

Open

# Special Council

## Agenda

6pm  
Wednesday, 24th February 2016  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Council

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**SPECIAL COUNCIL MEETING**

**16<sup>th</sup> February 2016**

**TO ALL MEMBERS OF THE COUNCIL AND HONORARY ALDERMAN**

**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 24<sup>th</sup> February 2016**, in the Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster.

This is a special meeting of Wyre Forest District Council convened in accordance with section 33(3) of the Local Government and Public Involvement in Health Act 2007, for the purpose of considering whether to pass a resolution for whole-council elections.

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.

## WEBCASTING NOTICE

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

**By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.**

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

Wyre Forest District Council

Council

Wednesday, 24th February 2016

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

| <b>Agenda item</b> | <b>Subject</b>  | <b>Page Number</b> |
|--------------------|---|--------------------|
| <b>1.</b>          | <b>Prayers</b><br><br>To be read by Pastor Rob Palmer of Franche Evangelical Church, Kidderminster.   |                    |
| <b>2.</b>          | <b>Apologies for Absence</b>  |                    |
| <b>3.</b>          | <b>Declarations of Interests by Members</b><br><br>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.<br><br>Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details |                    |
| <b>4.</b>          | <b>Electoral Arrangements for Wyre Forest District Council</b><br><br>To receive a report from the Chief Executive which asks Council to decide whether or not to change the cycle of elections for Wyre Forest District Council.   | 7                  |

**WYRE FOREST DISTRICT COUNCIL**

**SPECIAL MEETING OF COUNCIL**

**24<sup>TH</sup> FEBRUARY 2016**

**Electoral Arrangements for Wyre Forest District Council**

| <b>OPEN</b>             |  |
|-------------------------|--|
| <b>CABINET MEMBER:</b>  | Leader of the Council  |
| <b>DIRECTOR:</b>        | Chief Executive  |
| <b>CONTACT OFFICER:</b> | Ian Miller, Ext. 2700<br>ian.miller@wyreforestdc.gov.uk          |
| <b>APPENDICES:</b>      | Appendix 1 – consultation paper on electoral cycle, January 2016 |

**1. PURPOSE OF REPORT**

- 1.1 To consider whether or not to change the cycle of elections for Wyre Forest District Council.

**2. RECOMMENDATIONS**

- 2.1 **Council is RECOMMENDED to RESOLVE, under sections 32 and 33 of the Local Government and Involvement in Public Health Act 2007, to implement whole council elections in May 2019 and every four years thereafter.**

To be passed, the resolution above requires the support of two thirds of members who are present and voting.

- 2.2 **Council is RECOMMENDED to AGREE to commence a separate consultation process in respect of the electoral cycle for parish and town councils with delegated authority for the Chief Executive, in consultation with the Leader of the Council and the Solicitor to the Council, to decide the format of the consultation. A further report will be brought to Council in due course in the light of the outcome of that consultation.**

**3. BACKGROUND**

- 3.1 Since the 1970s, elections to the Council have been held by thirds, which means generally that elections for councillors are held in three successive years. In the fourth year, elections to Worcestershire County Council are held. The exception has been the “whole council elections” following boundary reviews, such as those held in May 2015.

- 3.2 Under section 32 of the Local Government and Public Involvement in Health Act 2007, the Council can resolve to move from the present arrangements of election by thirds to whole council elections. There are some important statutory requirements about making such a decision which are set out in section 33 of the 2007 Act:

- the Council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed

change. A public consultation has been undertaken on this topic and the results are reported in section 4 below;

- the resolution must be passed –
  - at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object of the meeting, and
  - by a majority of at least two thirds of the members voting on it;
- the resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected (section 33(3A)). This is covered by the wording of paragraph 2.1 above;
- the year specified may not be a county council elections year. “County council elections year” means 2017 and every fourth year afterwards. Thus, if the Council decides to change its electoral arrangements, its elections cannot be held in 2017, 2021 etc.;
- a resolution can be passed at any time. The legislation is forward-looking i.e. a resolution cannot be retrospective. There is also provision that, once a decision has been taken to change the electoral cycle, a council cannot pass another such resolution in the succeeding 5 years (section 31A).

