

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

29TH JULY 2015 (6PM)

Present:

Councillors: C Rogers (Chairman), A T Hingley (Vice-Chairman), S Arnold, J Aston, J Baker, G W Ballinger, R Bishop, J-P Campion, S J Chambers, S J M Clee, J R Desmond, N J Desmond, H E Dyke, P Dyke, S E Fearn, J Greener, I Hardiman, S Harrington, J A Hart, M J Hart, K Henderson, L Henderson, N Knowles, D Little, T A Muir, F M Oborski MBE, J Phillips, M Rayner, J A Shaw, J D Smith, S J Williams and G C Yarranton,

C.21 Prayers

Prayers were said by Rev. Father Christopher Greaney from the Roman Catholic Parish of St. Wulstan and St. Thomas of Canterbury, Stourport and Holy Family, Bewdley.

C.22 Apologies for Absence

Apologies for absence were received from Councillor R E Gregory.

C.23 Declarations of Interests by Members

There were no declarations of interests.

C.24 Minutes

Decision: The minutes of the meeting held on 27th May 2015 be confirmed as a correct record and signed by the Chairman.

C.25 Public Participation

There was no public participation.

C.26 Questions

Four questions had been submitted in accordance with Standing Order A5 by Members of the Council.

Question from Councillor N Knowles to the Cabinet Member for Operational Services

Cabinet decision to raise central car park fees in Kidderminster, Stourport and Bewdley will raise £67,000 by increasing fees from 70p to £1 for a 30 minute stay and an hour's fee will be increased from £1.20 to £1.50. Does the Cabinet Member agree with David Cameron that market towns should have a free-parking policy?

Answer from the Cabinet Member for Operational Services

Firstly, I would like to compliment Councillor Knowles in supporting David Cameron. His figures are slightly incorrect, the car park fees will hopefully provide £36,000 additional income and the £67,000 includes £31,000 which we hope will be brought in from seasonal car parks.

In reply, I do agree with David Cameron. Indeed in Wyre Forest we offer free parking in Bewdley, Stourport and Kidderminster every day, 1 hour free in our outer car parks, 6 hours free parking in each town one day per week and festive season free parking from November to January in selected car parks. As a council we must ensure that we attend to maintenance and enforcement costs of our car parks provision which is part of our public amenities responsibility. You will know we are permitted to pool car park income and costs with other amenity costs. Most recent figures show that our parking activities when pooled with our amenities costs, show a shortfall of over £500,000 annually, in other words, we do not make a profit.

In life and as a councillor I wish to be fair and reasonable. In the present context, I believe Cabinet are being fair and reasonable. Each of our towns have premium places to park and their charging is designed to reflect that and least accessible car parks incentivised longer periods of stay. Many of our charges are otherwise unchanged and regarding revised charges for parking in Stourports seasonal parks during summer, these cause increased cleansing and enforcement costs, i.e. increased man hours. Season tickets are of course unchanged.

Supplementary Question from Councillor N Knowles

It depends what one considers to be the meaning of free, it's a part that's free, it's another part unfree. I don't think that is what David Cameron meant but you would know what he meant. Do you think it's fair for people who are visitors to the district and certainly to the worker, that people are expected to pay more for car parking fees as a supplement to making ends meet respecting government costs?

Supplementary Answer from the Cabinet Member for Operational Services

In answer, yes. Would you rather the Council loads added cost on to our council tax where people who don't even have vehicles would be required to pay extra monies for maintenance of our car parks?

Question from Councillor N Knowles to the Leader of the Council

The decision to close Cookley Ward at Kidderminster Hospital was taken without public consultation in a manner that raises questions about the democratic and civic process in matters relating to the NHS. Would the Leader agree with me that we must have provision for elderly and very ill patients in a hospital ward and that The Grange and A Block GP Unit are integral parts of our NHS care for the elderly and sick?

Answer from the Leader of the Council

Yes.

