

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER**

**25TH MAY 2016 (6PM)**

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**Present:**

Councillors: R Bishop (Chairman), A T Hingley (Vice-Chairman), J Aston, J Baker, 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, N Gale, I Hardiman, J A Hart, M J Hart, K Henderson, V Higgs, A T Hingley, N Knowles, D Little, N Martin, S Miah, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, J A Shaw, J D Smith, R Vale, S J Walker, S J Williams, R Wilson and G C Yarranton.

**C.1 Prayers**

Prayers were said by Pastor Rob Palmer, Franche Community Church.

**C.2 Election of Chairman**

Councillor R Bishop was nominated as Chairman. This was moved by Councillor M J Hart and seconded by I Hardiman

**Decision: Councillor R Bishop be elected as Chairman of Wyre Forest District Council for the ensuing municipal year.**

**C.3 Chairman – Investiture and Declaration of Acceptance of Office**

After being invested with her Chain of Office, Councillor R Bishop made her Declaration of Acceptance of Office as Chairman.

**C.4 Chairman's Response**

The Chairman thanked Members for the great honour to be chosen as Chairman.

**C.5 Retiring Chairman**

The retiring chairman was thanked by the Leader of the Council for his hard work over the last past 12 months. He had undertaken many civic engagements on behalf of the Council together with his consort.

**C.6 Retiring Chairman – Presentation of Badges**

The retiring chairman was presented with a Past Chairman's badge. Councillor Rogers thanked Council for all the support he had received during his year of office, having had the opportunity to share events with other civic leaders. He had raised approximately £1,500 for his charity, the Midlands Air Ambulance, and would continue to do so wherever he could. He thanked staff who had helped him and in particular Karen Walsh who had ensured he was at appointments he needed to attend. Lastly, he thanked his consort and the outgoing Vice-chairman.

**C.7 Appointment of Vice-Chairman**

Councillor M J Hart nominated Councillor J Smith as Vice-Chairman and this was seconded by Councillor I Hardiman.

**Decision: Councillor J Smith be elected as Vice-Chairman of Wyre Forest District Council for the ensuing municipal year.**

**C.8 Vice-Chairman – Investiture and Declaration of Acceptance of Office**

After being invested with her Badge of Office, Councillor J Smith made her Declaration of Acceptance of Office as Vice-Chairman.

**C.9 Vice Chairman's Response**

Councillor J Smith thanked Council for her appointment.

**C.10 Apologies for Absence**

There were no apologies for absence.

**C.11 Declarations of Interests by Members**

Councillor S Walker declared an Other Disclosable Interest (ODI) in agenda item number 19 – Motions submitted under Standing Orders.

**C.12 Minutes**

**Decision: The minutes of the meeting held on 24<sup>th</sup> February 2016 be confirmed as a correct record and signed by the Chairman.**

**C.13 Public Participation**

Council received a petition from Residents Against Town Seating (RATS).

Mr Darlington spoke on behalf of the petition as follows:

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*I represent the action group R.A.T.S. (Residents Against Town Seating). The group is concerned about the detrimental changes taking place in Kidderminster town centre, and in particular the so-called public seating. The group has no political affiliation, and purely represents residents and some visitors to the town.*

*Through the use of local social media it immediately became apparent that numerous local residents were of the same opinion as ourselves, with a 75% /25% split in favour of removing the 'record seats'. This figure was mirrored whilst out collecting signatures for the petition. It also showed that a large percentage of the town's residents were becoming increasingly ashamed of their town centre.*

*The group decided to focus on removal of the record seats, on the grounds they are a safety hazard and unfit for purpose, for the following reasons:-*

### **SAFETY HAZARD:-**

- 1) Jagged edges and corners at shin / knee height for adults, and almost head height for very young children. This is not how they were portrayed in artist's impressions before installation.*
- 2) The seats obstruct walkways and have been placed in a completely random fashion.*
- 3) Their unexpected low height and random positioning makes them a hazard for the visually impaired. They also present obstacles for wheelchair and mobility scooter users.*
- 4) Water does not drain off them, and the surface is smooth and slippery. Some are also not level and slope. This makes them unsafe and unsuitable as performance platforms, their other designed use.*
- 5) At night time, only the centre lights up, the black jagged edges remain in the dark.*

