Open

# Council

# Agenda

6pm Wednesday, 8 December 2021 Council Chamber \* Wyre Forest House Finepoint Way Kidderminster



Wyre Forest District Council



### <u>Council</u>

### **Public Information**

- 1. If you have any questions regarding the agenda, the attached papers or the meeting being webcast, please do not hesitate to contact the officer named below.
- 2. The Council meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting
- 3. The public are welcome to speak at meetings of Council provided they have requested to speak in advance of the Agenda being published. Details of the guidance for public speaking can be found on our website <u>www.wyreforestdc.gov.uk</u>
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- 5. This Agenda can be made available in larger print on request; if you require a copy please contact:

Louisa Bright Principal Committee and Member Services Officer Wyre Forest District Council Wyre Forest House Finepoint Way Kidderminster DY11 7WF 01562 732763 Iouisa.bright@wyreforestdc.gov.uk



# COUNCIL MEETING

30 November 2021

#### TO ALL MEMBERS OF THE COUNCIL AND HONORARY ALDERMEN

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 8 December 2021**, in the Council Chamber\*, Wyre Forest House, Finepoint Way, Kidderminster.

\* Please note that, arising from developments in respect of the Omicron variant of COVID, this meeting may be held remotely. Any change to arrangements for the meeting will be notified to members and the public as soon as possible.

The Agenda for the meeting is enclosed.

Yours sincerely

IRMiller

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.

\* Unless there are no reports in the open session.

### Wyre Forest District Council

#### Council

### Wednesday, 8th December 2021

#### Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

#### Part 1

## Open to the press and public

Agenda item	Subject	Page Number
1.	Prayers	
	To be read by Rev. Jason Borlase, Kidderminster Baptist 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 approve as a correct record and sign the Minutes of the last meeting held on 22 September 2021, and the Special meeting held on 2 November 2021.	11
5.	Public Participation	
	In accordance with the Council's Scheme for Public Speaking at Meetings of Full 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 29 November 2021.	
	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.	
6.	Chairman's Communications	
	To note the engagements of the Chairman of the Council since the Council's last meeting.	24
7.	Leader of the Council Announcements	
	To receive announcements from the Leader of the Council.	

8.	Political Balance	
	To consider a report from the Solicitor to the Council to approve the revised table of political balance.	
	To follow, if required after by-election on 30 November 2021.	
9.	Appointment of Chief Finance Officer under Section 151, Local Government Act 1972	25
	To receive a report from the Chief Executive to appoint a chief finance officer as required by legislation, following the retirement of the Corporate Director: Resources.	23
10.	Tributes	
	Group Leaders are invited to pay tributes to the Corporate Director: Resources and the Corporate Director: Economic Prosperity and Place on their retirement.	
11.	Policy and Budget Framework	
	Matters which require a Decision by Council.	
	Recommendations from:	
	<ul> <li>a) O&amp;S Committee – 07-10-2021</li> <li>Annual Report on Treasury Management Service and Actual Prudential Indicators 2020-21</li> </ul>	28
	<ul> <li>b) O&amp;S Committee – 04-11-2021</li> <li>Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2021-22</li> </ul>	29
	<ul> <li>c) Audit Committee – 24-11-2021</li> <li>Amendments to the Contract Procedure Rules and Financial Regulations</li> </ul>	30
	<ul> <li>d) Audit Committee – 24-11-2021</li> <li>Appointment of External Auditors</li> </ul>	31
	<ul> <li>e) Licensing &amp; Environmental Committee – 06-12-2021</li> <li>Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2022/23</li> </ul>	to follow
	<ul> <li>f) Licensing &amp; Environmental Committee – 06-12-2021</li> <li>Review of the Gambling Act 2005 Revised Statement of Principles Consultation Results</li> </ul>	to follow
	Amendments to Capital Programme	
	<ul> <li>g) Cabinet – 09-11-2021</li> <li>Financial and Strategic Policy Context for the Medium Term Financial Strategy</li> </ul>	32
	<ul> <li>h) Cabinet – 13-10-2021</li> <li>Redevelopment of land, Market Street, Kidderminster</li> </ul>	33

-	-	
	<ul> <li>i) Cabinet – 09-11-2021</li> <li>Business case for the use of Electric Vehicle Chargepoints (EVC) on Council owned car parks</li> </ul>	34
	Localism Act 2011	
	<ul> <li>j) Cabinet – 09-11-2021</li> <li>Proposals for Revenues, Benefits, Customer Services and Business Support Review</li> </ul>	35
	Please note that the reports and associated documents, referred to above, have been circulated electronically to Members. Public inspection copies are available on request. Please refer to the front cover for contact details.	
12.	Questions	
	Eleven questions have been submitted by Members of the Council in accordance with Standing Order 1.9, details of which have been received by 12 noon on Monday 29 November 2021.	36
	In the case of an urgent matter that has arisen since the deadline above, and could not have been reasonably known at that time, it must be delivered in writing to the Solicitor to the Council no later than 9am on the day of Council.	
13.	Motions Submitted under Standing Orders	
	Two motions have been received in accordance with Standing Orders.	
	1. Notice of Motion from the Liberal Democrat Group to be moved by Councillor F Oborski MBE and seconded by Councillor S Miah	
	Council recognises that Her Majesty's Government has announced its intention to cease the installation of gas powered central heating into new developments from 2025 and from that date to also stop connection of new developments to the Gas Grid.	
	Council recognises that applicants receiving Planning Permission for developments have 3 years to implement those permissions which means that Permissions granted in 2022 May well not be implemented until 2025.	
	Council is therefore invited to endorse its support for the proposed policy in the emerging Local Plan which will require the maximisation of natural heat and light along with the maximising the potential of renewable energy and to support the continued efforts of our planning officers to negotiate suitable outcomes with developers through submitted planning applications.	
	Council will also encourage all landlords who install Solar photovoltaic (PV) panels on tenanted residential properties to ensure that the majority of the financial benefits accrued should go to tenants.	