Supplementary Question from Councillor N Knowles

That was a full answer in one sense but not in another sense. What can we do as democratically elected councillors in Wyre Forest to have a democratic input into the NHS? That's been my claim for a long time. I raised tens of thousands of signatures and presented to Tony Blair. We need more democratic process in the NHS but it is a serious issue and I would have hoped that we could intervene in the arguments and had some sort of say over the guaranteeing of the future for The Grange and the GP unit.

Supplementary Answer from Leader of the Council

It's interesting politicians up and down the land are criticised for not being succinct and not giving a yes or no answer and when they do try and be helpful Councillor Knowles is still not satisfied. Let's be clear, in terms of the decision to close Cookley ward that was a decision taken by the Acute Trust on safety issues. It's not for me, in my capacity, to start interfering in that clinical and safety issue. We could debate all night that the democratic influence that councillors have in running trusts like the health and care trust. They are simply not constituted in the same way as local authorities.

Absolutely, the frail, elderly, sick and ill and vulnerable elderly need proper care and treatment whether it's in a hospital, respite or rehabilitation. What I believe and I'm sure everyone will agree with this is that we have the right model for our elderly patients, whether that is respite in The Grange, whether it is in the GP unit or whether it is in a new commissioned unit, it is entirely a matter for the commissioners because let's make it clear that it is the CCG's that fund the Cookley Ward and it is the CCG's that fund the GP Unit. The Grange is funded out of the better care fund which is signed off by Worcestershire County Council. There are about 60 beds across the Wyre Forest for rehabilitation. I know that CCG's are undertaking a review about how they want to care for the elderly in this district. For me, it is that the frail and elderly get that care, what unit that is in is not a matter for me wearing this hat and I might argue not something that as district councillors we can influence in the current legislation framework, but yes of course we would want to support the elderly and the ill patients within the community that we serve.

Question from Councillor J A Shaw to the Leader of the Council

Noting the proposed date for the introduction of a Combined Authority for the West Midlands is 1st April 2016 and that Redditch Borough Council has authorised its Leader and Chief Executive to continue investigation into the possibility of becoming part of that Authority, what is the current policy of Wyre Forest District Council on this issue?

Answer from the Leader of the Council

In short, Wyre Forest District Council doesn't have a policy.

Supplementary question from Councillor J A Shaw

Assuming that it is desirable that we do have a policy, what would the Leader envisage being the timescale for that policy given that the Midlands combined authority is scheduled to come into being next April?

Supplementary answer from the Leader of the Council

The West Midlands combined authority has to make a decision to submit to Government by 4th September in order for the legislative process to take place in order for Parliament to give the go ahead from 1st April 2016. When I say that Wyre Forest District Council doesn't have a policy there is of course no paper has come to this council for a decision. Any decision as to whether to join a combined authority or not is not a decision vested in me or in Cabinet, it's a decision invested in this sovereign body, this Council.

In terms of timescale, there are a number of meetings that are taking place on a very regular basis between the seven members that are proposing to make that West Midlands combined authority and other district councils as well to see from a Wyre Forest perspective what it could mean for us. So in due course there will have to be a decision taken and I anticipate that in the Autumn to update this Council and councillors further as to who is likely to be joining that combined authority and think, at this stage, it will be the seven urban mets but more importantly any proposals I have on behalf of the administration to put before council in terms of joining any combined authority or not.

Question from Councillor J A Shaw to the Leader of the Council

Noting that Cornwall has been awarded a "devolution deal" by Government and that the Leader of Worcestershire County Council has been in similar discussions with Government, albeit at an earlier stage, what is the current position of WFDC on this issue?

Answer from the Leader of the Council

You know more about the Leader of Worcestershire County Council conversations with Government than I do, because I wasn't aware that he had actually directly had contact with Government nor been in formal discussions with Government on this issue. So in terms of Wyre Forest District Council's position, much of what I would say in terms of a Worcestershire combined authority, I would say in terms of a West

Midlands one. There have been some preliminary discussions between the six districts and the county council but I'm afraid I can't help you or elaborate any further.