### **UNFIT FOR PURPOSE:**

- 1) The seats are too low for disabled and elderly people to use. There are no back supports or sides to aid getting up off them.*
- 2) The seats are uncomfortable with a hard base. They are too cold to sit on in winter, and we believe will be too hot in summer.*
- 3) Many people do not realise they are there to be used as seats. They think they are piles of building materials dumped in the street awaiting collection or to be used elsewhere.*
- 4) The seats are supposed to reflect the town's music heritage. Only three of the nine have any strong relevance to the town. Many people would have liked to have seen the town's carpet heritage highlighted, such as benches that resembled a roll of carpet, and a trail leading to the carpet museum. That is what Kidderminster is famous for.*
- 5) After only four months, the seats, including the new guitar seats, are already showing signs of damage and deterioration to the material, with chipped and scratched edges. This is mostly due to the seats having*

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*attracted the town's skateboarding fraternity, who find them very useful for demonstrating their skills. They look as though they have been there 4 years, not 4 months.*

*The action the R.A.T.S. group would like to see is as follows:-*

- 1) The removal of the record seats from the town centre, and replacement with seating more appropriate and functional for people of all ages and disabilities to use comfortably.*
- 2) We believe the old seating is still in storage and could be re-used, or new seating along the lines of carpet benches mentioned previously.*
- 3) The record seats could be re-sited close to the Music College, where they might be more appreciated, with the safety issues addressed first of course.*

*During the campaign we collected 2042 signatures, including people of all ages who were more than willing to sign the petition. Had we more time, I am confident we could have doubled or trebled the number collected. Whilst we recognise there are people in favour of the seats, the vast majority are against them. That is a fact. We believe the seating has cost £88,000. How many regular, comfortable seats would that money have bought?*

*At the end of the day, all we want is a town centre to be proud of, that has the appearance of quality workmanship, has been thought out with a degree of common sense, and can be used by all. Kidderminster town centre does not offer this at the moment. We recognise that the removal of the record seats is more expensive, but do we wait for the inevitable injury claims to come through, causing further waste of tax payers money. This is why we want the seats replaced.*

*We hope you will vote on this matter from the heart, and to the benefit of the town, and not from any political allegiance.*

The Cabinet Member for Planning and Economic Regeneration thanked Mr Darlington and the group for taking the time to attend the Council meeting to present their petition. She stated that the vinyl street furniture was in line with all current design standards and there was no risk from cuts or abrasions. The Council had not received any injury complaints since the furniture had been installed. There had been no concerns raised during the consultations of the records stacks and she agreed that they did not meet the needs of everyone. However, they were part of the music heritage trail and should be celebrated.

Members discussed the petition and stated that the council was brave to have taken the steps it had taken in installing the record stacks as no other authority had done anything like this before. The music heritage trail was important to the town of Kidderminster and it was pointed out that the record stacks were being used by people of all ages to sit down on and were safe and they should not be removed.

**Decision: The information be noted.**

**C.14**

**Questions**

Three questions had been submitted in accordance with Standing Order A5 by a Member of the Council.

**Question from Councillor M Rayner to the Cabinet Member for Planning and Economic Regeneration**

Please can we have an update on how the new refurbishment of Kidderminster Town Centre is proceeding?

**Answer from the Cabinet Member for Planning and Economic Regeneration**

Phase 3 of the works which covers Exchange Place, Exchange Street and Oxford Street, is going ok but with an unusual delay. When the tarmac surface was removed along Exchange Street, in particular by the Brintons building, it has caused some difficulties with the depth of the bridge deck over the river Stour, and there was a step up to the former Brintons doorway. Then another step was discovered meaning that the floor level had been raised some years ago. Hidden in there were services such as media and utilities and they were sat on the bridge deck and this prevented the block paving being laid, so required a redesign around the former Brintons office entrance. In addition, various unmarked ducts were found and it was not apparent whether they were in use so there had to be further water drainage issues and further investigations. However, the revised date for completion is mid to the end of next month.

**Supplementary question from Councillor M Rayner**

Have many residents raised concerns about the quality of materials and the finish and the black and white bricks? There are still some cracking and they are still breaking up and uneven and still many other issues. My concerns are how we are monitoring the quality issue, how it is to be resolved over these deficits that are happening.

**Supplementary answer from the Cabinet Member for Planning and Economic Regeneration**

As you pointed out, remedial work is needed to phases 1 and 2 namely Vicar Street, High Street and the sandstone square by the Bullring. I think the most important thing to stress is that we have secured from the contractor that they will remain on site until the project is fully completed. There are three groups of people monitoring the work, including Worcestershire County Council. You may ask who is going to pay and that will be part of the overall negotiation of the extension to the time and any cost of that we would expect a cost reduction which would reflect any issues over poor workmanship.

