

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

8 DECEMBER 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, P Harrison, M J Hart, K Henderson, L J Jones, A L L'Huillier, N Martin, S Miah, F M Oborski MBE, M Rayner, C Rogers, S E N Rook, D Ross, J W R Thomas, L Whitehouse and P W M Young.

C.55 Prayers

Prayers were said by Rev. Jason Borlase, Kidderminster Baptist Church.

On behalf of the Chairman the Solicitor to the Council read out the following statement:

As members are aware, there is a statutory duty on this Authority to promote and maintain the highest standards of conduct for all our councillors.

The Chairman also has a duty to ensure that the Constitution is upheld and the reputation of this Council is maintained.

The Chairman was sorry to read of the member behaviour that led to the censure issued by the Ethics and Standards Committee and noted that it was not the first time that the member concerned had breached the code of conduct.

The chairman would like to remind members this evening of the 7 principles of public life and looks forward to a high standard of debate from all members here this evening.

Councillor C Barnett joined the meeting at 6.03pm.

C.56 Apologies for Absence

Apologies for absence were received from Councillors: N Gale, I Hardiman, T L Onslow, D R Sheppard and A Totty.

C.57 Declarations of Interests by Members

No declarations of interest were made.

C.58 Minutes

Decision: The minutes of the last meeting held on 22 September 2021, and the special meeting held on 2 November 2021 be confirmed as a correct record and signed by the Chairman.

C.59 Public Participation

There was no public participation.

C.60 Chairman's Communications

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

C.61 Leader of the Council Announcements

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

C.62 Political Balance

Council considered a report from the Solicitor to the Council to approve the revised table of political balance.

The Leader presented the report and formally moved the recommendation for approval. The proposal was seconded by the Cabinet Member for Culture, Leisure and Community Safety.

Decision: Council approved the revised table of political balance in Appendix 1.

C.63 Appointment of Chief Finance Officer under Section 151, Local Government Act 1972

Council received a report from the Chief Executive to appoint a chief finance officer as required by legislation, following the retirement of the Corporate Director: Resources.

The Leader presented the report and formally moved the recommendation for approval. She explained that the postholder Helen Ogram had served with the Council since 2017 and had acted as deputy section 151 officer throughout. She added that prior to joining the authority, Helen had served as section 151 officer in another district council for three years. Therefore, she had the requisite experience and professional qualification in order to undertake the role. The proposal was seconded by the Cabinet Member for Culture, Leisure and Community Safety.

The Chief Executive confirmed that it was a matter for the section 151 officer to appoint a deputy.

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

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

C.64 Tributes

Group Leaders were invited to pay tributes to the Corporate Director: Resources, Tracey Southall, and the Corporate Director: Economic Prosperity and Place, Mike Parker, on their retirement.

The Leader said that Tracey had been fantastic in explaining finance in its simplest terms so that she could understand it. She said at times she would have been lost without her explanations. She spoke about the time when a member had asked, with regard to the financial situation of the Council, if Tracey was able to sleep at night; she said she had been reassured when Tracey said 'yes'. She thanked Tracey for all her hard work and dedication, which was very much appreciated by everybody.

The Leader said that Mike had made an outstanding contribution to the economic regeneration of the district. She said he had a great calmness about him and an ability not to lose his temper or get irate when dealing with members that were 'overstepping the mark'. She thanked him for all his help and advice over the years and wished him well for the future.

Councillor M Hart said that Mike's enthusiasm for economic regeneration had contributed towards the initiation of the ReWyre initiative, and the wider economic regeneration programme which had seen a lot of positive change for the district. He added that Mike had played a huge part in securing monies from central government from the Future High Streets and Levelling Up Funds. He said that Mike had been a mainstay for him and his group over the years.

Councillor Hart said that Tracey had always given very sound, honest and fair advice, for which his group were very grateful for. He said that she had been a mainstay at Scrutiny and thanked her for the advice she had given him in his role of Chairman of the Overview and Scrutiny Committee.