Supplementary question from Councillor J A Shaw

When you are next at County Hall for next full council, you button hole Peter McDonald who is the Leader of the Labour Group who has talked to your Leader and my question is based on information Peter gave to me.

Supplementary answer from the Leader of the Council

I can think of other adjectives I would like to do with the Leader of the Labour Group but button holing him on this issue is not with respect one of them. I have ample opportunities and am usually at county 3 times a week to speak with the Leader of the County Council who I find I get far more sense out of than the Leader of the Labour group who is a world apart from the class of the former leader of this district group and the current leader.

C.27 Chairman's Communications

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

The Chairman congratulated Councillor Oborski on the wonderful achievement of receiving an MBE.

Councillor Oborski thanked all those people that nominated her, it was a fantastic honour. She thanked all the wonderful people who had kept her as a Councillor for 42 years, people had delivered thousand of leaflets for her and people had put their trust in her. It was likely she would go the Palace on 18th December, a week before Christmas.

Councillor Helen Dyke passed her congratulations on to Councillor Oborski and added that they did not always see eye-to-eye and disagreed on things at times, but she always recognised the breadth of knowledge and the history of the district that Councillor Oborski had, so minor fallouts are one thing but she is always respected. She added that the 18th December was her birthday so she asked that, if she was not taking a guest, she might be able to attend.

Councillor Knowles congratulated Councillor Oborski

Councillor Ballinger had known Councillor Oborski for 50 years and survived, more than that, 55. She was such a character, people loved her or hated her but most loved her as you could see from the elections results.

C.28 Leader's Announcements and Report

The Leader of the Council tabled his report and stated the public realm works and the Western Gateway work were progressing well. The time capsule for the new leisure centre had been buried on Silverwoods site and

he was delighted to say that the Wyre Forest House car park had been completed. He also stated that Worcestershire Regulatory Services were no longer proceeding with an external board and would continue with a joint committee made up of two representatives from the district.

C.28 Motions Submitted Under Standing Order No. D1 (1)

One motion had been received in accordance with Standing Orders (Section 7, 4.1).

Councillor Shaw of the Labour party presented his motion.

Councillor Arnold arrived at the meeting at this point, 18.27pm.

Councillor Shaw took Members through his motion and he explained that one person in a household was, under the old system, able to register on behalf of all the people that lived in the property but the new system of individual registration was now in place. He explained that the transition period for non responding voters to be removed from the register with effect from 1st December 2015 – one year earlier than first proposed – could result in voters being lost.

He congratulated officers on the increased number of individuals that had been added to the electoral register.

The Cabinet Member for Resources tabled an amendment to the motion. He explained that voters had ample opportunity to register themselves with some being contacted up approximately 9 times. There was additional funding available for those authorities who had more than 5% of their electorate who had not responded over an 18 month period. He added that he did not believe a delay in the transition period would have any benefit.

Members debated the motion and some were concerned that bringing the transition period forward 12 months would lose many electors.

A vote was held on the amendment and it was carried, therefore the original motion being defeated.

Decision:

Council notes:

- 1) **the Electoral Commission's finding, in its report into the transition to Individual Electoral Registration, that 1.9m of the current entries on electoral registers are only being retained under the transitional arrangements. This represents 4% of all register entries, which are at risk of being removed from the final registers.**
- 2) **that, should these 1.9m individuals be lost, they will add significantly to the Electoral Commission's estimate of 7.5m who are "not correctly registered".**

- 3) that the Government has made an Order which would end the transitional arrangements twelve months earlier than initially planned, to be reflected in the composition of the registers of December 2015, rather than December 2016.
- 4) that the Electoral Commission has cautioned against such a move, because it believes that the result will be a greater number of the 1.9m losing their vote than if the original timetable was retained.