	2. Notice of Motion from Councillor A L'Huillier to be seconded by Councillor M Rayner	
	Council notes the frustration caused within local government about the lack of meaningful sanctions available to councils when endeavouring to uphold and maintain high standards of conduct of members.	
	It believes that the option of censure is not sufficient, particularly for members who may have repeatedly breached the code of conduct, and notes that the House of Commons retains the ability to suspend Members of Parliament and that MPs can face recall petitions in certain circumstances.	
	It notes with regret that the Government has still not responded to the recommendations of the Committee on Standards in Public Life in its Twentieth Report: Local Government Ethical Standards (30 January 2019), which included a recommendation that councils should have the power to suspend councillors without allowances for up to six months.	
	Council therefore RESOLVES	
	<ol> <li>to send a letter to our MP Mark Garnier, asking him to take to Westminster our concerns and frustrations, and ask questions of the relevant Ministers as to what changes it may be possible to put in place that will address the lack of effective sanctions, to give Ethics and Standards Committees throughout the country the tools required to hold members to the highest standards;</li> <li>to send a letter to the Secretary of State for Levelling Up, Housing and Communities to ask for a response to this motion;</li> <li>to consider the responses received at the next available meeting of Council.</li> </ol>	
14.	Emergency Motions submitted under Standing Orders	
	To consider Emergency Motions submitted in accordance with Standing Order 4.1 (i).	
15.	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.	
16.	Exclusion of the Press and Public	
	To consider passing the following resolution:	
	"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

#### Part 2

### Not open to the Press and Public

17.	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.	

#### COUNCIL

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

#### 22 SEPTEMBER 2021 (6PM)

#### Present:

Councillors: J Aston (Chairman), P Dyke (Vice-Chairman), G W Ballinger, C J Barnett, J F Byng, V Caulfield, S J Chambers, A Coleman, R H Coleman, B S Dawes, N J Desmond, H E Dyke, C Edginton-White, N Gale, S Griffiths, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, A L L'Huillier, N Martin, S Miah, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, D R Sheppard, J W R Thomas, A Totty, L Whitehouse and P W M Young.

#### C.39 Prayers

Prayers were read by Rev Carey Saleh, St Michael and All Angels, Stourport-on-Severn and All Saints, Wilden.

#### C.40 Apologies for Absence

Apologies for absence were received from Councillor S E N Rook.

#### C.41 Declarations of Interests by Members

No declarations of interest were made.

#### C.42 Minutes

Decision: The minutes of the meeting held on 14th July 2021 be confirmed as a correct record and signed by the Chairman.

#### C.43 Public Participation

There was no public participation.

#### C.44 Questions

Eight questions had been submitted in accordance with Standing Order Section 7, 1.8 by members of the Council.

# 1. Question from Councillor Fran Oborski MBE to the to the Leader of the Council

Back in 2020 we were told that Cordwells were in legal negotiations with Vue Cinemas over the development of a multi screen cinema complex on

the former Glades Leisure Centre site. Can the Cabinet Member tell me the current status of this proposed development?

#### Answer from the Leader of the Council

I attended a positive meeting with the cinema operator and the developer in July this year when both reaffirmed their intention to move forward on this project. The covid pandemic has caused the cinema operator to rethink its seating design. With any new cinemas they bring forward there are looking at a new vision of reclining seats with will provide more distance between each customer for obvious reasons to do with covid. They have been looking at revised layouts to accommodate them. They will also be taking the necessary surveys and site investigations in support of a planning application to be submitted hopefully in early spring next year. In the meantime, the developer will continue to work with a cinema operator on the required legal processes which when completed will enable the detailed pre-let conversations to start and take place. There has already been interest from various outlets but this would be commercially sensitive so it would not be proper for me to discuss it in this chamber.

#### **Supplementary question**

I am very grateful for that answer, I hope that the Leader will be able to a make a public statement as soon as possible because I know there are a lot of people out there in the community wanting to know exactly what is happening.

#### Answer

If I take that as a question Councillor Oborski, yes, obviously I think it is well known that I do not like to raise expectations until I have firm facts in front of me. As soon as we are able, we will make public statements.