On behalf of the Conservative Group, he thanked Mike and Tracey for the service they had given to the authority over the years and wished them well for the future.

On behalf of herself and her fellow Liberal Democrat councillors, Councillor F Oborski MBE extended gratitude and best wishes to both Directors.

She said that Councillor H Dyke was right; Mike was completely unflappable. She had never seen him begin to look slightly disturbed by anything and he always remained calm. She said that Mike had started out in the Development Control section of Planning and, despite his promotions to greater heights within the authority, he was back taking the leading role at the last Planning Committee meeting. She said it demonstrated his ability to do the diversity of those roles very well. She

Agenda Item No. 4

wished him a very long and happy retirement and hoped that by 2024 he would be able to see the outcomes in Kidderminster of all the hard work he had put into the Future High Streets Fund projects.

Councillor Oborski MBE spoke about a memory she had of Tracey some years ago. Heavy snow had fallen and Tracey had walked into work as she had budget setting meetings booked with political group members; she said this showed the fantastic degree of commitment Tracey had to the council. She said she was very grateful for the advice and guidance Tracey had given regarding Treasury Management, and for her ability to keep conversations between different groups confidential during the budget setting process. She said that Tracey would be sorely missed and wished her well for the future and hoped she had a long and happy retirement.

Councillor L Whitehouse said that both Mike and Tracey had made huge contributions to the council over the years and would be missed. He said that Mike had always been very responsive and helpful when he needed advice. He said nothing was ever too much trouble for Tracey. She was very patient and had an ability to talk things through in a simple way to make it easier for people to understand.

On behalf of himself and Councillor S Rook, he thanked Mike and Tracey for their contribution to the council and wished them all the very best for the future.

Councillor G Ballinger thanked Mike and Tracey for their service to the authority. He said members appreciated what they had done and hoped that they would enjoy their deserved retirement. He also paid tribute to other members of staff that had already left or were due to leave the authority.

C.65 Policy and Budget Framework – Matters which require a decision by Council

a) Recommendations from O&S Committee – 07-10-2021

- Annual Report on Treasury Management Service and Actual Prudential Indicators 2020-21

The Chairman of the Committee, Councillor M Hart presented the recommendations and formally moved them for approval. The Vice-Chairman of the Committee, Councillor S Rook, seconded the proposal.

Decision: Council:

- 1.1 Approved the actual 2020-21 prudential and treasury indicators in the report;**
- 1.2 Approved the actual 2020-21 non-treasury prudential indicators for Capital Portfolio Fund properties;**

1.3 Noted the annual treasury management report for 2020-21, including information on the non-treasury prudential indicators for Capital Portfolio Fund properties.

b) Recommendations from O&S Committee – 04-11-2021

- Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2021-22

Councillor Hart presented the recommendations and formally moved them for approval. The proposal was seconded by Councillor Rook.

Decision: Council approved this Treasury Management Mid-year Review and updated Prudential Indicators and Ratios.

c) Recommendations from Audit Committee – 24-11-2021

- Amendments to the Contract Procedure Rules and Financial Regulations

The Chairman of the Committee, Councillor R Coleman presented the recommendations and formally moved them for approval. The Vice-Chairman of the Committee, Councillor P Young, seconded the proposal.

Decision: Council AGREED 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.

d) Recommendations from Audit Committee – 24-11-2021

- Appointment of External Auditors

Councillor R Coleman presented the recommendation and formally moved it for approval. The proposal was seconded by Councillor P Young.

Decision: Council AGREED 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.

e) Recommendations from Licensing & Environmental Committee – 06-12-2021

- Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2022/23

The Chairman of the Committee, Councillor P Dyke presented the recommendations and formally moved them for approval. The Vice-Chairman of the Committee, Councillor A Coleman, seconded the proposal.

