONTACT OFFICER:	Ian Miller, Ext. 2700 ian.miller@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Proposed terms of reference for the review Appendix 2 – proposed question to be asked in local advisory poll, franchise and other procedural rules

1. PURPOSE OF REPORT

- 1.1 To agree various matters relating to the community governance review of Kidderminster, which is to commence on 1 February 2015.

2. RECOMMENDATIONS

The Council is asked to APPROVE:

- 2.1 **the terms of reference for the review in Appendix 1;**
- 2.2 **the question to be asked in the local advisory poll on 7 May 2015, together with the franchise and other procedural rules for the local poll, set out in Appendix 2.**

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.
- 3.3 The Council considered a report from the cross-party working group on 26 March 2014, which included a summary appraisal of the benefits and disadvantages of the different options. Council resolved:
1. To adopt as its policy to ask the public whether it supports the creation of a town council for Kidderminster.
 2. To initiate a community governance review under the Local Government and Public Involvement in Health Act 2007 with effect from 1 February 2015 in order to progress its policy.
 3. To conduct consultation with local government electors in Kidderminster through a referendum to be held as a local poll under section 16 of the Local Government Act 2003 on the day of ordinary elections in May 2015.
 4. To receive a further report in autumn 2014 to approve:
 - (i) the terms of reference for the review;
 - (ii) the wording of the referendum for the review;
 - (iii) any other procedural matters that require decision in accordance with section 116 of the 2003 Act, including the information document that would be sent to all electors in Kidderminster.

- 3.3 The proposals in this report discharge the main elements of the final paragraph of the Council's resolution and have benefitted from discussion in a meeting of the cross-party working group on 26 November 2014. The working group identified the need for further work to be done on the information document and this will be brought forward to the Council's meeting in February 2015 for approval.

4. KEY ISSUES

- 4.1 The Council has resolved to undertake 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 The community governance review will test whether or not electors in Kidderminster support the creation of a town council for the town. 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.
- 4.4 Whilst not inevitable, it is likely 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 an 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 about 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.

- 4.5 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 could 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 could 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 could 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 could 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.
- 4.6 If the result of the community governance review following the local advisory poll 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 might be transferred including:

- the parks and playing fields in Kidderminster and all facilities in them (this would not affect existing leases to manage playing fields which have recently commenced)
- 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 at the Town Hall or (potentially) in operating the assets on behalf of a town council.

- 4.7 The Town Hall itself is not mentioned in the list in the previous paragraph because work is being done on a business case to establish a cultural trust that might have the ownership of the Town Hall vested in it. The business case is expected to be completed in the summer of 2015. If the Council decides at that point to proceed with establishing the trust, any reversionary rights could be vested in the Town Council if it is also being established following the consultation (this would mean, for example, that the ownership of the Town Hall would revert to the Town Council if the trust were to cease to operate). Alternatively, if the Council decides not to establish a trust and a Town Council is going to be established following the consultation, then the ownership of the Town Hall could be transferred to the Town Council as part of the reorganisation order.
- 4.8 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 for approval. 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, as well as a map showing the new wards that come into force in May 2015.
- 4.9 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 local advisory poll under section 16 of the Local Government Act 2003. The poll would be held on 7 May 2015 at the same time as, but not formally combined with, the General Election and district council elections which are being held on that day.
- 4.10 Under section 16 of the 2003 Act, it falls to the Council to decide the rules that apply for the poll, including the wording of the question and the franchise for the poll. These are set out in Appendix 2 for approval. The proposed question is:

“Should Kidderminster have a town council?”

Electors will be invited to vote either “Yes” or “No”. Since the poll is about local government issues, the franchise for the poll is those entitled to vote in local government elections.

- 4.11 In order to ensure that electors are equipped with relevant, factual information about what a town council’s powers might be and to deal with other questions that electors might have, it is normal when conducting a poll of this nature to publish an information document. Naturally, this cannot argue for or against the question of creating a town council. This information leaflet will be delivered to all households in Kidderminster by early April. Further work is being done on the wording to make it attractive and simple to understand, together with a lengthier information document that would be available on the Council’s web site. Council will be invited to agree the information material at its meeting in February 2015.

Timetable

- 4.12 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 and rules for local advisory poll	10 December 2014
Commencement of review and formal publication of Terms of Reference	1 February 2015
Report to Council to approve information leaflet	25 February 2015
Undertake formal consultation with other interested bodies in accordance with section 93 of the Local Government and Public Involvement in Health Act 2007	February - June 2015
Undertake formal consultation with local electors by means of local advisory poll	7 May 2015
Full Council considers result of poll and other responses to consultation	29 July 2015
If there is positive support for the creation of a town council	
Recommendation to full Council to consider and approve publication of draft proposals for reorganisation order including electoral arrangements etc.	29 July 2015
Consultation on draft proposals for reorganisation order	August – September 2015

Approval of reorganisation order by full Council	September 2015 or November 2015 (depending on how long is allowed for consultation on the draft reorganisation order)
Effective date of order	1 December 2015
Town council created in temporary form from existing district councillors (this is necessary, among other things, so that a precept can be set for 2016-17)	December 2015
Elections to Kidderminster Town Council	5 May 2016
If there is <u>not</u> positive support for the creation of a town council	
Recommendation to full Council to end the community governance review and take no further action	29 July 2015

5. FINANCIAL IMPLICATIONS

- 5.1 The estimated cost of the consultation process including the local advisory poll and A5 leaflet to be distributed to 43,000 electors, is £40k which can be met from an existing specific reserve for community governance reviews. Otherwise, the costs of staff time in progressing the review 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 had 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 confirm the terms of reference for the community governance review of Kidderminster and the procedural rules for the local advisory poll (including the question to be asked and the franchise).

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 to Council:

Special council meeting on 26 March 2014 and minutes.

http://www.wyreforest.gov.uk/council/docs/doc48939_20140326_special_council_agenda.pdf

http://www.wyreforest.gov.uk/council/docs/doc49084_20140326_special_council_minute.pdf

Earlier reports:

http://www.wyreforest.gov.uk/council/docs/doc48860_20140226_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, 26 November 2014.

**COMMUNITY GOVERNANCE REVIEW
KIDDERMINSTER**

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

DRAFT TERMS OF REFERENCE, February 2015

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 a 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. The wards are being replaced with effect from 7 May 2015 by the new district council wards of Broadwaters, Offmore & Comberton, Aggborough & Spennells, Foley Park & Hoobrook, Blakebrook & Habberley South and Franche & Habberley North. The second map shows these new wards.