3.3 The legal position is that the Council can resolve at this time to move to whole council elections in May 2019; and, if it did so, the earliest date that the electoral cycle could be considered again would be early 2021. The current cycle of elections by thirds would continue in May 2016 and May 2018. Section 34(4A) explicitly recognises that the previous electoral scheme of elections by thirds would continue until the date when the first whole council elections are held under the new scheme.

3.4 The Council last formally considered the matter at a special meeting in July 2013 when a majority of councillors voted for the change to whole council elections but not the 2/3 majority required by law. The Council supported the motion by a majority of 22 to 18; 2 members were absent.

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

4.1 The first point to make is that a decision to change the electoral cycle would not affect the pattern of wards that was implemented in May 2015, following the Boundary Commission’s review. The Commission would take account of the electoral arrangements in any future review of the Council but it is not expected that Wyre Forest would face such a review for many years.

4.2 A decision to change the electoral cycle would therefore have no impact on the number of councillors or the number of wards. The proposal that is before the Council, to move to whole council elections in May 2019, would not affect the term of office of any currently serving member of the Council – if the resolution in paragraph 2.1 is passed, candidates standing for election in May 2016 or May 2018 would know that they would hold office for three years or one year respectively.



**RESULTS OF PUBLIC CONSULTATION**

- 4.3 In compliance with the statutory requirement, the Council has conducted a public consultation on the specific issue of the electoral arrangements for the Council. This ran from 20 January to 15 February. A short consultation paper was published on the web site and made available at the Worcestershire hub and other locations. Members of the public and other interested parties were able to take part in the consultation by completing a simple response form on the web site or by returning it in hard copy. In total, 246 responses were received, with under 50 being completed in paper format.
- 4.4 The results of the consultation in response to the question “**Do you support the proposal that Wyre Forest District Council should move to “whole council elections” in May 2019?**” are shown in Table 1.

**Table 1**

|                            | <b>Number</b> | <b>Percentage (% , rounded)</b> |
|----------------------------|---------------|---------------------------------|
| Strongly support           | 151           | 61.4                            |
| Support                    | 22            | 8.9                             |
| Neither support nor oppose | 16            | 6.5                             |
| Oppose                     | 10            | 4.1                             |
| Strongly oppose            | 47            | 19.1                            |
| <b>Total</b>               | <b>246</b>    | <b>100.0</b>                    |

- 4.5 The responses in Table 1 include views from five town and parish councils, as follows:

|                            |                  |
|----------------------------|------------------|
| Bewdley Town               | Support          |
| Broome Parish              | Support          |
| Chaddesley Corbett Parish  | Strongly Support |
| Kidderminster Town         | Strongly Support |
| Rushock Parish             | Strongly Support |
| Wolverley & Cookley Parish | Strongly Support |

- 4.6 Tables 2 and 3 break down the response by age and location. These tables compare the percentage strongly supporting or supporting the proposal, with those strongly opposing or opposing the proposal. It will be seen that the pattern is generally similar, and in every case there is stronger support for change than opposition to it. Only among respondents aged 55 to 64 were views more evenly balanced.

**Table 2:** analysis of response by age (242 answers)

| <b>Age band (number of responses)</b> | <b>Strongly support or support (% , rounded)</b> | <b>Strongly oppose or oppose (% , rounded)</b> |
|---------------------------------------|--|--|
| 18-24 (25)                            | 60.0   | 20.0   |
| 25-34 (24)                            | 79.2   | 12.5   |
| 35-44 (44)                            | 93.2   | 4.6  |
| 45-54 (66)                            | 72.7   | 21.2   |
| 55-64 (31)                            | 48.4   | 45.2   |
| 65-74 (49)                            | 57.1   | 38.8   |
| 75+ (3)                               | 100.0  | 0.0  |