# 2. Question from Councillor Fran Oborski MBE to the Cabinet Member for Finance and Capital Portfolio

Can the Cabinet Member for Finance tell what is the likely cost to WFDC as an Employer of the Government's proposed 1.25% increase in NI Contributions?

#### Answer from the Cabinet Member for Finance and Capital Portfolio

The estimated cost of the Government's National Insurance is expected to be £68,000 in 2022 – 2023. Paragraph 86 of the Government's plan for health and social care says the Government intends to compensate departments and other public sector employers in England at the spending review and for the increased cost of the levy. If the Government did not take this step, then the spending power of the public services including the NHS would be reduced. We welcome that commitment and look forward to the Government ensuring that there will be a full reimbursement of the additional cost. It would be very disappointing if spending on District

Councils had to be reduced in order to fund the NHS and social care.

#### Supplementary question

In view of the fact that those of us above pensionable age, that are not used to paying NI, will have to pay NI if we have any earnings above the NI threshold, can you possibly tell me at what stage the Treasurer's department are likely to be contacting members who are in that advanced age bracket to find out what our earnings are and whether we are going to be liable or not?

#### Answer

That is a very fulsome question, and very complex. I do not think that at this moment in time we are able to give you a full and complex answer that you deserve. Therefore, we will give you a written response.

#### 3. Question from Councillor Marcus Hart to the Cabinet Member for Operational Services

Would the Cabinet Member for Operational Services confirm to this Council that all statutory services provided by the Depot will remain throughout the tenure of the Progressive Alliance?

### Answer from the Cabinet Member for Operational Services

All options with regard to Council services are being looked at to find the best options for this Council moving forward. Councillor Hart well knows the position this Council is in financially and therefore it is right that the Progressive Alliance explore all options that are out there. The Medium-Term Financial Strategy commits us to examine shared service options with our colleagues in Redditch and Bromsgrove this review is underway. On that basis, I cannot confirm that services will remain unchanged.

#### **Supplementary question**

Would you agree with me that any suggestion that this Council and the Progressive Alliance would not fulfil its statutory duties for example to pick up the litter under section 89 of the Environmental Protection Act would be an utter disgrace and will he confirm to me that moving forward the length and breadth of this district litter in particular will continue to be a statutory function of this Council and they will not seek to obviate it to anybody?

#### Answer

Hopefully, litter is one of the options that will remain with this Council moving forward.

4. Question from Councillor Marcus Hart to the Cabinet Member for Operational Services Would the Cabinet Member for Operational Services confirm to this Council what the catering offer for staff, tenants, visitors, hirers and members will be moving forward now we begin to return to Wyre Forest House?

#### Answer from the Cabinet Member for Operational Services

As Council knows, prior to the pandemic café services was provided by a tenant organisation, Aspen Vintage Events. Their tenancy agreement started in September 2019 and runs until September 2024. At the start of the pandemic Aspens closed their business operations and café services within Wyre Forest House. They have advised us they will not be trading or reopening the café even after ceasing of lockdown restrictions. Their tenancy agreement continues, and they are still paying rent for the area. All the kitchen areas have remined available for staff and tenants to use during the pandemic for bringing their own consumables for drinks and food preparation, a water drinking machine is also available in reception.

As the café services are no longer available for refreshments for events in the public meeting rooms from 1st September users and hirers are able to make their own catering arrangements for their meetings and events. We have also asked that the mobile catering vans that are around the area, stop off each day outside Wyre Forest House as they come onto the Finepoint Way site. As people know they offer freshly made sandwiches and snacks.

#### **Supplementary question**

Would you therefore clarify for this Council whether when a hirer books this venue we put a catering offer inclusive or effectively in addition to the hiring cost and therefore that is something that we facilitate and secondly are you now confirming to this Council that effectively the catering offer that once was in this building will not be the same moving forwards?

#### Answer

Yes, the catering offer as it stands at the moment will not be the same moving forward. As we move forward to look at the options that are available for this building. Obviously we will consider what future catering options will remain and as I did say in my answer areas are available for hirers and users to bring and make good their own catering arrangements for events as and when they hire this building.

#### 5. Question from Councillor Marcus Hart to the Cabinet Member for Finance and Capital Portfolio

Would the Cabinet Member for Finance and Capital Portfolio advise this Council on the long term future of the Hub and its operating model?

#### Answer from the Cabinet Member for Finance and Capital Portfolio

As members know the Hub is based now in Green Street for which there

are no plans to change. I will summarise the operating arrangements in the post covid world. The Hub staff now work based around a hybrid model of office and home working. The Hub reception is staffed on a rota basis where, when not on reception duty, the Customer Service Advisers work from home answering the telephone and e-mails.

The Hub is promoting an appointment system in order to manage the customer demand. Anyone needing urgent advice or support can be seen by a Customer Service Adviser between 9am and 5pm Monday to Friday, although an appointment is preferred when possible. Housing Officers are also on site at all times and see those in need of emergency housing as required.