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, this would include making of a reorganisation 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. This will be achieved through a local advisory poll under section 16 of the Local Government Act 2003. 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	10 December 2014
Commencement of review and publication of Terms of Reference	1 February 2015
Undertake formal consultation with other interested bodies in accordance with section 93 of the Local Government and Public Involvement in Health Act 2007	February - June 2015
Undertake formal consultation with local electors by means of local advisory poll	7 May 2015
Full Council considers result of poll and other responses to consultation	29 July 2015
If there is positive support for the creation of a town council	

Action	Dates
Recommendation to full Council to consider and approve publication of draft proposals for reorganisation order including electoral arrangements etc.	29 July 2015
Consultation on draft proposals for reorganisation order	August – September 2015
Approval of reorganisation order by full Council	September 2015 or November 2015 (depending on how long is allowed for consultation on the draft reorganisation order)
Effective date of order	1 December 2015
Town council created in temporary form from existing district councillors (this is necessary, among other things, so that a precept can be set for 2016-17)	December 2015
Elections to Kidderminster Town Council	5 May 2016
If there is <u>not</u> positive support for the creation of a town council	
Recommendation to full Council to end the community governance review and take no further action	29 July 2015

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 42,894 electors. The District Council has used the Register of Electors published on 1 December 2014 to provide existing local government electorate figures.

Consultation – How to take part and how to contact us

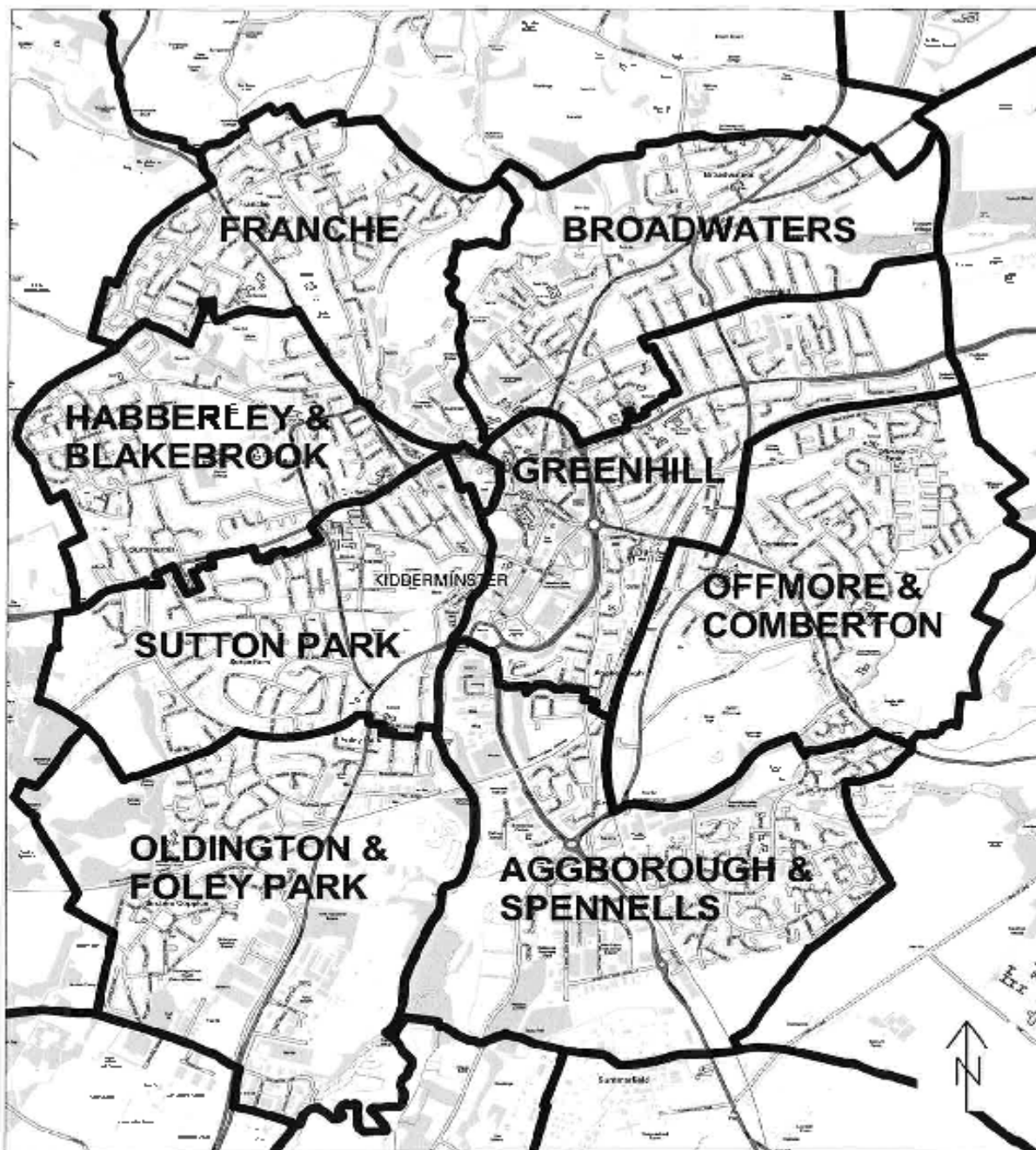
19. Every local government elector in Kidderminster will be able to take part in the local advisory poll which will be held on 7 May 2015. They will be able to vote in the same way as they have registered to do for the local government elections on that day i.e. they will be able to vote in person at a polling station unless they have registered for a postal or proxy vote for the local government elections.
20. 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 2015 by email to:
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

21. These Terms of Reference will be published on the District Council's web site: www.wyreforestdc.gov.uk and will be available for public inspection at The Worcestershire Hub, Vicar Street, Kidderminster DY10 1DB.



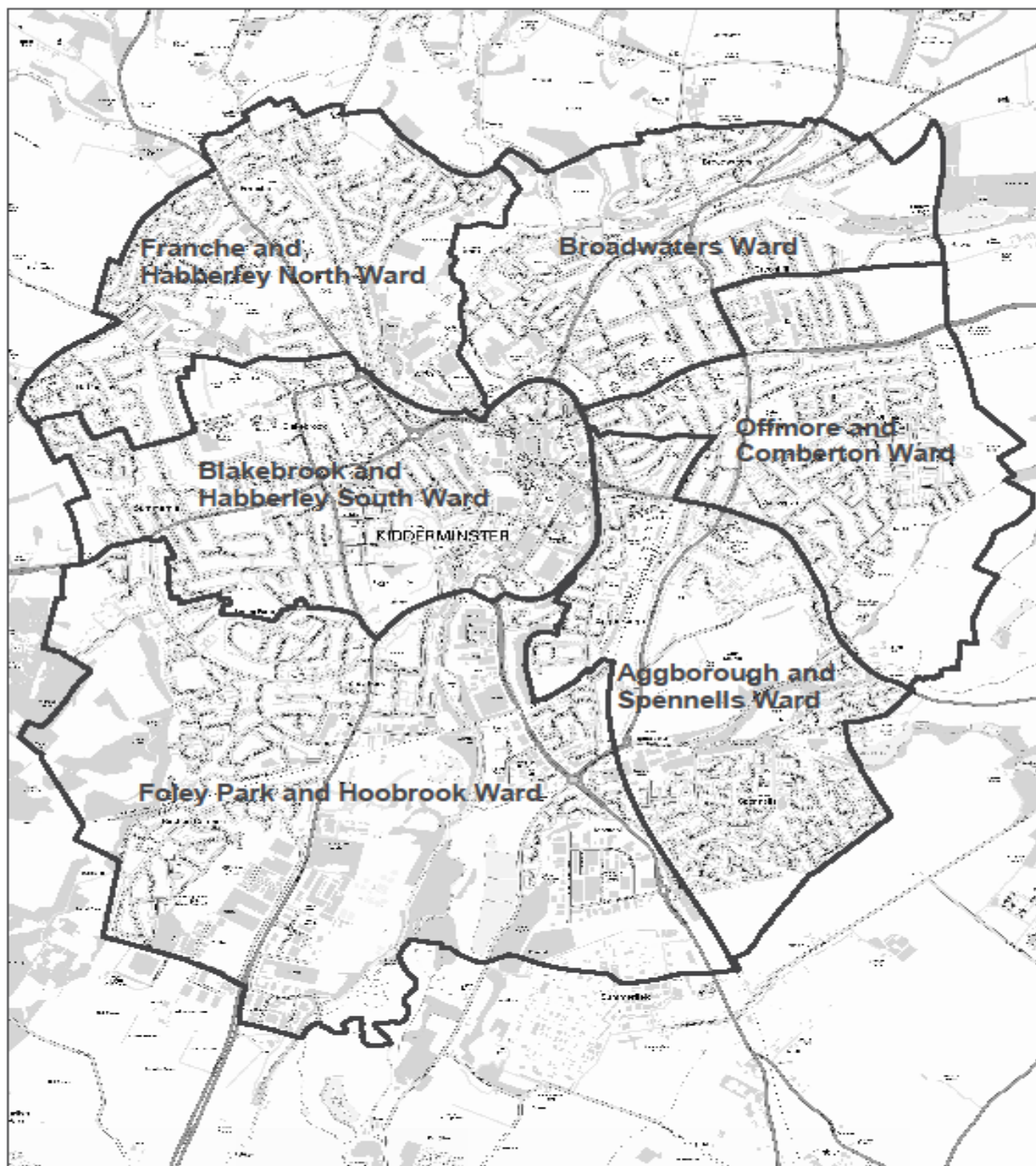
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF



Crown Copyright and Database Rights 2013
Ordnance Survey 100018317

Scale: 1:25500

Map showing present electoral wards, February 2015



1:25500 @ A4
Crown Copyright 100018317 2014
SO8375



Map showing new electoral wards, May 2015

COMMUNITY GOVERNANCE REVIEW OF KIDDERMINSTER

PROCEDURAL RULES FOR LOCAL ADVISORY POLL, 7 MAY 2015

Introduction

Under section 16 of the 2003 Act, the rules to be used for the poll are set by the Council. It is a legal requirement that the poll is not combined with elections, even though they are taking place on the same day.

The proposed rules, including the question to be asked and franchise (“franchise” means who is eligible to vote), are set out below. The key elements of the arrangements are

- The method of voting for any individual will reflect and be the same as the local elections e.g. if someone has a postal vote for the council elections they will have a postal vote for this poll;
- no polling cards will be issued for the poll. Voters will receive one for the elections and the details of polling station etc will be the same. The polling card for the elections and the information leaflet for the local advisory poll will be delivered at the same time, so the need for a separate poll card for the local poll also to be delivered at the same time is lacking;
- in polling stations, there will be a separate electoral register and ballot box for the local poll. These are essential as the poll is not combined with the elections. For the same reason, postal voting packs for the poll will be separate;
- votes to be counted on Monday 11 May 2015 commencing not later than 12 noon. This is to allow set up of the count venue at the Town Hall in the morning. While the ballot boxes will have to be opened on Thursday evening in order to check that there are no ballot papers for the general or district elections in them, the verification and counting of votes in the poll will take place on Monday 11 May. These arrangements minimise the impact of the poll on speed of verification of the elections and the count for the general election on Thursday night/early hours of Friday morning.

Background on the wording of the question

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.

Proposed question

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>Should Kidderminster have a Town Council?</i>	Yes
	No

Proposed franchise (who will be eligible to vote)

It is proposed that electors registered to vote for local government elections will have the franchise in the local advisory poll to be held on 7 May 2015.

Proposed procedural rules for local advisory poll to be held on 7 May 2015

Number of rule	Content of rule
1. Introduction	These are the rules for the local advisory poll to be held by Wyre Forest District Council on Thursday 7 May 2015.
2. Definitions	<p>“The council” means Wyre Forest District Council.</p> <p>“The counting officer” means the person who for the time being is the returning officer at elections of councillors for the district of Wyre Forest under section 35 of the Representation of the People Act 1983.</p> <p>“Electors” means the local government electors who, in accordance with section 2 of the Representation of the People Act 1983, are entitled to vote in ordinary elections of councillors in Kidderminster.</p> <p>“Kidderminster” means the wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche, which are to be replaced by the wards set out in The</p>

	<p>Wyre Forest (Electoral Changes) Order 2015.</p> <p>“The poll” means the local advisory poll to be held on 7 May 2015, under section 16 of the Local Government Act 2003, pursuant to a resolution of Wyre Forest District Council dated 26 March 2014.</p> <p>“The question” means the question specified in rule 3.</p>
3. Question to be asked	<p>The question to be asked in the poll shall be: “Should Kidderminster have a town council?”</p>
4. Publicity	<p>The counting officer shall issue publicity, in a form to be approved by resolution of a meeting of Wyre Forest District Council, giving information to electors about the poll, the question to be asked, how and when electors may cast their ballot in the poll and other information that will assist electors in understanding the issues to which the question relates.</p> <p>The publicity issued under this provision shall be issued to electors in paper format or made available on the council’s website not later than 10 April 2015.</p> <p>The publicity issued in paper format may be a summary of the publicity made available on the council’s website but shall contain information on how the publicity on the website can be viewed.</p>
5. Restriction on publication of promotional material	<p>The council shall not publish material putting arguments for or against a particular answer to the question.</p> <p>This rule shall not prevent the publication of press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the local authority.</p>
6. Duties of the counting officer	<p>It is the general duty of the counting officer to do all such acts and things as may be necessary for effectually conducting the poll in the manner provided by these rules.</p> <p>The counting officer must appoint and pay such persons as may be necessary for conducting the poll, including the counting of votes.</p> <p>The costs incurred by the counting officer in conducting the poll shall be met by the council.</p>