**Table 3:** analysis of response by location (217 answers)

| <b>Town (number of responses)</b> | <b>Strongly support or support (% , rounded)</b> | <b>Strongly oppose or oppose (% , rounded)</b> |
|-----------------------------------|--|--|
| Kidderminster (137)               | 59.8   | 31.4   |
| Stourport-on-Severn (46)          | 78.3   | 17.4   |
| Bewdley (34)                      | 91.2   | 8.8  |

4.7 The results of the recent consultation show 70% support or strongly support the proposal and echo earlier tests of public opinion. Public consultation leading up to the special council meeting in July 2013 showed at that time that 75% of the 233 responses received were in favour of moving to whole council elections. The public's views on the question of cost of members are consistent. In 2011, a consultation exercise on priorities resulted in spending less on "members and committees" being selected as by far the most favoured area among the public for reducing expenditure. It was also the second most favoured area for reduction by councillors themselves. Consultation on the budget proposals in early 2012 produced 250 responses. By far the strongest support for any proposal related to reducing the number of councillors and their costs: 65% strongly supported the proposal and a further 24% supported it, with only 5% opposing or strongly opposing the proposal. Similar results were obtained from a survey in 2013 when 88% of 629 responses supported the savings option of "Reduce cost of democracy – for example by holding elections every 4 years or by reducing councillors' allowances". This was the single most popular savings option.

4.8 As with any decision following consultation, the Council should carefully consider and have regard to the results of the public consultation. That does not mean it is bound to implement the most popular option, as there are a range of factors that the Council has to take into account.

**5. FINANCIAL IMPLICATIONS**

5.1 The decision on electoral arrangements will have financial implications. Retaining elections by thirds results in no additional costs as the budget is already based on this pattern of elections. A decision to move to whole council elections would save significant sums of money in future, and would therefore reduce the amount by which the Council needs to cut expenditure on services in order to produce a fully balanced budget.

5.2 The respective costs of the two options for the period from 2019 to 2024 are set out in the table below. Whole council elections cost broadly the same as elections by thirds as they involve elections across the whole district, whereas in each year of elections by thirds elections are held in 11 of the 12 wards.

**Table – whole council elections with effect from May 2019**

| £  | Elections by thirds      | Whole council elections with effect from May 2019 |
|--|--------------------------|---|
| May 2016<br>(police and crime commissioner election)                   | 50,000                   | 50,000  |
| May 2017 (county council elections)                                    | 0                        | 0   |
| May 2018   | 100,000                  | 100,000   |
| May 2019<br>(European parliamentary elections)                         | 50,000<br><b>200,000</b> | 50,000<br><b>200,000</b>                          |
| May 2020<br>(general election; police and crime commissioner election) | 50,000                   | 0   |
| May 2021 (county council elections)                                    | 0                        | 0   |
| May 2022   | 100,000                  | 0   |
| May 2023   | 100,000                  | 100,000   |
| May 2024 (European parliamentary elections)                            | 50,000                   | 0   |
| <b>Total 2016-2024</b>   | <b>500,000</b>           | <b>300,000</b>                                    |
| Estimated saving 2016 – 2024   | 0                        | (200,000)   |
| <b>Total 2016 – 2019</b>   | <b>200,000</b>           | <b>200,000</b>                                    |
| Estimated saving 2016 – 2019   | 0                        | 0   |

Note on assumptions in the table

Estimates are based on cost of district council elections being c£100k if they are stand alone or c£50k if they are combined with another regional, national or European election.

The tables assume no change in current constitutional arrangements e.g. that the UK will remain a member of the EU. If the latter assumptions turned out to be incorrect, the cost of some WFDC elections would be higher than shown in the tables and this could affect the estimated savings from whole council elections. For

example, if the UK left the European Union before the next European Parliamentary elections, the estimated cost of WFDC elections in May 2019 would be £100,000 rather than £50,000.