#### Supplementary question

Would you be so kind as to agree with me, given the importance that this Council is open and transparent and given your previous comments about being open and accessible to the public, that it is imperative that the Hub is open to all members of the public without the need for an appointment? Could you also advise Council given you said that it's open to urgent advice for people who turn up what the definition of urgent advice is and who determines whether it's urgent or not?

#### Answer

I am really pleased you asked these questions for clarification on what I said. Firstly, this is a hybrid model: there are staff at the Hub from Monday to Friday 9am to 5pm. There are two main ways of getting access to the Hub one is by an appointment system. Some people prefer appointments because they can access them so there are staff there to answer and promote an appointment system. There are also staff there which will answer anybody's questions: whoever turns up, whether it is an emergency or otherwise, they are there to answer the questions. The people who are in that part of the Hub will actually have to sit and queue and take their turn, but others who are going through an appointment system will get their appointment on a specified time at a specified date to suit them. People who need to urgently see people - like somebody who's been evicted in the morning - they can easily turn up straight away at the Hub. They will be seen and they will be sorted out and given appropriate housing accommodation. I hope that has clarified the situation for you.

# 6. Question from Councillor Nathan Desmond to the Leader of the Council

Would the Leader of the Council update Council on the latest position on the cinema proposal for Lionfields at the Former Glades Leisure Centre site?

As Councillor Oborski had previously asked a similar question, Councillor Desmond moved to his supplementary question.

#### **Supplementary question**

I am very grateful for the Leader's positive reply to Councillor Oborski's question. Would the Leader of the Council commit to attend a future meeting of scrutiny, obviously with the Chairman's indulgence, to brief members on this very important regeneration topic in exempt if possible?

#### Answer

Yes, Councillor Desmond I do not have a problem with that. I would wish to accumulate some more information before I did that because obviously scrutiny would want to know more details, but in agreement with the Chairman of scrutiny, I do not see a problem with that at all.

#### 7. Question from Councillor Ian Hardiman to the Cabinet Member for Operational Services

Would the Cabinet Member for Operational Services update this Council on progress on estate verge grass cutting since the July meeting of Full Council and his subsequent written briefing note?

#### Answer from the Cabinet Member for Operational Services

You will recall that at the time I reported that the team have been affected by a couple of key issues in terms of grass cutting. The main issue was the weather and the other was staffing. A very wet May, followed by damp spells in June and July, produced the perfect conditions for the prolific grass growing and the teams were struggling to catch up. I understand that many other councils' grass cutting crews suffered the same issues that we encountered with the grass growing beyond their teams' ability to catch up and keep on top of it. The whole team at the Depot were also dealing with the Covid "ping-demic" episode, which affected the availability of our staff.

I am pleased to announce that, despite these specific issues, this service along with many other key front line functions has continued to be delivered by our dedicated and hardworking team, even if this has meant that some staff had to be moved around. Again, we hear of many council services elsewhere that have been suspended during this difficult time so we should congratulate our own teams for being committed and flexible in doing the wonderful job they have done.

#### Supplementary question

There is no criticism of our stuff of course. We were very impressed with all the efforts they have made during the pandemic. However, can the Cabinet Member please explain why when the County Council is increasing its funding for grass cutting for the district each year this Council is reducing its spend on this important matter?

#### Answer

Yes, the County Council is increasing their spend but we have to look at it from a practical point of view. How much should we spend ourselves on getting this service done when the majority of the costs are really down to the County Council? It is a function of the County Council that we do on their behalf so, to me, the County Council should be contributing much more than they do in order to for us to carry out this important function.

#### 8. Question from Councillor Chris Rogers to the Cabinet Member for Housing, Health, Wellbeing and Democratic Services

Would the Cabinet Member for Housing, Health, Wellbeing and Democratic Services advise this Council when the first electric vehicle charging point will be installed in a WFDC owned pay and display car park?

# Answer from the Cabinet Member for Housing, Health, Wellbeing and Democratic Services

As a member of the Green Advisory Panel you will have received the report for the meeting on the 24th of September which builds on the earlier consultancy study. On the 24th it is hoped that the Panel will formulate its recommendations and hopefully will recommend that the financial modelling be finalised and a business case for the investment at several of our car parks come for approval by Cabinet at some point.

#### Supplementary question

Would the Cabinet Member not agree with me that a major incentive to owning an electric car is being able to charge it, not just at home but where you work and where you shop, and should we not be moving as quickly as possible to achieve this and offer an incentive for people to buy electric vehicles as other councils have done?

#### Answer

I would agree with you that the way forward is electric vehicles. However you will understand as an experienced councillor that I am unable to give you a precise date because of the modelling, the business case, the procurement and all that it involves. So, apologies for not being able to give you a date but it is moving forward.

#### C.45 Chairman's Communications

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

#### C.46 Leader of the Council Announcements

The Leader of the Council referred members to her tabled report.

#### C.47 Amendments to Council Procedure Rules

Council received a report from the Chief Executive to consider amendments to the Council Procedure Rules (Standing Orders) in Part 7 of the Council's Constitution.

#### Agenda Item No. 4

The Leader presented the report and formally moved the recommendations for approval. The proposals were seconded by the Cabinet Member for Culture, Leisure and Community Safety.