<p>7. Date of the poll and provisions arising from the poll being held on the same day as elections</p>	<p>The poll shall be held on Thursday 7 May 2015 between the hours of 7am and 10pm.</p> <p>The poll shall not be combined with the ordinary elections of councillors or the parliamentary general election.</p> <p>The poll shall be held in the same polling stations as are used for the ordinary election of councillors or the parliamentary general election. However, the poll shall be conducted by:</p> <ul style="list-style-type: none"> - The marking of a separate electoral register at polling stations to record the issue of ballot papers; - Using separate ballot boxes at the polling stations for the votes cast in the poll; - The issuing of separate postal voting packs for electors voting by post; - The issuing of separate notices, letters and other documents to electors or their proxies in respect of the poll (except that no poll card shall be issued in respect of the poll).
<p>8. Postal votes and proxy votes</p>	<p>Where a person applies under Schedule 4 to the Representation of the People Act 2000 to vote by post, or to vote by proxy, in the ordinary elections of councillors on 7 May 2015, that person is to be treated as applying also to vote by post, or to vote by proxy, in the poll.</p>
<p>9. Arrangements for sealing and opening of ballot boxes for the poll (polling stations)</p>	<p>The ballot box for the poll shall be sealed at the start of the poll by the presiding officer at a polling station.</p> <p>The ballot box for the poll shall be opened at the count for the ordinary elections of councillors or the parliamentary general election held on 7 May 2015 solely for the purpose of establishing whether any ballot papers for those elections have inadvertently been placed in the ballot box for the poll.</p> <p>If any such ballot papers for the elections are found, they shall be removed and transferred to the count for those elections whereupon the ballot box for the poll shall be resealed and kept under safe custody by the counting officer until the verification and count for the poll.</p>
<p>10. Verification and count</p>	<p>The counting officer shall verify and count the votes cast in the poll at a location in Kidderminster, starting not later than 12 noon on Monday 11 May 2015.</p> <p>At the end of the count, the counting officer shall declare the results of the poll, giving:</p> <ul style="list-style-type: none"> (a) The number of ballot papers counted; (b) The total number of votes cast in favour of the question

	<p>“yes”); (c) the total number of votes cast against the question (“no”); (d) the number of rejected ballot papers under each heading shown in a statement of rejected ballot papers.</p>
11. Advertisements	<p>The Town and Country Planning (Control of Advertisements) Regulations 1992 have effect in relation to the display on any site in a voting area of an advertisement relating specifically to the poll as they have effect in relation to the display of an advertisement relating specifically to a local government election.</p>
12. Other rules governing the poll	<p>The counting officer shall draw up and publish not later than 31 January 2015 other rules for the poll, and the Council hereby delegates to the counting officer its powers under section 16 of the Local Government Act 2003 to set those other rules.</p> <p>The other rules shall be based on the rules set out in Schedule 3 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012 No. 323, with such amendments, omissions and modifications for the poll that are consistent with the foregoing provisions of these rules and are considered by the counting officer to be appropriate for the poll.</p>

WYRE FOREST DISTRICT COUNCIL

COUNCIL
10TH DECEMBER 2014

Corporate Governance

OPEN	
CABINET MEMBER:	The Leader of the Council
RESPONSIBLE OFFICER:	Solicitor to the Council
CONTACT OFFICER:	Caroline Newlands, Ext. 2715 caroline.newlands@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Revised Political Balance

1. PURPOSE OF REPORT

- 1.1 To agree the revised political balance of the Council as set out in Appendix 1 of this report.

2. RECOMMENDATION

The Council is asked to DECIDE that:

- 2.1 **The revised political balance of the Council as set out in Appendix 1 of this report be agreed.**

3. BACKGROUND

- 3.1 The Council is required under the Local Government and Housing Act 1989 to agree the political balance of its committees.

4. KEY ISSUES

- 4.1 The balance of the Council has changed since the last meeting in September 2014 following the resignation of Councillor J Phillips from the Liberal and Independent Group and becoming a Member of the Conservative Group.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The changes to the political balance of the Council accord with the provision of the Local Government and Housing Act 1989.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An equality impact assessment has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

8. RISK MANAGEMENT

8.1 There are no significant risk management issues associated with the proposed changes to the political balance of the Council's committees.

9. CONCLUSION

9.1 The change in political balance is minor and the proposed allocation of seats is in line with legislative requirements. The change will take effect following approval by the Council.

10. CONSULTEES

10.1 Corporate Management Team.

11. BACKGROUND PAPERS

11.1 Local Government and Housing Act 1989.

		Conservative		Labour		Independent Community and Health Concern		Liberal & Independent Group		UKIP	Total	
No. of Cllrs.			17		9		7		4		5	42
Percentage			40.48%		21.43%		16.67%		9.52%		11.90%	100.00%
Executive Cttees		Membership										
Appts & Appeals	8	3	3.24	2	1.71	1	1.33	1	0.76	1	0.95	8
Audit cttee	8	3	3.24	2	1.71	1	1.33	1	0.76	1	0.95	8
Ethics & standards *	6	2	2.43	1	1.29	1	1.00	1	0.57	1	0.71	6
Scrutiny												
Scrutiny Committee	12	5	4.86	3	2.57	2	2.00	1	1.14	1	1.43	12
Regulatory												
Planning	16	6	6.48	3	3.43	3	2.67	2	1.52	2	1.90	16
Lic & Env	15	6	6.07	3	3.21	3	2.50	1	1.43	2	1.79	15
Total	65	25	26.31	14	13.93	11	10.83	7	6.19	8	7.74	65
Percentage		38.46%		21.54%		16.92%		10.77%		12.31%		100.00%
Difference between % No. of Cllrs. And % Number of Seats		-2.01%		0.11%		0.26%		1.25%		0.40%		

* the table shows only district councillor members

1. Each member is required to notify the Proper Officer which political group, if any, he or she wishes to be identified with. A group comprises of two or more members.
2. Each Group Secretary is required to notify the Proper Officer which members of his or her groups he/she wishes to sit on each relevant committee or sub-committee.
3. The allocation of seats required the rounding up or down of calculated figures to give whole numbers.
4. Single party representatives and independent members (who do not form part of a political group) are not legally entitled to seats on committees to which the rules of proportionality apply.

WYRE FOREST DISTRICT COUNCIL**COUNCIL**
10TH DECEMBER 2014**Independent Remuneration Panel Report for 2015/16 Onwards**

OPEN	
CABINET MEMBER:	The Leader of the Council
RESPONSIBLE OFFICER:	Ian Miller Ext 2700 Chief Executive
CONTACT OFFICER:	Alison Braithwaite Ext 2781 Head of Transformation and Communications
APPENDICES:	Appendix A – Independent Remuneration Panel Report and Recommendations Appendix B – summary comparison between current scheme and IRP's proposals

1. PURPOSE OF REPORT

- 1.1 To receive the report of the Independent Remuneration Panel (IRP) and to decide the scheme of allowances to be paid to Members for the municipal year 2015/16 and for subsequent years.

2. RECOMMENDATION

The Council is asked to:

- 2.1 **HAVE REGARD** to the conclusions and recommendations of the IRP in making any amendments to the Members' Allowances Scheme for 2015/16;
- 2.2 **DECIDE** to adopt the Panel's recommendations for basic allowances and special responsibility allowances for the municipal year 2015/16, coming into effect on 11 May 2015;
- 2.3 **DECIDE** to increase basic and special responsibility allowances by an index for the years commencing 1 April 2016, 1 April 2017 and 1 April 2018. The index to be used shall be the Consumer Prices Index as published by the Office for National Statistics for the month of January immediately prior to the financial year in question;
- 2.4 **DECIDE** to extend the Dependent Carer's Allowance to include an elderly relative or disabled person who resides with a councillor and cannot be left alone;
- 2.5 **DECIDE** to maintain the mileage allowance at 40p per mile;

2.6 AUTHORISE the Council's Solicitor to amend the Constitution as appropriate to give effect to the Council's decisions.

