

Open

Council

Agenda

6pm
Wednesday, 30th September 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Council

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COUNCIL MEETING

22nd September 2015

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 30th September 2015**, 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, 30th September 2015

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 said by Pastor Philip Hearn from Kidderminster Evangelical Church.	
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 29 th July 2015 and the Special meeting on the 10 th September 2015.	10
5.	Public Participation In accordance with the Council's scheme for public speaking at meetings of Council, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon on Monday 21 st September 2015. <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 Four questions have been submitted in accordance with Standing Order A5 by Members of the Council.	24

7.	<p>Chairman's Communications</p> <p>To note the engagements of the Chairman of the Council since the Council's last meeting.</p>	25
8.	<p>Leader of the Council Announcements</p> <p>To receive announcements from the Leader of the Council.</p>	
9.	<p>Motions Submitted under Standing Orders</p> <p>Two motions have been received in accordance with Standing Orders (Section 7, 4.1).</p> <p>1. Motion received from the Conservative Group in respect of the Syrian Refugee Crisis.</p> <p><i>Council notes the Humanitarian Disaster unfolding in Syria as a result of the Civil War and this Council deplores the killing of innocent civilians.</i></p> <p><i>Council supports the stance taken by this Council to encourage communities to provide aid and support to displaced refugees across Europe and especially those in camps close to the Syrian border, as the Council is very sympathetic to the plight of the refugees.</i></p> <p><i>Council supports the Prime Minister David Cameron's announcement to take in 20,000 Syrian Refugees over the next 5 years and the £1 billion of aid already committed, as a clear demonstration that the United Kingdom is playing its part.</i></p> <p><i>Council endorses the approach being taken by the Local Government Association (LGA) in its discussions with the Home Office and other Government departments in order to secure full funding for local authorities in supporting refugees.</i></p> <p><i>Council notes that there are many complexities to re-housing Syrian refugees within the Wyre Forest area including the cultural and socio-economic issues which need to be fully taken into consideration.</i></p> <p><i>Council resolves to support the current steps being undertaken.</i></p> <p><i>Marcus Hart, Ian Hardiman, Nathan Desmond, John Champion, Sally Chambers, Sara Fearn</i></p> <p>2. Motion received from Councillor N Knowles, Labour Group</p> <p><i>The current situation of people fleeing persecution from Syria, Afghanistan, Iraq and elsewhere has reached crisis proportions and is a humanitarian disaster. Government has agreed to take in some thousands of these refugees. This Council undertakes to play its part in giving refuge and</i></p>	

Part 2

Not open to the Press and Public

16.	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

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 Champion, 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 in income and 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 committed to all car park income and costs, most recent figures show that our parking activities, 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 in centralised 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.

WYRE FOREST DISTRICT COUNCIL

EXTRAORDINARY MEETING OF COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

10TH SEPTEMBER 2015 (6PM)

Present:

Councillors: C Rogers (Chairman), A T Hingley (Vice-Chairman), S Arnold, J Baker, R Bishop, J-P Campion, S J Chambers, S J M Clee, N J Desmond, H E Dyke, P Dyke, J Greener, I Hardiman, S Harrington, J A Hart, M J Hart, K Henderson, L Henderson, N Knowles, 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.36 Apologies for Absence

Apologies for absence were received from Councillors: J Aston, G W Ballinger, J R Desmond, S E Fearn and D Little.

C.37 Declarations of Interests by Members

There were no declarations of interests.

Councillor R Bishop entered the meeting at this point, 18.02pm.

C.38 Conferment of Title of Honorary Alderman

On the recommendation of Cabinet at its meeting on 14th July 2015 to confer the title of Honorary Alderman upon former District Councillor

Pauline Vera Hayward

in recognition of her outstanding service to the authority and the local community over many years, Councillor M Hart, the Leader of the Council, moved that:

- (a) Pursuant to Section 249 of the Local Government Act 1972, the honour and title of "Honorary Alderman" be bestowed on Pauline Vera Hayward in grateful recognition of her eminent and distinguished service rendered to Blakedown and Blakedown & Chaddesley Wards and Wyre Forest District Council over a period of 33 years.
- (b) The common seal of the Council be affixed to a scroll conferring the title of Honorary Alderman upon Pauline Vera Hayward.

Agenda Item No. 4

(c) A Badge of Office and scroll be presented to Pauline Vera Hayward.

Councillor Hart referred to the long and distinguished service that former District Councillor Hayward had given to Wyre Forest District Council and to the wards that she had represented. Her contributions had been valued and measured.

Councillor Helen Dyke, Leader of the Independent and Liberal Group, seconded the Motion and referred to former Councillor Hayward's hard work over many years, and as a champion of rural areas.

Councillor N Knowles, Leader of the Labour Group, congratulated former Councillor Hayward on her appointment as Honorary Alderman and wished her well for the future.

Councillor M Rayner, Deputy Leader of the Independent Community Health Concern Group, supported the motion and said that Pauline Hayward had always been an honourable person and was much-loved by her community.