Councillor M Hart moved an amendment to the proposals to set up a cross party member working group consisting of one member from each political group, to be chaired by the Chairman of the Council to consider further the proposals as set out in Appendix 1. He proposed the working group concludes its work and makes its recommendations by 31<sup>st</sup> March 2022 to inform a Full Council report for adoption at the AGM in May 2022.

Councillor F Oborski MBE seconded the proposals and outlined her reasons for supporting the amendment.

A robust debate on the amendment to the motion ensued. Upon a show of hands, the vote on the amendment was tied.

As the vote was tied, the Chairman used his casting vote and voted against the amendment, which was therefore defeated.

A discussion on the substantive motion took place. Upon a show of hands, the vote on the substantive motion was tied.

As the vote was tied, the Chairman used his casting vote and voted in favour of the substantive motion, which was therefore carried.

# Decision: Council AGREED the amendments set out in Appendix 1 of the report.

At 7.40pm the meeting was adjourned for a short comfort break, the meeting resumed at 7.48pm.

#### C.48 Motions Submitted under Standing Orders

Two motions have been received in accordance with Standing Orders (Section 7, 4.1).

#### 1. Notice of Motion from the Conservative Group

This Council fully supports the Green Agenda and is committed to ensuring that sustainability is at the heart of our decision making.

Furthermore, this Council fully endorses the need for a Solar Farm on land owned by WFDC as proposed by the Conservative Group in February 2020 and the need for electric charging points in our pay and display car parks.

This Council is concerned about the delay in making real progress on these really important issues for our communities and calls upon The Leader of the Council to provide a full formal update to this Council urgently.

Councillor C Rogers presented the motion on behalf of the Conservative Group. The motion was seconded by Councillor I Hardiman.

Councillor Rogers outlined the reasons for the motion and a robust debate ensued.

Decision: Upon a show of hands the motion was defeated.

# 2. Notice of Motion from Councillor S Miah on behalf of the Liberal Democrat Group

Councillor S Miah presented a motion on behalf of the Liberal Democrat Group. The motion was seconded by Councillor F Oborski MBE.

Councillor Miah outlined the reasons for the motion and an open and thorough discussion ensued. Several members spoke in agreement with the motion and shared their personal experiences of dealing with mental ill health issues.

Upon a show of hands, the vote was unanimously carried.

Decision: The notice of motion be agreed:

This council notes:

- 1 in 4 adults and one child in six will experience a mental health problem in any year.
- Mental ill health costs some £119 billion each year in England alone.
- People with a severe mental illness die up to 20 years younger than average in the UK.
- The Covid-19 pandemic has put extra strain on people's mental health, and this is likely to last for some time after.

This council believes:

- As a local authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health.
- Mental health should be a priority across all the local authority's areas of responsibility.
- All councillors, whether members of the Executive or Scrutiny and in our community and casework roles, can play a positive role in championing mental health on an individual and strategic basis.

This council resolves:

- To sign the Local Authorities' Mental Health Challenge run by Centre for Mental Health.
- We commit to appoint an elected member as 'mental health champion' across the council.
- We will support the member champion to enable them to take on this role.

Subject to availability of resources and with the expectation that the council will focus on services within its statutory duties and discretionary powers,

the council will also:

- Support positive mental health in our community, including in local schools, neighbourhoods and workplaces.
- Work to reduce inequalities in mental health in our community.
- Work with local partners to offer effective support for people with mental health needs.
- Tackle discrimination on the grounds of mental health in our community.
- Proactively listen to people of all ages and backgrounds about what they need for better mental health.

#### C.49 Urgent Motions submitted under Standing Orders

There were no urgent motions.

There being no further business, the meeting ended at 9.15pm.

The full meeting is available for viewing on the Council's website <a href="https://www.wyreforestdc.gov.uk/your-council/councillors-committees-and-meetings/council-meetings/">https://www.wyreforestdc.gov.uk/your-council/councillors-committees-and-meetings/council-meetings/</a>

#### COUNCIL

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

#### 2 NOVEMBER 2021 (5.57PM)

#### Present:

Councillors: J Aston (Chairman), P Dyke (Vice-Chairman), G W Ballinger, C J Barnett, J F Byng, V Caulfield, S J Chambers, A Coleman, R H Coleman, B S Dawes, N J Desmond, H E Dyke, C Edginton-White, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, A L L'Huillier, N Martin, S Miah, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, S E N Rook, D R Sheppard, J W R Thomas, L Whitehouse and P W M Young.

#### C.50 Apologies for Absence

Apologies for absence were received from Councillors: N Gale and A Totty.

#### C.51 Declarations of Interests by Members

No declarations of interest were made.

#### C.52 Exclusion of the Press and Public

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

Councillors A L L'Huillier and L Jones joined the meeting at 6.02pm.

#### C.53 Recommendations from the Audit Committee 27 October 2021: Audit Review – Unity Park (Former Frenco Site) Provision of 9 Industrial Units

The Chairman of the Audit Committee, Councillor R Coleman, presented the recommendations and formally moved them for approval.