3. BACKGROUND

- 3.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 No 1021 require local authorities to establish an Independent Remuneration Panel to review and provide advice on Members' allowances.
- 3.2 On 26 February 2014 Council decided it would establish its own Independent Remuneration Panel for 2015/16.
- 3.3 A Panel was appointed in September 2014 and undertook its work during October and November 2014. This included a series of one hour meetings with a number of Members who hold different responsibilities: Leader of the Council, Group Leaders, Chairmen of Committees, a Vice Chairman, a Cabinet Member and a Backbencher. The Panel has also reviewed and given consideration to a range of indicators and research on Member allowances as detailed in their report before making its decision.
- 3.4 A copy of the IRP Report is attached in **Appendix A** and a summary comparison of the current scheme of allowances and the IRP's proposals is in **Appendix B**.
- 3.5 Regulations 10(1) of the 2003 Regulations require that, before the beginning of each financial year, an authority shall determine the scheme for the payment of allowances for that year.
- 3.6 Regulations 10(3) and (6) allow a council to amend its scheme at any time during a year and a council may backdate any changes to the start of the financial year concerned.

4. KEY ISSUES

- 4.1 Regulation 19 of the 2003 Regulations provides that, in making or amending the scheme of allowances, the authority is required to 'have regard to the recommendations made in relation to it by an Independent Remuneration Panel'.
- 4.2 A summary of the Panel's recommendations to Wyre Forest District Council for Members' Allowances (2015/16) are as follows:
- (i) The Basic Allowance for 2015-16 is £4,400.**
 - (ii) That the Special Responsibility Allowances are as set out in appendix 1 of the Panel's report;**
 - (iii) That the Dependent Carer's Allowance should, where appropriate, be available for the care of children, the disabled and the elderly. Consideration should also be given to allowing payments to be made to family members in line with the practice followed in awarding Personal Care Budgets under Social Services legislation.**

- (iv) That travel allowances for 2015/16 remain unchanged at 40 pence a mile. However, consideration should be given to awarding each Councillor a suitable sum at the beginning of each year to cover the cost of travel and other expenses within the Wyre Forest area rather than having to make specific claims each time.
- (v) That the subsistence allowances for 2015/16 remain unchanged.
- (vi) Any changes to remuneration should be implemented in one go with the advent of the new council in May 2015.
- (vii) Assuming the Basic Allowance decided upon is at or around that recommended, consideration should be given to index linking for future years.

4.3 The options facing the council are broadly:

- To accept the Panel's recommendations (i to vii) as set out above. This would deliver an overall saving of about £37k a year in basic and special responsibility allowances against the council's current scheme of allowances.
- To accept the Panel's recommendations in part. The level of saving or cost would depend on which recommendations were accepted.
- Not to accept the Panel's recommendations. This would not produce any savings.

4.4 Key points to note include:

- a) The Panel's recommendations for basic and special responsibility allowance for 2015/16 are all higher than last year's IRP recommendations except for the allowance to Leaders of the Opposition Groups and for those roles where no allowance has been recommended.
- b) The Panel are recommending an increase in allowance to be paid to the Leader of the Council and Chairman of the Overview and Scrutiny Committee. All other allowances, where proposed, are recommended at a lower level than the council's current scheme.
- c) The Panel has recommended that the allowance for all Group Leaders of the Opposition Groups is the same amount, whereas currently the Leader of the main Opposition Group receives a higher allowance than the other Group Leaders. The Panel has recommended that to qualify for the allowance the Group must have a minimum of 4 members compared to the current minimum of 5 members.
- d) The Panel recommends deleting the allowances for the Vice Chairman of Licensing and Environmental Committee and Vice Chairman of Audit Committee. The Panel believes there is no evidence to have the post of Chairman of Standards Committee as the last meeting of the Ethics and Standards Committee was in March 2013 but, if there is such a post, the allowance should be set at a multiplier of 0.25.

- e) The Panel's recommendations for both the mileage and subsistence rates remain unchanged from the council's current scheme. However, the Panel recommends the Council may wish to adopt a different approach to the mileage allowance whereby a lump sum would be given to all councillors at the beginning of the year rather than specific claims being made throughout the financial year.
 - f) The Panel's recommendation for the Dependent Carer's allowance extends to also cover care for the disabled and elderly and not just for children as per the current scheme. The Panel also asks Council to consider allowing payments to be made to family members in line with the practice followed in awarding Personal Care Budgets under Social Services legislation.
 - g) Unlike last year's IRP recommendations where Council was provided with the option of phasing in any changes in remuneration, this year's Panel is clear that changes should be implemented in one go at the advent of the new council in May 2015.
 - h) The Panel also recognises that, in the interest of forward planning, it would be advantageous for Council to consider index linking for future years if the Basic Allowance is agreed at or around that recommended by the Panel.
- 4.5 Members are not obliged to draw in full (or at all) the allowances to which they are entitled under the scheme of allowances. There are already examples of councillors who choose not to draw their basic allowances in full and of councillors who do not submit claims for mileage allowance. This will continue to be possible, whatever scheme the Council adopts for May 2015 onwards.
- 4.6 The reduction from 42 to 33 councillors (-21%) from May 2015 will result in an increased constituency workload for each councillor compared to the current position. While the Panel has taken account of this, its recommendation envisages a basic allowance less than 5% higher than the Worcestershire IRP recommended last year for all district councils (the Panel's recommendation of £4400 is £200, or 4.8%, higher than the Worcestershire Panel's recommendation of £4200 for 2014/15). While there may be questions about whether this sufficiently reflects the additional constituency work that councillors will face from May 2015, the narrow differential is driven mainly by the Panel's calculation which bases the allowance on an assumption that councillors "work" for only 47 weeks of the year. Despite these points, it is proposed to follow the recommendation and set the basic allowance at £4,400 with effect from 11 May 2015, when the new councillors will take office following the elections. The impact of setting the basic allowance at £4,400 means that the allowance will have fallen by almost 12% in absolute terms and by almost 30% in real terms since April 2008. The allowance was set at £4,992 in April 2008, was reduced to £4,900 in 2011 and otherwise has been frozen for 6 years.
- 4.7 The Panel's recommendations link special responsibility allowances to the basic allowance. In many cases, the Panel's recommendations result in reductions in allowances compared to the current scheme. In two cases, the Panel's recommendations would result in increased allowances, namely the

Leader of the Council and the Chairman of the Overview and Scrutiny Committee. In some cases, such as the Vice Chairmen of the Licensing and Environmental Committee and Audit Committee, the Panel recommends that no allowance should be paid as it believes there is insufficient justification. The Panel's recommendation not to pay any special allowance for councillors who chair scrutiny review panels is welcomed and supported, as it would be difficult to devise sensible criteria for when such as an allowance would be payable. Moreover, some of the review panels are chaired by councillors who receive the SRA and therefore an allowance. While there may be scope for questioning the basis on which some of the multipliers have been identified, consistent with the approach on basic allowances, the proposal in this report is to accept in full the Panel's recommendations on special responsibility allowances. For clarity, this means that if the Council's AGM in 2015 decides to continue with the post of Chairman of the Ethics and Standards Committee, the special responsibility allowance for the post would be a multiplier of 0.25 of the basic allowance.