Councillor F Oborski said that Pauline Hayward had given outstanding service to Wyre Forest District Council and to her wards. She was looking forward to seeing her in her role as Honorary Alderman.

Councillor S Williams supported the motion. He had first met former Councillor Hayward in 1999 when there were only 4 Conservative members on the Council. They formed a "special relationship" when the Blakedown & Chaddesley ward was formed in 2004, which they both represented until 2015. She was a regular attender at fund-raising events by successive Chairmen.

Councillor A Hingley congratulated former Councillor Hayward on the honour. Councillor Hingley had moved into Blakedown in 1982 when Pauline Hayward was first elected. She read a note of thanks from the secretary of the Blakedown, Churchill and Broome Conservative Association.

Councillor J-P Campion spoke in support of the motion and referred to Pauline Hayward's role in articulating the concerns of rural areas, and the way in which she quietly made a difference for the communities she represented. He thanked her for her advice during the time he was Leader of the Council.

Councillor N J Desmond entered the meeting at this point, 18.20pm.

The Chief Executive spoke on behalf of present and former staff of Wyre Forest District Council to echo the comments that had already been made and to thank former District Councillor Hayward for the courteous way in which she had dealt with staff throughout her time as a member of the Council. He also referred to the very large majorities she had enjoyed in the 2010 and 2014 elections when he had acted as returning officer.

Agenda Item No. 4

The Chairman referred to the presence at the meeting of the Chairmen of Chaddesley Corbett, Churchill and Blakedown, and Rushock parish councils. Councillor Laurence McCurrich of Rushock parish council was invited to address the meeting. He expressed thanks to Pauline Hayward for her support for the parish council and the warm welcome she extended whenever members of the parish council attended meetings at the District Council, and gave her best wishes for the future. The Chairman also read out a letter from Councillor Don Billington, Chairman of Broome Parish Council, who was unable to be present and wished to extend the thanks of that council for the support that Pauline Hayward had given to the parish.

Having put the motion to Council, the Chairman declared that it had been **CARRIED UNANIMOUSLY.**

C.39

The Chairman presented Honorary Alderman Hayward with her Badge of Office and a Scroll, and invited her to address the Council. Honorary Alderman Hayward thanked the Council for conferring the title on her. She felt that she had not done anything special to deserve it. She had enjoyed her 33 years as a councillor, and that this had been a privilege and a position of trust. She reflected on the many meetings with members of the Royal Family on visits to Wyre Forest, and the introduction of computing during her time with the Council. Her year as Chairman of the Council had been a busy one for her late husband and herself. She considered herself fortunate to have served the wards for so long and thanked the Council again for the honour that had been conferred on her.

The Leader of the Council then presented Honorary Alderman Hayward with some flowers and the Chairman declared the meeting closed at 6.29 p.m.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
30TH SEPTEMBER 2015
QUESTIONS TO COUNCIL

1. Question from Councillor J Shaw to the Cabinet Member for Transformation & Change

When a caller to the Hub or Green Street is informed that no-one is available immediately to deal with the enquiry, could the response be amended, to give an indication of how long the wait is likely to be?

2. Question from Councillor J Shaw to the Cabinet Member for Operational Services

How many operational staff are available daily to carry out the council's parking enforcement and car park monitoring duties?

3. Question from Councillor J Shaw to the Cabinet Member for Planning and Economic Regeneration

How many staff are available daily to carry out the council's Planning Enforcement duties; (Sept 2nd '15, 141 cases)?

4. Question from Councillor J Shaw to the Cabinet Member for Operational Services

What is the view of the Portfolio Holder on the effectiveness of the council's "continental" public toilet provision in Stourport town centre?

Chairman's List of Functions – 2015/16

AUGUST 2015

16th Mayor of Shrewsbury's Summer Lunch

SEPTEMBER 2015

5th Stourport Carnival

13th Thanksgiving Service, Holy Innocents Church

13th Choral Evensong, Worcester Cathedral

20th Bromsgrove Civic Service

27th Droitwich Spa Civic Service

WYRE FOREST DISTRICT COUNCIL**COUNCIL MEETING****30TH SEPTEMBER 2015****Community Governance Review – Kidderminster**

OPEN	
CABINET MEMBER:	Councillor M J Hart, The Leader of the Council
DIRECTOR:	Ian Miller, Chief Executive
CONTACT OFFICER:	Ian Miller, Chief Executive ian.miller@wyreforestdc.gov.uk Ext 2700 Caroline Newlands, Solicitor to the Council Caroline.newlands@wyreforestdc.gov.uk Ext 2715
APPENDICES:	Appendix A – reorganisation order Appendix B – map of parish and wards for Kidderminster

1. PURPOSE OF REPORT

- 1.1 To agree the reorganisation order to create a parish council for Kidderminster, in the light of the consultation responses.