He thanked the Audit Manager, Cheryl Ellerton, for all her hard work in carrying out the review. He said that he hoped the comprehensive set of recommendations would safeguard the financial position of the council in future contracts.

The Leader seconded the proposals.

Upon a show of hands, the vote was unanimously carried.

Decision: Council NOTED that:

- a) In consultation with Procurement Officer colleagues from West Mercia Police, the Solicitor to the Council and Corporate Director: Resources will work up proposals for revisions to the Contract Procedure Rules to include a framework for applying financial appraisals for consideration by the Audit Committee at its next meeting, the framework to include a threshold for size of construction contracts above which there should be a financial evaluation criterion;
- b) Consideration should be given as part of that revised framework to what provision the Contract Procedure Rules should make about vetting of potential new construction contractors, in respect of financial standing and evidence of completion of previous comparable contracts, in addition to any self-assessment provided; in what circumstances the mitigation measures in PPN 02/13 should be considered, including performance bonds; in what circumstances arrangements about retention are required and what they should be; and what steps should be taken in the event that a contractor's invoice during a contract is rejected in whole or in part, including reporting the fact to councillors;
- c) The Committee considers that, in future, no project should proceed where the logic of creating an income stream is found to work only if the accepted contactor's price is all that makes it viable and that contractor's price is both the lowest and significantly lower than others received.

#### C.54 Unity Park - construction of industrial units

Council considered a confidential report from the Corporate Director: Economic Prosperity & Place to decide whether to provide additional funding within the capital programme to allow works to proceed to complete construction.

The Cabinet Member for Operational Services presented the report and formally moved the recommendations for approval. He thanked the Officers, Chairman and members of the Audit Committee for their in-depth investigation into the project.

He explained that the units were in a prominent and strategic location and were designed to meet the needs of increased employment opportunities within the district for business to evolve from initial incubation units to a larger unit. He said the completion of the project would enable revenue income streams to be realised as there was a market demand for the much needed small, individual industrial units. The proposals provided the council with a viable option for supporting economic growth within the district and other options may not provide value for money for the council.

The Leader seconded the proposals.

A discussion ensued. A vote on the motion was carried and agreed.

#### **Decision: Council AGREED:**

- 1.1 To appoint the company named in paragraph 2.1 of the confidential report, as the contractor to complete the works at Unity Park, Silverwoods Way.
- 1.2 That the Capital Programme is amended to transfer the amounts shown in the confidential report to the Industrial Units on the Unity Park Site, from the Capital Portfolio Fund and from the Evergreen Investment Fund to provide a revised overall Capital budget for the Unity Park site of the amount shown in the confidential report. This will enable the completion of the nine industrial units on the site.

There being no further business, the meeting ended at 7.02pm.

#### Chairman's List of Functions – 2021/22

#### September – November 2021

- 17<sup>th</sup> September Mayor of Worcester Inaugural Ball
- 7<sup>th</sup> October WFDC Showcase for Older People Event
- 10<sup>th</sup> October Mayor of Worcester Civic Service
- 17<sup>th</sup> October Bromsgrove District Council Chairman's Civic Service
- 20<sup>th</sup> October Kidderminster Town Council Freeman's Investiture
- 12<sup>th</sup> November Stourport Mayor Charity Variety Night
- 14<sup>th</sup> November Kidderminster Remembrance Service
- 19<sup>th</sup> November Wyre Forest Young Voices with Primary Chords
- 20th November Mayor of Droitwich Dinner Dance
- 27th November Kidderminster Choral Society (John Rutter)\*

\* Denotes attendance by Vice Chairman

#### COUNCIL 8 DECEMBER 2021

#### Appointment of Chief Finance Officer under Section 151, Local Government Act 1972

OPEN	
CABINET MEMBER:	Councillor Helen Dyke
	Leader of the Council
DIRECTOR:	Chief Executive
CONTACT OFFICER:	lan Miller x 2700
	lan.miller@wyreforestdc.gov.uk
APPENDICES:	None

#### 1. <u>PURPOSE OF REPORT</u>

1.1 To appoint a chief finance officer as required by legislation, following the retirement of the Corporate Director: Resources.

#### 2. <u>RECOMMENDATION</u>

In accordance with section 151 of the Local Government Act 1972, the Council is RECOMMENDED to appoint Helen Ogram as its chief finance officer, with effect from 1 January 2022.

#### 3. BACKGROUND

- 3. 1 Following the changes to the senior management structure that were agreed by Council in May 2021, the post of Corporate Director: Resources is being made redundant on 31 December 2021 and Tracey Southall, who has filled the role of the Council's chief finance officer since 2012, will retire.
- 3. 2 Section 151 of the 1972 Act provides that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". Other legislation imposes various powers and duties on the section 151 officer including:
  - (a) duty to make certain reports under sections 114 and 114A of the Local Government Finance Act 1988 (this is the provision that designates the officer appointed under section 151 of the 1972 Act as "chief finance officer");
  - (b) duty to report under sections 25 and 27 of the Local Government Act 2003 in respect of budget calculations.
- 3.3 Section 113 of the 1988 Act requires that the person appointed as chief finance officer holds one of a specified list of professional accountancy qualifications.