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

What arrangements have been made in this municipal year to enable all councillor appointees to the Community Housing Group to inform fellow councillors of their participation in the decision-making processes of the

company?

**Answer from the Leader of the Council**

The same arrangements as last year. I have liaised with Alison Braithwaite who organises the schedule for Members Forums which are presented to regular group meetings and we are planning to have an item on the October Members Forum and all representatives of the Community Housing Group will be notified in order that they can feedback to Members in the normal way.

**Supplementary question from Councillor J Shaw**

Thank you for the answer. The second related question is about the recently passed Housing and Planning Act, which has fundamental implications for the nature of our involvement and that of the housing associations in the district. Is the Leader planning to have a briefing about this very important subject in this municipal year.

**Supplementary answer from the Leader of the Council**

I wasn't because no one had asked, this is the first request but I will take that away and consider it and discuss it with the relevant cabinet member/director/officers to see if we can allow a briefing to take place.

**Question from Councillor N Knowles to the Leader of the Council**

Would the Leader concede that to curtail the duration of Kidderminster Town Council from four years to three would be undemocratic?

**Answer from the Leader of the Council**

As an experienced councillor you should know better than making assertions curtailing the term of office for Kidderminster Town Councillors from 4 to 3 years, because as you know there is in fact a consultation taking place and no decision has been made. The consultation ends on 30<sup>th</sup> June and having spoken to the Chief Executive about the matter, the consultation responses are coming in and no doubt more to come and therefore I wouldn't wish to pre-determine any final decision which will be made by this body on 27<sup>th</sup> July which is the next full council meeting but I don't agree that anyone is acting undemocratically.

**Supplementary question from Councillor N Knowles**

Seems the whole weight of this debate is coming from here and does seem to me that the people that voted in the elections on 5<sup>th</sup> May for a 4 year term for Kidderminster Town Council, will be amazed if the emphasis is placed on consultation and it was my experience that led me to ask the question. Should it or not be that a councillor just elected should be allowed to run its full term and I guess you would deny that your administration is lining up its arguments

to curtail it from four years to three.

**Supplementary answer from the Leader of the Council**

I would deny that and it's an outrageous slur and something inappropriate for you to make. There was much debate about this at Kidderminster Town Council meeting which you as a member were not there to participate in the debate. I sat in the public gallery and you weren't there for the debate, so people in glass houses shouldn't throw stones but the district council are acting as democratically as they could be because at the 10<sup>th</sup> February Kidderminster Town Council meeting this year, there was a request from the town council that when they were considering the electoral cycle of Wyre Forest District Council, if the district council moved its term of elections to every 4 years, parish and town councils could be out of sync and could be a financial cost to parish and town councils. So it was resolved by the Kidderminster Town Council, of which you were a member, that if the district council moved its electoral cycle, which we now have done, it calls for a separate consultation by Wyre Forest District Council on the possibility of making changes to the dates of parish council elections. So the district council is responding to the request from the town council. Now I reject the assertion that this is undemocratic, and again we have made no decision, we'll wait for the consultation but I've heard twice from contributions in this place that the people of Kidderminster expected to elect for a four year term. I refute that because the district council made it clear to everyone in the public domain and to all candidates that the district council had a consultation running and that the fixed term might be for four years or if the cycle changed, it would be for three years so I reject in its entirety your assertion. This council is curtailing nothing.

**C.15 Chairman's Communications**

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

**C.16 Political and Constitutional Structures 2016/2017**

Council received a report from the Solicitor to the Council on the proposed political and constitutional structures for 2016/2017.

The Leader of the Council moved all recommendations in the report but with two amendments. The first was that Kidderminster District Youth Trust would have 3 representatives and not 4 and Councillor Vale's name would be deleted. This was because the council had been sending 4 representatives for at least 10 years but only entitled to 3. The other amendment was a minor amendment to section 12 of the contract procedures rules. An updated copy had been circulated.

Councillor Shaw moved five amendments to the outside bodies appointments but these were all defeated.

In response to a question, the Leader of the Council confirmed that he had no concerns in having 6 district councillors and 6 parish councillors on the Local Plans Review Panel. The chairman of the panel was delighted that more parish councillors would be on the panel and stated that it was not a party political panel.