2. RECOMMENDATION

- 2.1 **The Council is asked to DECIDE that the reorganisation order in Appendix A should be made, with delegation to the Solicitor to the Council to make any necessary or reasonable adjustments prior to sealing.**

3. BACKGROUND

- 3.1 On 29 July 2015, the Council took a series of decisions as part of the community governance review of Kidderminster under the Local Government and Public Involvement in Health Act 2007. In summary, the Council decided to create the parish of Kidderminster and to create a council for the parish to be known as “Kidderminster Parish Council” (it will have the power to adopt the status and name of a Town Council). A map of the proposed parish is in Appendix B and will form part of the reorganisation order.
- 3.2 The Council also decided to consult on proposals for the electoral arrangements for the new council that would apply at the first elections in May 2016; proposals for the transfer of assets, rights and liabilities; and the anticipated precept for 2016-17. Updates on these issues are provided below.
- 3.3 The Council has the power to give effect to its decisions through a reorganisation order under section 86 of the 2007 Act. The order-making powers are widely drawn and allow, among other things, power to include such incidental, consequential, transitional or supplementary provision as may appear to the Council to be necessary

or proper for the purposes of, or in consequence of, or for giving full effect to, the order; and power to make provision with respect to the transfer and management or custody of property (whether real or personal), with respect to the transfer of functions, property, rights and liabilities, and for the transfer of staff.

3.4 There has been consultation on the draft order from 30 July to 17 September 2015. Eighty responses were received and are summarised in Table 1.

Table 1 Summary of consultation responses

Number of responses received: 80							
Organisations that provided a named response: Broome Parish Council and Rushock Parish Council (both councils unanimously resolved to support the consultation proposals and draft reorganisation order in full on the 2 and 3 September 2015 respectively). Bewdley Town Council supports the creation of a Town Council and looks forward to working with the new council.							
() – represents the number of people or organisations who made the comment							
Q1. Do you agree with the proposal to use the same six district council electoral wards in Kidderminster for the new Town Council?							
Yes	86%		No	13%		Don't Know	1%
Other Comments:							
<ul style="list-style-type: none"> • Sensible idea to use the district council wards as this will help to avoid confusion (3) • Do not agree with six wards. Alternative number of wards suggested: two, four or 12 (11 wards plus retaining The Charter Trustees of Kidderminster to make the twelfth ward) • The number of wards should revert back to what they were before the Boundary changes 							
Q2. Do you agree with the proposal that Kidderminster Town Council should have 18 councillors (three councillors for each of the proposed six wards)?							
Yes	62%		No	35%		Don't Know	3%
Other Comments:							
<ul style="list-style-type: none"> • Three councillors per ward is excessive and will make agreement for decisions harder (6) • To keep costs down there should only be twelve councillors with two councillors per ward (10) or one councillor per ward due to each area already being represented by district and county councillors • Kidderminster is larger than Bewdley and Stourport combined so the number of councillors should reflect the size of the town, therefore forty councillors is proposed 							

<ul style="list-style-type: none"> Councillors should be dedicated to Kidderminster Town Council and not hold county or district councillor positions as well (3) 							
<p>Q3. Do you agree with the proposal to transfer the ownership of some assets, rights and liabilities from the District Council to Kidderminster Town Council?</p>							
Yes	79%		No	15%		Don't Know	6%
<p>Other Comments:</p> <ul style="list-style-type: none"> Kidderminster Town Council will not have sufficient funds to operate and maintain the transferred assets (4) and these costs will then fall to the District Council (2) Is Kidderminster Town Council ready to take on the responsibility for assets and are we just not moving money around? What about shared services to reduce costs? The asset transfer needs to be a Kidderminster Town Council decision More assets than those proposed should be transferred including parks, cleansing and the position of Town Centre Manager (3) and should be subject to ongoing negotiation Will the assets generate more income than they cost to run? Kidderminster Town Council should undertake the same provisions as Bewdley and Stourport-on-Severn Town Councils (2) 							
<p>Q4. Do you agree with the proposal that the temporary Kidderminster Town Council (1 December 2015 to 8 May 2016) is made up of serving District councillors for the wards of Kidderminster?</p>							
Yes	75%		No	21%		Don't Know	4%
<p>Other Comments:</p> <ul style="list-style-type: none"> No temporary arrangements are necessary, just wait until after the elections in May 2016 to set up Kidderminster Town Council (7) The temporary council should not involve district councillors due to the potential to preserve the status quo rather than opening up the field for other people from the start (4) Only the elected councillors in May 2016 should be in a position to make long term decisions. Until then the community should be consulted on everything 							
<p>Q5. Any other comments on these proposals or the proposed arrangements for establishing Kidderminster Town Council</p>							
<ul style="list-style-type: none"> For all questions, two respondents consistently state they voted against the creation of Kidderminster Town Council and therefore do not support any arrangements being put in place to establish one (2) Concern expressed about the extra council tax residents will pay and the added layer of bureaucracy (8) 							