**6. LEGAL AND POLICY IMPLICATIONS**

6.1 The governing legislation is the Local Government and Public Involvement in Health Act 2007, sections 32 to 36, as amended by section 24 of the Localism Act 2011. The relevant provisions of the 2007 Act have been mentioned above.

6.2 For the avoidance of doubt, a two thirds majority of councillors voting in order to pass a resolution to implement whole council elections means that the number of councillors in support that is needed to pass the threshold can vary depending on how many members are present. This is set out in the table:

| <b>Number of councillors present at meeting</b> | <b>Number of councillors that represents 2/3 majority</b> |
|---|---|
| 33 or 32  | 22  |
| 31  | 21  |
| 30 or 29  | 20  |

6.3 If the Council passes a resolution to implement whole council elections, the 2007 Act imposes duties on the Council to publish an explanatory document about the change for the benefit of the public, and to give notice to the Electoral Commission of the change. These steps will be put in hand depending on the outcome of the Council's consideration of this matter.

6.4 If the Council decides to move to whole council elections in 2019, some parish and town councils will find that their electoral cycle no longer coincides with the District Council. This could potentially expose such councils to having to meet the full cost of their elections when, hitherto, they have been able to share the costs with the District Council. Under section 53 of the 2007 Act, the District Council has the power to alter the dates of parish council elections if it has altered its own electoral cycle. Table 4 shows the current cycle for parish council elections.

**Table 4:** parish council elections in Wyre Forest

|                       | 2016 | 2017 * | 2018 | 2019 |
|-----------------------|------|--------|------|------|
| Bewdley               |      |        | X    |      |
| Broome                |      |        |      | X    |
| Chaddesley Corbett    |      |        | X    |      |
| Churchill & Blakedown |      |        |      | X    |
| Kidderminster         | X    |        |      |      |
| Kidderminster Foreign |      |        | X    |      |

|                     |   |  |   |   |
|---------------------|---|--|---|---|
| Rock                | X |  |   |   |
| Rushock             |   |  | X |   |
| Stone               |   |  | X |   |
| Stourport-on-Severn |   |  |   | X |
| Upper Arley         |   |  | X |   |
| Wolverley & Cookley |   |  |   | X |

\* No parish elections – County Council Elections Only

6.5 It will be seen that only 4 parish councils have elections in 2019 and would therefore be on the same cycle as the District Council. Eight parish councils have elections on other cycles and would not align with District Council elections if the resolution in paragraph 2.1 is passed. A request has already been received from Kidderminster Town Council that, if the District Council passes the resolution to move to whole council elections, it should consult separately on the possibility of making changes to the dates of parish council elections, to align them with District Council elections. Bewdley Town Council has also called for any change to parish election cycles to be subject to agreement by separate consultation. If the resolution in paragraph 2.1 is passed, arrangements should be made to consult all parish and town councils in Wyre Forest, electors and other interested parties about the electoral cycle for parish councils to establish their views: a further report will be brought to a future meeting of Council in light of their responses.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

7.1 The proposals in this report have been screened for their impact on the various equality strands. No adverse impact has been identified and a full impact assessment is not therefore required.

**8. RISK MANAGEMENT**

8.1 Any decision of the Council is subject to the potential for judicial review and therefore Council needs to take into account relevant considerations and information about the issue. There is a risk of damage to the Council’s reputation with the public and of greater reductions in expenditure in front-line services if the Council decides to retain elections by thirds.

**9. CONCLUSION**

9.1 The Council is recommended to consider the resolution to move to whole council elections in May 2019 in light of the information in this report.

**10. CONSULTEES**

- 10.1 Cabinet.
- 10.2 Corporate Leadership Team.

11. **BACKGROUND PAPERS**

(The background papers are available electronically)

11.1 Local Government and Public Involvement in Health Act 2007, Part 2, Chapter 1

<http://www.legislation.gov.uk/ukpga/2007/28/part/2/chapter/1/crossheading/power-of-district-councils-to-change-to-wholecouncil-elections>

The provisions have been amended by section 24 of the Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/section/24>

The main change is to remove the designated period during which resolutions can be passed.