### 4. KEY ISSUES

- 4.1 It is a legal requirement for the Council to appoint one of its officers as the chief finance officer in accordance with section 151 of the 1972 Act. The management review set out the intention that the Financial Services Manager would be re-designated as Head of Resources and assume the section 151 role.
- 4.2 The postholder Helen Ogram has served with the Council since 2017. She has acted as deputy section 151 officer throughout and, prior to joining Wyre Forest District Council, served as section 151 officer in another district council for three years. Therefore she has the requisite experience and professional qualification in order to undertake the role.

#### 5. FINANCIAL IMPLICATIONS

5.1 There are no additional financial implications for the Council arising directly from this report. Allowance for the placing of the post on the Council's deputy chief officer grade was made in the management review report in May 2021.

#### 6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Relevant legislation has been cited throughout the report. The recommendation meet the legal requirements for the Council to designate one of its officers under section 151 of the 1972 Act.
- 6.2 As a consequence of the management review, the Solicitor to the Council will update references to named posts in the Constitution, in accordance with article 15. This will include the list of statutory officers in article 12 of the constitution.

#### 7. EQUALITY IMPACT NEEDS ASSESSMENT

7.1 An equality impact assessment is not required as the statutory appointment derives from the Council's earlier decision on the management review.

#### 8. <u>RISK MANAGEMENT</u>

8.1 The proposal is not considered to present any significant risks to the Council, as the officer to be appointed has significant previous experience as section 151 officer and deputy section 151 officer.

#### 9. <u>CONCLUSION</u>

9.1 The Council is invited to agree the appointment set out in the recommendation.

#### 10. CONSULTEES

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

### 11. BACKGROUND PAPERS

11.1 Report to Council, 13 May 2021 - senior management review

#### 11.2 Relevant legislation

Section 151, Local Government Act 1972 Local Government Act 1972 (legislation.gov.uk) Section 113, Local Government Finance Act 1988 Local Government Finance Act 1988 (legislation.gov.uk)

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS OVERVIEW & SCRUTINY COMMITTEE 7 OCTOBER 2021

#### **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 committee agenda pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 12 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc56946\_20211007\_o\_and\_s\_agenda.pdf

REC	OMMENDATION TO COUNCIL	CHAIRMAN OF COMMITTEE
	ual Report on Treasury Management Service and Ial Prudential Indicators 2020-21	Councillor M Hart
The to:	Overview & Scrutiny Committee recommends to Council	
1.1	Approve the actual 2020-21 prudential and treasury indicators in the report;	
1.2	Approve the actual 2020-21 non-treasury prudential indicators for Capital Portfolio Fund properties;	
1.3	Note the annual treasury management report for 2020-21, including information on the non-treasury prudential indicators for Capital Portfolio Fund properties.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS OVERVIEW & SCRUTINY COMMITTEE 4 NOVEMBER 2021

#### **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**

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http://www.wyreforest.gov.uk/council/docs/doc57056\_20211104\_o\_and\_s\_agenda.pdf

REC	OMMENDATION TO COUNCIL	CHAIRMAN OF COMMITTEE
Trea	sury Management Strategy Statement and	Councillor
Ann	ual Investment Strategy Mid-year Review Report 2021-22	M Hart
The to:	Overview & Scrutiny Committee recommends to Council	
1.1	Approve this Treasury Management Mid-year Review and updated Prudential Indicators and Ratios.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS AUDIT COMMITTEE 24 NOVEMBER 2021

#### **Purpose of Report**

To consider recommendations from the Audit 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 committee agenda pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 10 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc57150\_20211124\_audit\_agenda.pdf

REC	OMMENDATION TO COUNCIL	CHAIRMAN OF COMMITTEE
	ndments to the Contract Procedure Rules and Financial ulations	Councillor R Coleman
The	Audit Committee RECOMMEND to Council that:	
1.1	The Contract Procedure Rules are amended as proposed in Appendix A to the report.	
1.2	The Financial Regulations are amended as proposed in Appendix B to the report.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS AUDIT COMMITTEE 24 NOVEMBER 2021

#### **Purpose of Report**

To consider recommendations from the Audit 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 committee agenda pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 80 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc57150\_20211124\_audit\_agenda.pdf

RECOMMENDATION TO COUNCIL	CHAIRMAN OF COMMITTEE
Appointment of External Auditors	Councillor R Coleman
The Audit Committee RECOMMEND that Full Council:	
Agrees that Wyre Forest District Council opts into the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors for 5 years commencing from 2023/24.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS FROM CABINET 9 NOVEMBER 2021

#### **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 pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 3 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc57134\_20211109\_cabinet\_report.pdf

RECOMMENDATION TO COUNCIL	CABINET MEMBER
Financial and Strategic Policy Context for the Medium Term Financial Strategy	Councillor M Rayner
The Cabinet RECOMMEND to Council that:	
It amends the capital programme to include the Levelling Up Fund projects, funded by Government grant of £17.9m.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS FROM CABINET 13 OCTOBER 2021