Council believes:

- 5) that the Parliamentary boundary review is long overdue and needed in order to achieve greater equality of representation between different areas in the UK; and that it is important for that review to be based on accurate registers which do not include “carried forward” electors, who have already had several opportunities to confirm their registration and who will have further chances to do so before December 2015; and

Council congratulates:

- 6) Wyre Forest’s Electoral Registration team, which has increased the number of individuals on the 2015 register to 78,833, an increase of 567 over 2014, and notes that in Wyre Forest there are at most 269 electors (0.3%) who would be removed from the register in December 2015.

However Council is concerned about any reduction in the number of individuals eligible to vote and, therefore:

- 7) welcomes £3 million allocated by the Government to assist councils which have a much higher proportion of “carried forward” electors than Wyre Forest; and
8. urges other councils to follow Wyre Forest’s lead in taking steps to reduce the number of such electors, by pressing them to respond to the canvass and to confirm their registration at the earliest opportunity.

C.30 Urgent Motions Submitted Under Standing Order No. D1 (7)

There were no urgent motions.

C.31 Community Governance Review - Kidderminster

Council received a report from the Chief Executive on the next steps in the community governance review for Kidderminster following conclusion of the consultation.

The Leader of the Council took Members through the report. The Local Advisory Poll which had been held on 7th May 2015 had shown an overwhelming consensus for the creation of a town council in Kidderminster. The next steps were to agree a suite of recommendations. He explained that a report would be presented to the Council meeting in September 2015 and it was hoped that a new council would be created from 1st December 2015. Elections would be held in May 2016 where it was proposed to elect councillors to the new town council. Other things to be considered was the transfer of assets, anticipated precept and transitional arrangements.

Members debated the subject and agreed that this was the best way forward for the town of Kidderminster and perceived it was a good night for Kidderminster.

The Chief Executive and the Solicitor to the Council were congratulated for the report but the main person was Charles Talbot as, without his continued efforts, this would not have happened.

A member queried why the long term funding arrangements would fall to Cabinet.

Decision:

- 1. Following the consultation, the recommendations of the community governance review be agreed for the creation of the parish of Kidderminster and of a parish council for Kidderminster (paragraph 4.2 of the report to Council).**
- 2. It be agreed that the name of the new council shall be “Kidderminster Parish Council” (paragraph 4.4 of the report Council).**
- 3. It be noted that the District Council cannot confer the title of “Town Council” as, under legislation, that is a matter to be resolved by the new council (paragraphs 3.4 and 4.4 of the report to Council).**
- 4. The electoral arrangements for the new parish council set out in paragraph 4.7 of the report to Council be agreed.**
- 5. The terms of the draft reorganisation order in Appendix A (of the report to Council) for consultation, for including the anticipated precept, proposed transfer of assets, rights and liabilities and transitional arrangements (paragraphs 4.8 to 4.25 in the report to Council) be agreed.**
- 6. The proposed transfer of the freehold of the Town Hall to the new council, with a lease back of the building to the District Council be agreed.**
- 7. Subject to a formal request from the Kidderminster Educational**

Foundation, the proposed transfer of the property, rights and liabilities vested in the Kidderminster Educational Foundation to the new council be agreed.

- 8. The Chief Executive be authorised, in consultation with the Leader of the Council and Solicitor to the Council, to take all steps consequential on the decisions above about the outcome of the review, including consultation on the draft reorganisation order and publicising the outcome of the review.**

C.32 Community Governance Review – Stourport-on-Severn

Council considered a report from the Chief Executive which invited Council to agree a response to a request from Stourport-on-Severn Town Council for a community governance review.

The Leader of the Council informed Members that a letter had been received from the Town Clerk of Stourport-on-Severn Town Council to request a community governance review for the town. He took Members through the report and stated that following a review by the Boundary Commission, there were differentials in the number of seats for each parish ward.