Section 53 of the 2007 Act (see paragraph 6.4)

<http://www.legislation.gov.uk/ukpga/2007/28/part/2/chapter/1/crossheading/power-of-district-councils-to-alter-years-of-ordinary-elections-of-parish-councillors>

11.2 Report considered by the Special Council meeting on 24 July 2013 and the minutes of the meeting can be seen at these links:

[http://www.wyreforest.gov.uk/council/docs/doc48163\\_20130724\\_council\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc48163_20130724_council_agenda.pdf)

[http://www.wyreforest.gov.uk/council/docs/doc48208\\_20130724\\_council\\_minute.pdf](http://www.wyreforest.gov.uk/council/docs/doc48208_20130724_council_minute.pdf)



### Consultation on electoral cycle, January 2015

#### Your view on electoral arrangement for Wyre Forest District Council

We are consulting about the frequency of elections to Wyre Forest District Council and would like to hear your views. Please help us by completing our very short questionnaire **by midday on Monday 15 February 2016**.

On 24 February, a special meeting of the Council will be held to decide whether or not to move to “whole council elections” in May 2019. “Whole council elections” would see all 33 seats on the Council elected in May 2019 and then every four years in 2023, 2027 and so on.

Worcestershire County Council and all parish and town councils have elections every four years.

At the moment, the Council has elections by thirds which means that 11 Councillors would be elected in May 2019, and in May every year apart from the year when Worcestershire County Council elections are held (2021, 2025 etc).

This table compares the number of District Council seats that would face election under current arrangements and under the proposal to introduce whole council elections in May 2019.

|          | <b>Current arrangements – elections by thirds</b> | <b>Proposal - whole council elections</b> |
|----------|---|---|
| May 2019 | 11 seats  | 33 seats                                  |
| May 2020 | 11 seats  | No elections                              |
| May 2021 | No elections – county council elections           | No elections – county council elections   |
| May 2022 | 11 seats  | No elections                              |
| May 2023 | 11 seats  | 33 seats                                  |
| May 2024 | 11 seats  | No elections                              |

Across the period in the table, there would be three fewer sets of district council elections if whole council elections started in May 2019. This is estimated to save £200,000 across that period.

**This survey can be completed online**  
[www.wyreforestdc.gov.uk/electionsconsultation](http://www.wyreforestdc.gov.uk/electionsconsultation)

**Please post paper copies back to : Elections Consultation, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire DY11 7WF** or place in the box provided.

- Q1:** Do you support the proposal that Wyre Forest District Council should move to “whole council elections” in May 2019?
- Strongly support

- Support
- Neither support or oppose
- Oppose
- Strongly oppose

**About you**

The questions in this section are optional. All the information you give is confidential and will not be used to identify you.

**Q2: What is your age group?**

- |             |                          |         |                          |         |                          |
|-------------|--------------------------|---------|--------------------------|---------|--------------------------|
| 17 or under | <input type="checkbox"/> | 35 – 44 | <input type="checkbox"/> | 65 – 74 | <input type="checkbox"/> |
| 18 – 24     | <input type="checkbox"/> | 45 – 54 | <input type="checkbox"/> | 75+     | <input type="checkbox"/> |
| 25 – 34     | <input type="checkbox"/> | 55 – 64 | <input type="checkbox"/> |         |                          |

**Q3: Please tick which town you live in:**

- Kidderminster
- Bewdley
- Stourport-on-Severn
- Other area (please state) .....

Have you seen ‘**WyredIn**’ the Council’s free online newsletter for residents?

If you would like to receive WyredIn, you can sign up online  
[www.wyreforestdc.gov.uk/wyredin](http://www.wyreforestdc.gov.uk/wyredin)

**Thank you for taking part in the consultation.**