#### **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 exempt cabinet agenda pack.

RECOMMENDATION TO COUNCIL	CABINET MEMBER
Redevelopment of land, Market Street, Kidderminster	Councillor J Thomas
The Cabinet RECOMMEND to Council that it:	
Approves an amendment to the Capital Programme to include the acquisition of the land as set out in 2.3 of the confidential report and, in the event that the cost exceeds available resources in the Evergreen Investment Fund, delegates to the Section 151 Officer the decision on the allocation of appropriate other funding sources available to the Council within its existing budgets in order to allow the acquisition to proceed.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS FROM CABINET 9 NOVEMBER 2021

#### **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 pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 11 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc57072\_20211109\_cabinet\_report.pdf

RECOMMENDATION TO COUNCIL	CABINET MEMBER
Business case for the use of Electric Vehicle Chargepoints (EVC) on Council owned car parks	Councillor N Martin
The Cabinet RECOMMEND to Council that:	
The Capital Programme is amended accordingly to accommodate the purchase and installation of Electric Vehicle Charging points together with the requisite revisions to the revenue budget as set out in Appendix 3 of the report.	

#### COUNCIL 8 DECEMBER 2021

#### POLICY AND BUDGET FRAMEWORK MATTERS WHICH REQUIRE A DECISION BY COUNCIL

#### RECOMMENDATIONS FROM CABINET 9 NOVEMBER 2021

#### **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 pack. A public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website. See the report on page 17 of the pdf at this link:

http://www.wyreforest.gov.uk/council/docs/doc57072\_20211109\_cabinet\_report.pdf

RECOMMENDATION TO COUNCIL	CABINET MEMBER
Revenues, Benefits and Customer Services Review	Councillor M Rayner
The Cabinet RECOMMEND to Council:	
Approval of the severance costs in two cases that exceed £100,000.	

#### COUNCIL 8 DECEMBER 2021

#### **QUESTIONS TO COUNCIL**

#### 1. Question from Councillor Nathan Desmond to the Cabinet Member for Housing, Health, Well-being and Democratic Services

Regarding the recent cabinet report on Electric Charging Points, could the Cabinet Member for Housing, Health, Well-being and Democratic Services please can you confirm that a full business case was produced for the lease option of equipment on par, with the detailed business case for full ownership of electric vehicle chargepoints (EVC) equipment. If so was this then shared with the wider cabinet and debated in Cabinet/CLT (Corporate Leadership Team) on the most advantageous and financial beneficial model to WFDC on providing EVC points?

#### 2. Question from Councillor Marcus Hart to the Cabinet Member for Operational Services

Could the Cabinet Member for Operational Services please confirm that should Parish Council's not wish to enter into fresh litter picking and bin emptying arrangements when their agreements come to an end that this Council will ensure that it fulfils its statutory duty and provide the same service as it does to our 3 towns?

#### 3. Question from Councillor Tracey Onslow to the Leader of the Council

Could the Leader of the Council please advise this Council on the up-to-date position around the restoration of Brinton Park, following the granting of £2.4m of Lottery funding in September 2020?

#### 4. Question from Councillor Chris Rogers to the Cabinet Member for Operational Services

Would the Cabinet Member for Operational Services please tell this Council, and most importantly the public by what date the Frenco units on the Hoobrook Link Road will be completed, given work started in the summer of 2019?

#### 5. Question from Councillor Ian Hardiman to the Cabinet Member for Operational Services

Would the Cabinet Member for Operational Services agree with me that reporting routine street scene issues is simply not working at present via the app and would he further agree with me that an urgent look at this is needed?

#### 6. Question from Councillor Sally Chambers to the Cabinet Member for Operational Services

Would the Cabinet Member for Operational Services tell this Council and most importantly the public it serves when will Wyre Forest House be open as it previously was for the public given that the Covid-19 situation could be with us for months or even years?

#### 7. Question from Councillor Marcus Hart to the Leader of the Council

Would the Leader of the Council advise this Council whether or not she respects and welcomes the role that back benchers play in the work of this Council?

#### 8. Question from Councillor Nathan Desmond to the Leader of the Council

Would the Leader of the Council say when her Progressive Alliance will put their ideology to one side and invest in out of district projects if it is deemed the best thing to do for the residents of this District?

#### 9. Question from Councillor Sally Chambers to the Leader of the Council

Would the Leader of the Council confirm to this Council that she and the Progressive Alliance have no plans to sell or transfer Habberley Valley to a third party?

#### 10. Question from Councillor F Oborski MBE to the Cabinet Member for Operational Services

Can the Cabinet Member tell me what steps if any have been taken to convert our diesel fuelled refuse freighters to "green" biodiesel?

#### 11. Question from Councillor F Oborski MBE to the Cabinet Member for Housing, Health, Well-being and Democratic Services

Can the Cabinet Member tell me what steps are being taken to house Afghan Refugees in Wyre Forest, how many families we expect to house and when we expect them to arrive?