- Important that regular progress updates are available to better understand what the Town Council will be responsible for, and how it will benefit the residents of Kidderminster (2)
- Brilliant opportunity for Kidderminster, better representation, giving its residents a voice and having more power (3)
- Important that steps are taken to improve Kidderminster (e.g. moving the outdoor market into the old Woolworths store which would allow the frontages of the shops to be seen)
- Prospective candidates for the Town Council should ideally be a resident in the ward they are standing or possess a good working knowledge of that ward

4. **KEY ISSUES**

- 4.1 The consultation responses have demonstrated support for the proposals relating to electoral arrangements and transfer of property, rights and liabilities. In most cases, the level of support was overwhelming (70%+). Only on one issue was there a significant minority arguing for a different approach from what was set out in the Council's proposals. 35% of responses about the number of councillors for each ward argued for a lower number than 3, with many favouring 2 councillors for each ward. However a clear majority of responses on this issue (62%) backed the Council's proposal. The reorganisation order in Appendix A therefore confirms that the electoral arrangements will be for six wards in Kidderminster, identical to the wards of Wyre Forest District Council, each electing 3 councillors.
- 4.2 The reorganisation order has been the subject of further review in the light of issues identified since the July report and appropriate changes have been incorporated. For example, it has been confirmed that the Rowland Hill statue is not on the land that forms part of the registered title for the Town Hall, and the statue therefore needs to be separately listed in Schedule 2.
- 4.3 Positive preparatory discussions have been held with the officers of the Charter Trustees about the process of transition from the Trustees to the new council. These have included making a formal request to the Trustees to fund the preparatory costs of the new council in 2015-16 (although this has now been overtaken as explained in paragraphs 4.5 and 5.2 below) and helpful feedback on the content of the draft order and supporting "miscellaneous assets list".
- 4.4 Further consideration has been given to the legislation relating to the Charter Trustees and when they will cease to exist as a result of the creation of the new council. The initial understanding, which was set out in the report in July, was that this would happen in May 2016 when the elections to the new council will be held. However a more detailed analysis of all the relevant legislation has identified the opportunity to align the change with the creation of the new council, which is proposed for 1 December 2015.
- 4.5 Thus it is proposed that the Trustees would cease to exist on that date and all their property, rights and liabilities, including staff contracts, would transfer to the new council at that time. As a consequence, the reorganisation order will need to make provision for the continuity of the Mayor in office for the period between December 2015 and May 2016: this is in article 12(4). A further consequence is that there will not

now be a period of “double running” with both the Trustees and new council in existence. The new approach reduces duplication and the call on time of Kidderminster members in the period from December to May.

- 4.6 Changes have also been made to article 13(2) to provide that the Mayor of Kidderminster immediately prior to 1 December 2015 will not only continue in office but will chair the new council from then until the annual meeting of the new council in 2016. For clarity, the deadline for the annual meeting in article 9 has now been expressed as a specific date, rather than a formula of not later than 14 days after the councillors elected in May 2016 take office.
- 4.7 Further consideration of the legislation governing this process has identified that it will fall to the new council to issue the precept for 2016-17, as it will have been created well before the deadline for issuing precepts (which is before 1 March 2016). The decision about the precept will be linked to the budget adopted by the new council which will, in turn, be driven in significant part by the proposed funding and service agreements to be entered between Wyre Forest District Council and the new council. Good progress has been made by the Council’s officers on drafting these and they will be developed further so that they are ready to be submitted to the new council and to Wyre Forest District Council’s Cabinet for agreement as soon as possible after 1 December. It is intended to conclude this process before the Council sets its budget for 2016-17 so that the financial impact of the agreements can be taken fully into account.
- 4.8 In summary, the intention is that in respect of most assets transferred to the new council, Wyre Forest District Council would continue to operate and maintain them (such as the daily opening, cleaning and closing of the Market Street toilets) and be reimbursed by the new council. The agreement is proposed to be for a period of 5 years with a break clause after 2 years. However the major element of the proposed agreement relates to the operation of the Town Hall, including the programme of cultural and other events that are held there. Because of the need for a greater period of stability for this aspect of services provided by Wyre Forest District Council, a longer period is envisaged for the agreement of 10 years with a break clause after 5 years. A balance has to be struck between providing the new council and Wyre Forest District Council with stability and allowing the new council autonomy to make its own decisions. The long-term funding and service agreement will be the mechanism to strike this balance.