- 4.8 The recommendation to retain the mileage allowance at 40 pence per mile is supported and is consistent with the mileage allowance that employees receive. The Panel's recommendation to consider providing members with a lump sum at the beginning of the year for travel expenses is not supported as not all members claim mileage expenses despite being entitled to do so. Different members may attend far more meetings than others, and the Panel has not provided any assistance on what the lump sum should be. There is a risk that some members may receive a lump sum greater than (or lower than) the mileage they cover over a 12 month period, and this would create perceptions of being over generous or of unfairness. The recommendation of this report is to continue with the current mileage allowance scheme whereby Members can submit claims for the mileage incurred, which will be paid at the current scheme rate of 40 pence per mile.
- 4.9 Whilst the current Dependent Carer's Allowance scheme for children has not been greatly used since its introduction, the Council supports the Panel's recommendation to extend it to an elderly relative or disabled person who resides with a councillor and cannot be left alone.
- 4.10 The Panel acknowledges that it would be advantageous if the Basic and Special Allowances were to be index linked to support the council in its financial planning. The Panel's report mentions the retail prices index and consumer prices index but does not make a definite recommendation. The proposal in this report is to apply indexing. The legislation allows indexing to be applied over a maximum of 3 years – in other words, the Council can take a decision now about the allowances for 2015-16 and the index to be applied for the following three years. The proposal is to increase only basic and special responsibility allowances by an index for the years commencing 1 April 2016, 1 April 2017 and 1 April 2018. The index that would be used would be the Consumer Prices Index as published by the Office for National Statistics for the month of January immediately prior to the financial year in question e.g. CPI for January 2016 would be applied as the increase that takes effect on 1 April 2016. It is not proposed that mileage or allowances other than the basic and special responsibility allowances should be subject to indexing.

5. FINANCIAL IMPLICATIONS

- 5.1 The council's budget contains funding for the present scheme of allowances based on the reduction to 33 councillors. The Panel's recommendations would result in further savings of £37k a year as a result of the changes to basic and special responsibility allowances, assuming that all members elected in May 2015 choose to claim in full the allowances to which they would be entitled.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The relevant provisions for the 2003 Regulations have been mentioned above.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This report has been screened for its equality impact on the areas of race, disability, gender, gender identity, religion and belief, sexual orientation and age. It was not considered to have a disproportionate impact on any target area and therefore no full equality impact assessment is required.

8. RISK MANAGEMENT

- 8.1 Regulation 19 requires the council to have regard to the recommendations of the Independent Review Panel. Whilst the council does not have to follow the recommendations, as with any decision of council, it is subject to the risk of challenge by the way of judicial review and therefore reasons for decisions must be made clear.

9. CONCLUSION

- 9.1 The Council is invited to accept the proposals set out in this report. The Wyre Forest District Council Scheme of Members Allowances will be updated in accordance with the Council's decisions. The new scheme will be implemented following the District Council Elections in May 2015.

10. CONSULTEES

- 10.1 The Leader of the Council.

11. BACKGROUND PAPERS

- 11.1 The Local Authorities (Members' Allowances) (England) Regulations 2003.

Independent Remuneration Panel for Wyre Forest District Council

Annual Report and Recommendations for 2015-16

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Recommendations

The Independent Remuneration Panel recommends to Wyre Forest District Council the following:

- (i) The Basic Allowance for 2015-16 is £4,400.
- (ii) That the Special Responsibility Allowances are as set out in Appendix 1.
- (iii) That the Dependent Carer's Allowance should, where appropriate, be available for care of children, and for the disabled and elderly. Consideration should also be given to allowing payments to be made to family members in line with the practice followed in awarding Personal Care Budgets under Social Services legislation.
- (iv) That travel allowances for 2015/16 remain unchanged at 40 pence a mile. However consideration should be given to awarding each Councillor a suitable sum at the beginning of each year to cover the cost of travel and other expenses within the Wyre Forest area rather than having to make specific claims each time.
- (v) That the subsistence allowances for 2015/16 remain unchanged.
- (vi) Any changes to remuneration should be implemented in one go with the advent of the new council in May 2015.
- (vii) Assuming the Basic Allowance decided upon is at or around that recommended, consideration should be given to index linking for future years.

Introduction

The panel has considered all the information before them, the views of Councillors and the Chief Executive, the latest information on average public sector pay, the changes in the cost of living over the last few years. The complexities of this background, including the fact that the recommendations of previous panels have been rejected by the Council, does not allow for simple resolution. We are mindful that within the time available it has not been possible to undertake an in-depth analysis of all the statistical information, which is open to differences of interpretation and judgements have had to be made as to the weight placed on various factors. We are satisfied that our recommendations are logical, justified and transparent.

Our view is that:

- the current level of Basic Allowance is too high
- any changes to allowances should be implemented in one go with the advent of the new Council in May 2015 and not phased
- assuming that the Basic Allowance is at or around that recommended, for future years this could be index linked
- the carers' allowance be extended to the carers of elderly/disabled
- the carers' allowance be paid to family members
- the level of expenses remain at 40p per mile
- there is broad agreement as to the relative weightings of Council posts

Background Evidence and Research Undertaken

The Panel has conducted its work in accordance with the legislation governing the role of the Panel and statutory guidance produced in 2003. There is a rich and varied choice of market indicators on pay that can be used for comparison purposes. These include:

- National survey data on a national, regional or local level
- Focused surveys on a particular public sector
- Regular or specific surveys
- Use of specific indices to indicate movement in rewards or cost of living

As background for the decisions taken by the Panel this year the panel have received an Information Pack including:

- Terms of Reference
- Existing Members' Allowances Scheme
- Reports from IRP for Worcestershire District Councils 2011-12, 2012-13, 2013-14 and 2014-15
- Financial Strategy Report to Council – February 2014
- The Local Authorities (Members' Allowances) (England) Regulations 2003.
- Political Structure of Wyre Forest District Council
- Calendar of Meetings
- Local and Regional Rates of Pay
- General Information including press cuttings

The Panel also interviewed the Leader of the Council, Group Leaders, Chairmen of Committees, a Vice Chairman and Cabinet Member and a Backbencher. The Chief Executive gave an opening presentation followed up with a letter. We have presented the Council with what we consider to be an appropriate set of allowances to reflect the roles carried out by the Councillors. Ultimately it is for the Council to decide how or whether to adopt them.

Basic Allowance 2015/16

The calculation of the Basic Allowance is based on:

- The roles and responsibilities of Members; and
- Their time commitments – including the total average number of hours worked per week on Council business.

In reviewing the Basic Allowance the Panel has noted that participation in Overview and Scrutiny activities is generally regarded as part of the role for all non-Executive Councillors. The Panel looked at evidence presented in previous reports and has also looked at neighbouring councils with a similar profile, in particular Newcastle Under Lyme, Stafford and Kettering as well as the other Worcestershire District Councils. The average Basic Allowance for all Councils looked at is £4,143 as set out in Appendix 2 and the average for Councils in Worcestershire is £4,140 as set out in Appendix 3. It is noted that all other Worcestershire Councils included in the considerations of the previous IRPs have either accepted the recommendations in respect of the basic allowance at £4,200 or settled on a lower figure.