A debate was held and Members felt that the review should go ahead although it was disappointing that the Council would incur some financial costs. In response, the Chief Executive confirmed that he would contact the Boundary Commission to see if any costs could be recovered

Decision:

- 1. A community governance review of Stourport-on-Severn be conducted, commencing in the latter part of 2016.**
- 2. The terms of reference and timetable for the review be determined nearer the time of the review.**

C.33 Review of the May and June 2015 Elections and the Local Advisory Poll

Council considered a report from the (Acting) Returning Officer for the General Parliamentary Election, Returning Officer for the Local Elections and Counting Officer for the Local Advisory Poll which provided information on the Elections held on 7th May 2015 and 9th June 2015 and the Local Advisory Poll held on 7th May 2015.

The Cabinet Member for Resources took Members through the report and reported that there were two main issues – voter turnout and the issue of queues at polling stations. He explained that the number of postal votes continued to rise. The turnout at the May Elections had been broadly in line with past elections despite that there were 28 fewer polling stations. It was felt that the closure of the polling stations had not affected the turnout. However, there was one area where the distance to the polling station had

been too far and it was proposed to carry out a review of the Kidderminster Foreign Parish. He acknowledged that some voters had had to wait in queues and some of these had been unacceptable but no one had been disenfranchised and anyone that wished to vote had been given the opportunity. He stated that some improvements could be made in the layout at some polling stations and also there needed to be more double stations. There was an issue with some staff and felt that some needed extra training and this must be improved in 2020. He apologised for the long queues at Trinity Methodist Church in Kidderminster.

There had also been an issue in that 884 electors had been sent to the wrong polling station. They had been aligned to Trinity Methodist Church where in fact they should have gone to St Oswalds Church Centre.

A robust debate was held and Members stated concerns with the number of queues at polling stations and that the Council had been named in the Electoral Commission report having failed to meet the high standards required. A Member felt that the residents of Wyre Forest were due a formal apology because of how the elections had been run.

A Member stated that voters had been put off with voting due to the length of some of the queues and asked for a review of the polling stations.

The Chief Executive explained that he had apologised to electors for the queues at polling stations and that some things had not gone so well in the May elections but well over 100,000 votes had been cast and counted and it had been a huge logistical exercise. In response to a comment made by a Member, he stated that there had been 24 authorities mentioned in the Electoral Commission report with issues like candidates' names being missed off and ballot boxes not being counted. He apologised once again for the length of queues at Trinity Methodist Church but reiterated that the rules had been followed.

The Cabinet Member for Resources thanked the Acting Returning Officer and the Elections Team for their hard work but said mistakes would always happen but it was the way you went about eradicating the mistakes.

Decision:

- 1. The report be noted.**
- 2. A polling district and polling place review for the parish of Kidderminster Foreign only, as set out in paragraphs 4.7 to 4.9 of the report to Council be agreed.**

C.34 Corporate Governance

Council considered a report from the Solicitor to the Council which invited Council to approve the revised political balance, following the elections on 9th June 2015.

Decision: The revised political balance of the Council as set out in

Appendix 1 of the report to Council be agreed.

C.35 Policy and Budget Framework

Matters which require a Decision by Council.

Recommendations from Cabinet:

Regeneration of Kidderminster Western Gateway, Use of Compulsory Purchase Powers

Members were informed that a report had been presented to the July 2015 meeting where it had been agreed that should no agreement be able to be made by the end of September 2015 for the businesses in Lower Mill Street, Kidderminster, then a Compulsory Purchase Order (CPO) would be put into place. It was important that this was now needed to progress with the redevelopment of the Western Gateway.

Members agreed that until the businesses in Lower Mill Street agreed to move, then the regeneration of the area could not go ahead. It was hoped that the CPO would not be needed and an agreement could be reached before the CPO came into place.

A Member had concerns that the businesses in Lower Mill Street were very successful and should not vacate their premises.

The Cabinet Member for Transformation said it was important that people were drawn into the town. She also reiterated that there was nothing to prevent the businesses in Lower Mill Street taking up units elsewhere in the town.

Decision: The Capital Programme be amended to include the acquisition of properties that are the subject of the CPO, while recognising that there will be no cost to the Council as a result of the indemnity agreement and “back-to-back” agreement as set out in the report to Cabinet dated 14th July 2015.

The meeting ended at 20.37 p.m.