Timetable

4.9 The updated timetable is set out in Table 2.

Table 2: updated timetable

Action	Dates
Approval of reorganisation order by full Council	30 September 2015
Effective date of order	1 December 2015
Parish and new parish council created. Existing district councillors for Kidderminster serve as members of the new council	1 December 2015
Charter Trustees cease to exist; property, rights, liabilities and staff transfer from Trustees to new council	1 December 2015
New council and WFDC enter various agreements e.g. long-term funding and service agreement under section 99 of the 2007 Act	December 2015 – February 2016
Vesting date for transfer of assets	1 April 2016
Elections to Kidderminster Town Council	5 May 2016
New councillors take office District councillors for Kidderminster cease to serve on the new council (if not elected as members of the new council)	9 May 2016
Long-term funding and service agreement in place. New Council has time to decide what arrangements it wishes to make for the future, including possibility of fresh long-term agreement with WFDC/creation of shared services	2016 -2021 (with break clause in 2018) 2016-2026 (with break clause in 2021) – cultural programme at Town Hall

5. FINANCIAL IMPLICATIONS

- 5.1 An earmarked reserve of £45k has been created by the Council, to meet the cost of conducting the community governance review, of which the main costs so far relate to the local advisory poll. The further work since July has demanded significant officer time but has not involved additional expenditure. While confirmation has to await the creation of the new council, it is possible that it will wish to purchase some support services from Wyre Forest District Council, including potentially in 2015-16, and this will assist with the Council's income targets. While it is difficult to quantify any further costs to the Council during the period between now and May, it is expected that the main impact will continue to be on officer time, and this can be absorbed within existing budgets.
- 5.2 The costs of administering the new council between December 2015 and March 2016 are estimated at £25k and will be met from the Charter Trustees' resources, because it will cease to exist at the beginning of December as described above: the financial reserves that they have accumulated will transfer to the new council on 1 December.

- 5.3 The establishment of the new council and the transfer of assets and service responsibilities to it support the Council's approach towards localism, empowering and devolving responsibility to local organisations. A consequence is that it should allow the District Council to reduce its expenditure by an amount estimated to be up to £250k a year initially. This is dependent on the agreements being entered between Wyre Forest District Council and the new council under section 99 of the 2007 Act. There may be potential to reduce support further in later years. The precise arrangements and therefore any financial impact on various front-line and support services provided by the Council will be determined as part of the long-term funding and service agreement. Further work is being done on the best structure for the new arrangements to ensure the most advantageous position in respect of VAT, for both councils.
- 5.4 Levels of council tax in Kidderminster are expected to increase as a result of the creation of the new council. The decision on the precept will be taken by the new council as set out in paragraph 4.7. This impact of creating a council for Kidderminster was drawn clearly to the attention of electors in the supporting material for the local advisory poll, and nearly 80% of electors who took part in the poll can be said to have supported the increased bills. There are nearly 3,300 households of working age that receive support under the council tax reduction scheme. The Council is consulting on options to change the contribution that they make from 10% to a higher amount, including an option of 20%. Almost 2,000 of these households are in Band A with a further 1,000 in Band B. Thus the additional amount of council tax that the vast majority of these households would have to pay as a result of creation of the new council might range from about £2 a year to about £4 a year, depending on the new council's decision on its precept. This is not considered to be a significant impact and should not, in its own right, contribute to administrative costs of collection and enforcement.

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. Relevant provisions of the 2007 Act and other legislation have been mentioned throughout this report. 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.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An initial assessment has been undertaken and no adverse implications for the protected characteristics has been identified.

8. RISK MANAGEMENT

- 8.1 There is a range of risks associated with the creation of the new council and its successful initial operation, including risks for the new council and for the District Council. They are being mitigated by careful planning, including early creation of the new council in December 2015, as well as the consultation that has been undertaken on the reorganisation order to test support for the proposals. The proposed long-term funding and service agreements would mitigate a range of risks

related to continuity of service delivery as well as protecting the rights and interests of the District Council.

- 8.2 The Council continues to ensure that the review accords with the legislation and guidance given by the Secretary of State and Boundary Commission, including its completion within the statutory timescales.

9. CONCLUSION

- 9.1 The consultation has demonstrated generally strong support for the proposals that the Council endorsed in July. The next step for the Council is to agree that the reorganisation order in Appendix A should be made. This will mark an historic step in the advancement of localism in Wyre Forest and in the governance of Kidderminster, its principal town. Once the order has been formally sealed, which would be expected to happen within a matter of days after the meeting on 30 September, the process to create a new council for Kidderminster will move forward to implementation.

10. CONSULTEES

- 10.1 The Leader of the Council.
10.2 Corporate Leadership Team.

11. BACKGROUND PAPERS

- 11.1 The 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>
(This legislation has been amended by the 2009 Act.)
- 11.2 Department for Communities and Local Government and The Local Government Boundary Commission for England – Guidance on Community Governance Reviews.
http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf
- 11.3 Relevant secondary legislation
The Local Government (Parishes and Parish Councils) (England) Regulations 2008 No 625
<http://www.legislation.gov.uk/uksi/2008/625/contents/made>
The Local Government Finance (New Parishes) (England) Regulations 2008 No 626
<http://www.legislation.gov.uk/uksi/2008/626/contents/made>
- 11.4 Report to Council, 29 July 2015.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Wyre Forest District Council (Reorganisation of Community Governance) (Kidderminster) Order 2015