Previous panels used the following formula to calculate the Basic Allowance: hours per week x 52 weeks a year x average public sector pay for full time staff in Worcestershire – 40% public service. In our view this approach leads to an over reliance on mechanical formula, which can be too rigid when looked at in the wider context. Furthermore the choice of data is open to question. We do not feel confident that the figure of 11 hours a week is correct. However in the time available to us we accept it in the absence of any more detailed analysis. It is arguable that the multiplier should not be 52 weeks of the year as, whilst there may be a certain amount of constituency work during August and Bank Holidays (8 days in total), there are few committee meetings or representational activities. The multiplier could therefore be 47 (4 weeks August and 1 week statutory holidays deducted). The figure of £14.07 is accepted, although it could be argued that a figure for part time (less than 30 hours a week) average earnings should be used but this might result in a “double” reduction given the public service discount of 40%, which is accepted.

Therefore 11 hours per week x 47 weeks of the year = 517 hours x £14.07 = £7274.19 - 40% public service = £4,364.57.

In our view, the above calculation is only one of the factors to be taken into account when arriving at the Basic Allowance and we have given significant weight to the average allowances paid in comparator authorities, which would lead to a lower figure being recommended.

It is noted however that, in line with other authorities, the Basic Allowance for Wyre Forest has not increased since 2008. We have taken this into account together, with the likely effect of the changes to the Council Wards in 2015. The consequent reduction in the number of Councillors from 42 to 33 will have an impact on workload and, in many cases, will also result in increased time spent travelling across larger wards. We have considered also, arguments supporting a level of Basic Allowance sufficient to attract a more diverse range of candidates but conclude that whilst this is a factor, there are many other factors which are equally, if not more important, than the level of remuneration. For these reasons the panel consider the Basic Allowance should be £4,400.

Special Responsibility Allowances (SRA) 2015/16

General Calculation of SRAs

The basis for the calculation of SRAs is a multiplier of the Basic Allowance as advocated in the published Guidance.

The Panel has reviewed the responsibilities of each post, the multipliers and allowances paid by similar authorities. The Panel has benchmarked allowances and by other District and Borough Councils across the West Midlands.

Leader of the Council

Resulting from our research we recommend that the Special Responsibility Allowance for the Leader of the Council is set at 3 times the Basic Allowance of £4,400.

Deputy Leader of the Council

Having considered the Special Responsibility Allowances for the role of the Leader of the Council, we also reviewed the level of Special Responsibility for the Deputy Leader of the Council. We recommend that the multiplier for the Deputy Leader role is set at 1.75.

Cabinet Members

In reviewing the Special Responsibility Allowance for the Leader and Deputy Leader roles, we also reviewed those for the Cabinet Members. We recommend that the multiplier for the Cabinet Members is set at 1.5 times the Basic Allowance.

Overview and Scrutiny Committee

The Guidance on Members Allowances for Local Authorities in England states that Special Responsibility Allowances may be paid to those members of the Council who have “significant additional responsibilities”, over and above the generally accepted duties of a Councillor. It also suggests that if the majority of members of a Council receive a Special Responsibility Allowance, the justification for this may be questioned.

We have stated elsewhere in our report that we consider the Basic Allowance to include Councillors’ roles in Overview and Scrutiny, as a non-Executive member of the Council is able to contribute to this aspect of the Council’s work.

It is recommended that a Councillor who leads the Overview and Scrutiny Committee is paid an allowance of 1.5 of the Basic Allowance to reflect their responsibilities in ensuring investigations and reports are completed and presented as required.

Chairman of Scrutiny Task Groups / Panels

We understand that such Task Groups / Panels may only meet once or twice whilst on other occasions there may be a series of meetings to deliver the required work. We also understand that the Panels are often chaired by a Councillor who is already in receipt of the Special Responsibility Allowance. It is therefore recommended that no allowance be made for this post.

Chairman of Planning Committee

We reviewed the current level of workload for the Planning Committee and consider that the multiplier of 1 for this role is appropriate.

Chairman of Licensing Committee

We reviewed the current level of workload for the Licensing Committee Chairman in terms of both the full Committee and Licensing Sub-Committees. In general terms we consider that the current multiplier of 0.75 for this role is appropriate.

Chairman of Audit Committee

We reviewed the current level of workload for the Chairman of the Audit Committee and consider that a multiplier of 0.25 for this role is appropriate

Leaders of Political Groups

The panel recognises that in the interest of ensuring consensus and as a contribution to the democratic process, additional responsibilities may fall to political group leaders. However no distinction between parties or size of parties should be made. We recommend that leaders of political groups with at least 4 members receive an allowance multiplier of 0.25 of the Basic Allowance. There should be no distinction in allowance for those Groups that have more than 4 members.

Ethics and Standards Committee

There is currently no evidence for such a post as the last meeting was held in March 2013, but should one be needed a multiplier of 0.25 is recommended.

Vice Chairmen

The majority of the panel could find no evidence that being Vice Chairman of the Licensing and Environmental Committee or Vice Chairman of the Audit Committee resulted in any significant increase in workload, the main role being to chair the committee on any occasion when the Chairman was absent. Therefore no Special Responsibility Allowance is recommended for these posts. The Vice Chairman of the Overview and Scrutiny Committee and the Vice Chairman of the Planning Committee do have additional duties, in particular because of the quasi judicial role of the Chairman of the Planning Committee, the Vice Chairman leads for the authority in public debate. That being the case, it is recommended that a multiplier of 0.25 for both is appropriate.

Mileage and Expenses 2015/16

Although the current rate set by HMRC for travel is 45p per mile, the panel has taken into account the views expressed by the Councillors interviewed. The panel recommend that the travel allowance therefore should remain at 40p but consideration should be given to awarding each Councillor a suitable sum at the beginning of each year to cover the cost of travel and other expenses within the Wyre Forest area. This would be a more efficient method of payment than having to make specific claims each time.

The Panel is satisfied that the current levels of subsistence allowances are set at an appropriate level and recommends that these continue.

Carers' Allowance

The Panel notes that the Council's Scheme of Members' Allowances provides that Dependant Carer Allowances are payable to cover reasonable and legitimate costs incurred in attending approved duties and recommends that this provision continues. The Panel recommends that the Carers' allowance should be available for claimants who care not just for children but also for the disabled and elderly. Consideration should be given to allowing payment to relatives where they undertake care duties. This is in line with the new arrangements for Personal Care Budgets under Social Services legislation.

Implementation

The panel hope that, with the creation of a new Council next May, based on new ward boundaries, the opportunity will be taken to implement any changes to remuneration at one go. In view of the uncertain economic situation both at local and national level, the panel feels unable to make a definite recommendation at this time to index link the Basic Allowance to Consumers Prices Index or Retail Prices Index for future years. However, assuming that the level of Basic Allowance for 2015 is at or around that recommended by the panel, it would be advantageous in the interest of forward planning for such a mechanism to be in place.

The Independent Remuneration Panel Members

The Members' Allowances Regulations require Local Authorities to establish and maintain an Independent Remuneration Panel (IRP). The purpose of the Panel is to make recommendations to the authority about allowances to be paid to Elected Members and Local Authorities must have regard to this advice.