**Decision:**

- 1. The proposed Political Management Structure of committees for 2016/2017 as set out in Appendix 1 of the report to Council be approved.**
- 2. The Chairmen and Vice-Chairmen of Committees as contained in Appendix of the report to Council be agreed.**
- 3. The Municipal Calendar as set out in Appendix 3 of the report to Council be adopted.**
- 4. The appointments to outside bodies as set out in Appendix 4 of the report to Council, subject to the omission of Councillor B Vale from Kidderminster District Youth Trust, be agreed**
- 5. The revisions to the Constitution as set out in Appendix 5 of the report to Council (and the updated details for Section 12 – Contract Procedure Rules) be agreed and the Solicitor to the Council be authorised to amend the Contract Procedure Rules and the Chief Financial Officer to amend the Financial Procedure Rules in line with the summary tables set out in that Appendix.**
- 6. The revised chart of political balance as set out in Appendix 6 of the report to Council be approved.**
- 7. The Solicitor to the Council be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

**C.17 Members' Annual Activity Reports and Attendance 2015/2016**

Council received the schedule of Members' Annual Reports which gave details of activities in their role as District Councillors for the 2015/2016 municipal year and received a record of attendance.

**Decision: The reports and attendance be noted.**

**C.18 Annual Reports for the Municipal Year 2015/2016**

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Council received the Annual reports from the Leader of the Council, the Chairman of both the Overview and Scrutiny Committee and the Ethics and Standards Committee.

**Decision: The Annual Reports for the Cabinet, Overview and Scrutiny Committee and the Ethics and Standards Committee be noted.**

**C.19 Leader of the Council Announcement**

The Leader of the Council announcements were tabled at the meeting and he referred Members to it.

**Decision: The information be noted.**

Councillor S Walker left the meeting at this point (7.14pm).

**C.20 Motions Submitted under Standing Orders**

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

**1. Motion from Councillor N Knowles, Labour Group Leader**

This Council calls on NHS Wyre Forest Clinical Commissioning Group and Worcestershire Acute Hospitals Trust to reverse their decision to close the GP Unit – “A” Ward at Kidderminster Hospital and to keep it open.

Councillor Knowles advised Council that the ‘A’ ward in Kidderminster Hospital had opened in 1972 and had given good service to people of the Wyre Forest.

An amendment to the motion was tabled and the Cabinet Member for Health, Well-being and Housing stated she had received clarification from Worcestershire County Council that GP’s within the Clinical Commissioning Group (CCG) had spent several months working on the new models of care for primary and community care. The CCG had been open in involving local people and working jointly with partners whilst the work was coming to a conclusion. There was no fixed date for the closure and the CCG and the Acute Trust have agreed to work together to manage that process. In addition, The Grange had been kept open until March 2017. She stated she was disappointed that the elected member had misled other members.

Councillor P Dyke left the meeting at this point, (7.22pm).

A robust debate was held on the amended motion. A member believed that the CCG had been trying for a couple of years to get more integration of services, although this was a complex issue.

Councillor P Dyke came back to the meeting at this point, (7.27pm).

Some members felt that it was right for the amended motion to be referred to the Worcestershire Health Overview and Scrutiny Committee for consideration.

Upon a vote the amended motion was agreed.

**Decision:**

**The following amended motion received from the Conservative Group be agreed:**

This Council:-

- (a) **notes** that the Wyre Forest Clinical Commissioning Group and the Worcestershire Acute Hospitals Trust are considering ceasing to operate the GP Unit at Kidderminster Hospital;
- (b) **recognises** that closure of the unit would be subject to referral to Worcestershire Health Overview and Scrutiny Committee;
- (c) **requests** the Wyre Forest Clinical Commissioning Group and Worcestershire Acute Hospitals Trust to conduct public consultation on appropriate, alternative provision before making a final decision; and
- (d) **requests** that, if such a closure is definitely proposed on the existing site, all of the existing patients and future patients have appropriate medical care and treatment in a fit for purpose Unit within the local Wyre Forest area.

**C.21 Policy and Budget Framework**

**a. Recommendations from Cabinet 8<sup>th</sup> March 2016**

- **Green Street Depot Project**

**Decision: Subject to the deliverability test being met on the installation of a biomass CHP at Green Street depot, the 2016/17 capital budget be amended to include the amount specified in the report to Cabinet at its meeting on 8<sup>th</sup> March 2016 for the costs of this scheme.**

The meeting ended at 7.46 p.m.