Made - - - - *day month year*

Coming into force in accordance with article 1(2)

Wyre Forest District Council (“the council”) in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) has undertaken a community governance review and made recommendations dated 29th July 2015:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Kidderminster (Reorganisation of Community Governance) Order 2015.
 - (2) Subject to paragraphs (3), (4) and (5) below, this Order comes into force on 1st April 2016.
 - (3) Articles 7 and 8 shall come into force on the ordinary day of election of councillors in 2016.
 - (4) For the purposes of
 - (a) this article,
and
 - (b) proceedings preliminary or relating to the elections of parish councillors for the parish of Kidderminster, to be held on the ordinary day of election of councillors in 2016, this Order shall come into force on the day after that on which it is made.
 - (5) Articles 4, 5, 6, 12 and 13 shall come into force on 1st December 2015.

Interpretation

2. In this Order—

“district” means the district of Wyre Forest;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the Kidderminster (Reorganisation of Community Governance) Order 2015 and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears

that number;

“miscellaneous assets list” shall mean the document marked “Miscellaneous Assets List” referred to in the Kidderminster (Reorganisation of Community Governance) Order 2015, a sealed copy of which is deposited at the principal offices of Wyre Forest District Council;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new parish

4. (1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the district.
(2) The name of the new parish shall be Kidderminster.

Parish council for the parish of Kidderminster

5. (1) There shall be a parish council for the parish of Kidderminster.
(2) The name of that council shall be “Kidderminster Parish Council”.

Elections for the parish of Kidderminster Parish elections

6. Elections of all parish councillors for the parish of Kidderminster shall be held simultaneously on the ordinary day of election of councillors in 2016 and every 4 years thereafter.
7. The number of councillors to be elected for the parish of Kidderminster shall be 18.

Wards of the parish of Kidderminster and numbers of parish councillors

8. (1) The parish of Kidderminster shall be divided into 6 wards which shall be named as set out in column (1) of Schedule 1.
(2) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

Annual Meeting of Parish Council

9. The annual meeting of the new parish council in 2016 shall be convened by the Chief Executive of Wyre Forest District Council. The meeting shall take place no later than 23rd May 2016.

Electoral register

10. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities

11. The land, property, rights and liabilities described in Schedule 2 (subject to the reservation of sponsorship and advertising rights relating to the same) shall transfer from Wyre Forest District Council to Kidderminster Parish Council on the date specified in column (2) of Schedule 2.

Charter Trustees of the Town of Kidderminster

12. (1) Any officers appointed by the charter trustees for the proper discharge of their functions who hold office immediately before the date of dissolution of the charter trustees (“the date of dissolution”) shall by virtue of this Order be transferred on the date of dissolution and on the same terms and conditions of appointment to the employment of the parish council.
- (2) Any powers to appoint local officers of dignity exercisable by the charter trustees immediately before the date of dissolution shall be exercisable by the parish council.
- (3) Any functions which would have been exercisable in relation to the account of the charter trustees or, as the case may be, their responsible financial officer if the charter trustees had not been dissolved shall on and after the date of dissolution be exercisable by the parish council or, as the case may be, the parish council’s responsible financial officer.
- (4) The Mayor of Kidderminster in office immediately before the date of dissolution shall, notwithstanding the dissolution of the charter trustees, continue in office until the election of a chairman at the annual meeting of the new parish council in 2016.

Transitional provision

13. (1) Until the councillors are elected to the council of the new parish of Kidderminster at the elections to be held on the ordinary day of election of councillors in 2016, the new parish shall consist of those persons who immediately before 1st April 2016 are the elected councillors for the district wards of Aggborough & Spennells, Blakebrook & Habberley South, Broadwaters, Foley Park & Hoobrook, Franche & Habberley North and Offmore & Comberton.
- (2) Until the annual meeting of the new parish council in 2016, the meetings of the new parish council shall be chaired by the Mayor of Kidderminster or, in her absence, by one of the elected councillors holding office by virtue of paragraph (1) of this article chosen at the meeting by those present.
- (3) Until the annual meeting of the new parish council in 2016, meetings of the new parish council shall be convened by the Chief Executive of Wyre Forest District Council.

Order date

14. 1st April 2016 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the *xx day of xx month XX year*

Signature
Title of signatory

SCHEDULE 1

WARDS OF THE PARISH OF KIDDERMINSTER

KIDDERMINSTER AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Name of Ward</i>	<i>Area of the Ward</i>	<i>Number of Councillors</i>
Aggborough & Spennells	Whole of the Ward as shown on the Map	3
Blakebrook & Habberley South	Whole of the Ward as shown on the Map	3
Broadwaters	Whole of the Ward as shown on the Map	3
Foley Park & Hoobrook	Whole of the Ward as shown on the Map	3
Franche & Habberley North	Whole of the Ward as shown on the Map	3
Offmore & Comberton	Whole of the Ward as shown on the Map	3