The members of the Panel have been:

Mrs Christine Noons

Lived in Kidderminster for over 20 years and latterly in Bewdley. Married. Educated to degree level (BA Sociology 2:2 Leicester).

Retired civil servant, working with local authorities in the West Midlands region for around 20 years by supporting local government in housing, planning, transport and governance. Member of Wyre Forest District Council Ethics and Standards Committee since 2005; Chair of Headway North Worcestershire 2004 – 2009; currently Company Secretary of Hartlebury Castle Preservation Trust.

Committed to good governance, open and transparent procedures in both public and charitable sector. Having served Governments of all political persuasions she understands and is comfortable with the requirement to give impartial advice and to treat all parties equitably.

Mr Tim Hipkiss

Tim retired as Deputy Head of a comprehensive school in the West Midlands in 2003, after 22 years in post. He was then involved in the assessment of trainee teachers and was Quality Assurance Manager for the West Midlands Consortium until 2011.

He was an Independent member of the Wyre Forest District Council Standards and Ethics Committee until 2012. In September 2012 Tim became an Independent Person for Worcestershire County Council, and Hereford and Worcester Fire and Rescue Service. He has been asked to consider several cases for these bodies as well as those from Wyre Forest D.C.

He is involved, in a voluntary capacity, with several organisations in the Wyre Forest.

Christine Noons and Tim Hipkiss

November 2014

**Independent Remuneration Panel for Wyre Forest District Council
Recommendations for 2015-16**

Role	Current Multiplier	Recommended Multiplier	Current Allowance (paid) £	Recommended Allowance
Basic Allowance – all Councillors	1	1	4,900	4,400
Special Responsibility Allowances				
Leader of the Council	2.5	3	12,250	13,200
Deputy Leader of the Council	1.875	1.75	9,188	7,700
Cabinet Members	1.625	1.5	7,963	6,600
Chairman of Overview and Scrutiny Committee	1.25	1.5	6,125	6,600
Chairman of Overview and Scrutiny Task Groups / Panels	-	0	-	0
Chairman of Audit Committee	0.5	0.25	2,450	1,100
Chairman of Planning Committee	1.125	1	5,513	4,400
Chairman of Licensing Committee	1.125	0.75	5,513	3,300
Chairman of Standards Committee	0.375	0 *	1,838	0 *
Political Group Leaders	1.25 0.5	0.25 (subject to a minimum of 4 members)	6,125 (Leader of main opposition group) 2,450 (Leaders of other opposition groups subject to a minimum 5 members)	1,100
Vice Chairman of Overview and Scrutiny Committee	0.25	0.25	1,225	1,100
Vice Chairman of Planning Committee	0.25	0.25	1,225	1,100
Vice Chairman of Licensing and Environmental Committee	0.25	0	1,225	0
Vice Chairman of Audit Committee	0.125	0	613	0

*There is no evidence that such a post is needed as the last Ethics and Standards Committee meeting was held in March 2013. If a post should be needed, a multiplier of 0.25 is recommended.

**Average Basic Allowances for Neighbouring Councils
with a similar profile 2014/15**

Council	Basic Allowance
Kettering Borough Council	£5,309
Newcastle-Under-Lyme Borough Council	£3,285
Stafford Borough Council	£3,836
Average Allowance	£4,143

Average Basic Allowances for Worcestershire Councils 2014/15

Authority	Basic Allowance	Leader of the Council	Deputy Leader	Cabinet Members	Chairman of Overview & Scrutiny	Chairman of Planning	Chairman of Licensing	Chairman of Standards	Chairman of Audit
Bromsgrove District Council	4200	12600	8400	5460	5460	5460	5460	1218	1218
Malvern Hills District Council	4200	12600	7350	6300	6300	2 x £3,150	1260	1050	1050
Redditch Borough Council	3350	8257	6247	1560	2009	1560	1340		
Worcester City Council	3990	9975	5985	5985	3990	3990	2992	997	2394
Wychavon District Council	4200	12600	7350	6300	6300	6300	1260		1050
Wyre Forest District Council	4900	12250	9188	7963	6125	5513	5513	0	2450
IRP Recommendations	4200	12600	7350	6300	6300	4200	3150	0	1050
Average Allowance	4140	11380	7420	5595	5031	3804	2971	544	1360

Appendix B

Independent Remuneration Panel's Recommendations for 2015-16 compared to current scheme of allowances for 2014-15

Role	Current Allowance (paid) for 2014/15	IRP's Recommended Allowance for 2015/15	Difference between IRP recommendation and current scheme of allowances	Overall impact of IRP recommendations (33 Councillors)
Basic Allowance – all Councillors	4,900	4,400	(500)	£16,500 ↓
Special Responsibility Allowances				
Leader of the Council	12,250	13,200	950	£950 ↑
Deputy Leader of the Council	9,188	7,700	(1,488)	£1,488 ↓
Cabinet Members	7,963	6,600	(1,363)	£4,089 ↓
Chairman of Overview and Scrutiny Committee	6,125	6,600	475	£475 ↑
Chairman of Overview and Scrutiny Task Groups / Panels	-	0	0	0
Chairman of Audit Committee	2,450	1,100	(1,350)	£1,350 ↓
Chairman of Planning Committee	5,513	4,400	(1,113)	£1,113 ↓
Chairman of Licensing Committee	5,513	3,300	(2,213)	£2,213 ↓
Chairman of Standards Committee	1,838	0 or 1,100 *	(1,838) or (738) *	£1,838 or £738 * ↓
Political Group Leaders	6,125 (Leader of main opposition group) 2,450 (Leaders of other opposition groups subject to a minimum 5 members)	1,100 (subject to a minimum of 4 members)	(5,025) (1,350)	Dependent on number of Opposition Group Leaders ↓
Vice Chairman of Overview and Scrutiny Committee	1,225	1,100	(125)	£125 ↓
Vice Chairman of Planning Committee	1,225	1,100	(125)	£125 ↓
Vice Chairman of Licensing and Environmental Committee	1,225	0	(1,225)	£1,225 ↓
Vice Chairman of Audit Committee	613	0	(613)	£613 ↓

*There is no evidence that such a post is needed as the last Ethics and Standards Committee meeting was held in March 2013. If a post should be needed, a multiplier of 0.25 is recommended by the Panel.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
10TH DECEMBER 2014

POLICY AND BUDGET FRAMEWORK
MATTERS WHICH REQUIRE A DECISION BY COUNCIL

RECOMMENDATIONS FROM THE OVERVIEW & SCRUTINY COMMITTEE –
6TH NOVEMBER 2014

Purpose of Report

To consider recommendations from the Overview & Scrutiny Committee on matters outside the policy framework or approved budget of the Council.

SUPPORTING INFORMATION

Would Councillors please note that the related reports and documents have not been included in the Council book, as they have already been sent to Members via the Overview & Scrutiny agenda. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website.

RECOMMENDATION TO COUNCIL	CABINET MEMBER
<p>Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2014/15</p> <ul style="list-style-type: none"> Recommend to Council the mid-year review and updated Prudential Indicators be approved. 	<p>Councillor Nathan Desmond</p>