SCHEDULE 2

LAND, PROPERTY, RIGHTS AND
LIABILITIES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land, property and other assets to be</i>	<i>Date</i>
Kidderminster Town Hall, Vicar Street, Kidderminster, DY10 1DB (Land Registry WR103284) subject to a 99 year lease to Wyre Forest District Council.	1 st April 2016
Market Street Car Park and Public Conveniences, Market Street, Kidderminster, DY10 1LX (Land Registry WR119453), <u>excepting</u> the areas comprising the Market Street Surface Car Park as shown in Schedule 4 to the Wyre Forest District Council (Off Street Car Parking Places) Order 2015 No.3.	1 st April 2016
Land Adjacent to St. Mary's Church, Kidderminster, DY10 2JN (Land Registry WR105980) including the Angel of Peace Statue, the War Memorial, and the Baxter Statue, but <u>excepting</u> the areas comprising the St. Mary's Surface Car Park as shown in Schedule 4 to the Wyre Forest District Council (Off Street Car Parking Places) Order 2015 No.3.	1 st April 2016
The property, rights and liabilities vested in the Kidderminster Educational Foundation (registered charity number 527537).	1 st April 2016
Miscellaneous Assets List	1 st April 2016

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land, property and other assets to be</i>	<i>Date</i>
Clock at Worcester Street, Kidderminster, DY10 1EN (Not Land)	1 st April 2016
Horse Statue, Horsefair, Kidderminster, DY10 2EW. (Not Land)	1 st April 2016
Rowland Hill Statue outside Town Hall, Vicar Street, Kidderminster, DY10 1DB (Not Land)	1 st April 2016
Christmas Illuminations - Contract between Gala Lights Ltd and Wyre Forest District Council Dated 22 June 2015.	1 st April 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Wyre Forest District Council for the new parish of Kidderminster and creation of a council for the parish of Kidderminster.

The parish of Kidderminster will be created with effect from 1 December 2015. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2016.

Article 6 provides for parish elections in the parish of Kidderminster in 2016, and then to continue according to the established system of parish elections every four years.

Article 7 specifies the numbers of parish councillors for the new parish of Kidderminster.

Article 8, Schedule 1 and the map establishes the names and areas of the wards of the new parish of Kidderminster and the number of councillors for each ward.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new wards of the parish of Kidderminster. It is available, at all reasonable times, at the offices of Wyre Forest District Council.

Article 11 contains details of land, property, rights and liabilities described in Schedule 2 that shall transfer from Wyre Forest District Council to Kidderminster Parish Council on 1st April 2016.

Under Regulation 9 of the Local Government (Parishes and Parish Councils)(England) Regulations 2008, land held or used in Kidderminster for the purposes of the Allotments Act 1908-1950 will be automatically transferred from Wyre Forest District Council to Kidderminster Parish Council. Article 14 provides that the transfer of allotments applies on 1st April 2016. The allotments to be transferred are detailed below:

Salisbury Drive, Habberley, Kidderminster DY11 6EY - (Land Registry WR104131)

Wilton Avenue, Franche, Kidderminster DY11 5PT – (Land Registry WR106413)

Dowles Road, Kidderminster DY11 7NU (known as Rifle Range Allotments) – (Land Registry WR106358)

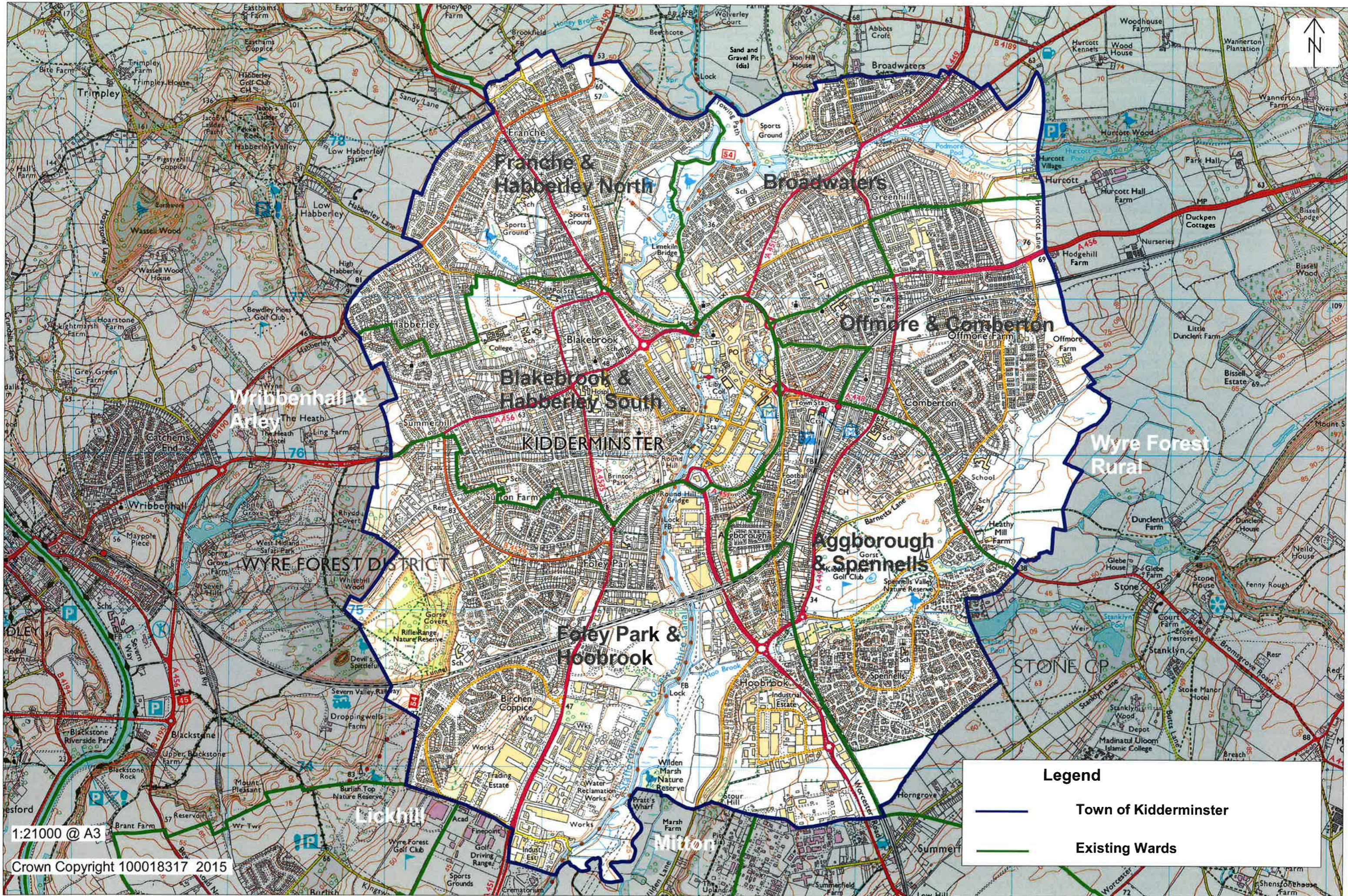
Aggborough Crescent, Aggborough, Kidderminster DY10 1LQ – (Land Registry WR106035)

Offmore Lane, Kidderminster DY10 3BN (also known as Chester Road Allotments) – (Land Registry WR106398)

Dunclent Crescent, Kidderminster DY10 3EE (also known as Comberton Allotments) – (Land Registry WR106696)

Goldthorn Road, Kidderminster DY11 7JN (also known as Railway Bridge Allotments) - (Land Registry WR106036)

Greatfield Road, Kidderminster DY11 6PH – (Land Registry WR106393)



WYRE FOREST DISTRICT COUNCIL

COUNCIL
30TH SEPTEMBER 2015

POLICY AND BUDGET FRAMEWORK
MATTERS WHICH REQUIRE A DECISION BY COUNCIL

RECOMMENDATIONS FROM THE OVERVIEW & SCRUTINY COMMITTEE –
8TH SEPTEMBER 2015

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>Annual Report on Treasury Management Service and Actual Prudential Indicators 2014/15</p> <p>Recommend to Council:</p> <ul style="list-style-type: none"> • The Actual 2014/15 prudential and treasury indicators as set out in the report to the Overview and Scrutiny Committee, be approved. • The annual treasury management report for 2014/15 be noted. 	<p>Councillor N J Desmond</p>

WYRE FOREST DISTRICT COUNCIL

COUNCIL
30TH SEPTEMBER 2015

POLICY AND BUDGET FRAMEWORK
MATTERS WHICH REQUIRE A DECISION BY COUNCIL

RECOMMENDATIONS FROM THE CABINET – 16TH SEPTEMBER 2015

Purpose of Report

To consider recommendations from the Cabinet 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 Cabinet agenda. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website.

RECOMMENDATIONS TO COUNCIL	CHAIRMAN OF COMMITTEE
<p>Revised Partnership Arrangements for Worcestershire Regulatory Services</p> <p>Recommend to Council:</p> <ol style="list-style-type: none"> 1. The current Worcestershire Shared Services Partnership is dissolved by mutual agreement on 31 March 2016; 2. A new Worcestershire Shared Services Partnership comprising the six district councils is created on 1 April 2016, in accordance with the terms recommended by Worcestershire Shared Services Joint Committee; and that the Council's Licensing functions be delivered through this Shared Service. 3. The new Worcestershire Shared Services Partnership enters into a service level agreement with Worcestershire County Council for the provision of trading standards services in accordance with terms to be agreed by the Acting Head of Worcestershire Regulatory Services; and, 4. All existing contracts and service level agreements between the existing Worcestershire Shared Services Partnership and other local authorities are novated to the new Worcestershire Shared Services Partnership. 	<p>Councillor S J Chambers</p>