Decision: Council AGREED that the proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2022/23, as detailed in the report, be included in the Council's 2022/23 budget strategy.

f) Recommendations from Licensing & Environmental Committee – 06-12-2021

- Review of the Gambling Act 2005 Revised Statement of Principles Consultation Results

Councillor P Dyke presented the recommendation and formally moved it for approval. The proposal was seconded by Councillor A Coleman.

Decision: The revised Statement of Principles 2022–25 attached at Appendix 3 of the report be approved and published.

Amendments to Capital Programme

g) Recommendations from Cabinet – 09-11-2021

- Financial and Strategic Policy Context for the Medium Term Financial Strategy

The Cabinet Member for Finance and Capital Portfolio presented the recommendation and formally moved it for approval. The Leader seconded the proposal.

Decision: Council AGREED to amend the capital programme to include the Levelling Up Fund projects, funded by Government grant of £17.9m.

h) Recommendations from Cabinet – 13-10-2021

- Redevelopment of land, Market Street, Kidderminster

The Cabinet Member for Operational Services presented the recommendations and formally moved them for approval. The Leader seconded the proposals.

Decision: Council APPROVED 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.

i) Recommendations from Cabinet – 09-11-2021

- Business case for the use of Electric Vehicle Chargepoints (EVC) on Council owned car parks

The Cabinet Member for Housing, Health, Well-being and Democratic

Agenda Item No. 4

Services presented the recommendations and formally moved them for approval. She explained that on 22 May 2019, Council had agreed to support a motion on developing EVC on its car parks. She added that the project had been incorporated into the work of the cross-party Green Agenda Cabinet Advisory Panel. She said that the Panel had spent a considerable amount of time deliberating the issue.

For the benefit of a question that had been submitted on a latter part of the agenda, the Cabinet Member provided members with a timeline of the dates that the Panel had received reports, business cases and briefings from the professional advisors, Cenex.

On behalf of the Conservative Group, Councillor N Desmond moved an amendment to motion. The amendment sought to defer the decision to further investigate additional rapid charging points and also the means of delivery of the points. The proposal was seconded by Councillor Hart.

A robust discussion ensued. Several members spoke in favour of the amendment which they believed would ensure value for money for the taxpayers across the district.

A number of members said that they would be unable to support the amendment and agreed with the Cabinet Member that the Council should be part of the solution to lowering carbon emissions within Wyre Forest and was confident that full due diligence had been undertaken.

A vote on the amendment to the motion was taken. Upon a show of hands, the amendment was defeated.

A vote on the substantive motion was carried and agreed.

Decision: Council AGREED 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.

j) Recommendations from Cabinet – 09-11-2021 Localism Act 2011

- Revenues, Benefits and Customer Services Review

The Cabinet Member for Finance and Capital Portfolio presented the recommendations and formally moved them for approval. The Leader seconded the proposal.

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

Decision: Council APPROVED the severance costs in two cases that exceed £100,000.

The meeting was adjourned at 7.38pm and resumed at 7.48pm.

Eleven questions have been submitted by members of the Council in accordance with Standing Orders.

Councillor Hart advised that in the absence of Councillors T Onslow and I Hardiman, questions number three and five would be withdrawn.

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?

Answer from the Cabinet Member for Housing, Health, Well-being and Democratic Services

My answers are yes and yes

Supplementary question

Could the Cabinet Member please give me, and other members who want it, a full copy of that business case on the lease option?

Answer

Yes

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 Councils 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?

Answer from the Cabinet Member for Operational Services

The negotiations with Parish Councils are still ongoing with the Leader of this Council, who is responsible for the localism agenda. It would be premature of me to speculate the outcome of these negotiations and commit this Council to something that may be resolved in these negotiations.

Supplementary question

Would you agree if Parish Councils do not continue with litter picking, which is a statutory duty under section 89 of the Environmental Protection Act 1990, which this council has a statutory duty to clear and keep the land free from litter, that if the same service continues in the three town districts it would not be reasonable for the Council to defend that policy?

Answer

This Council will continue to discharge its statutory duties, but that depends on government funding. If we have not got the funding to continue the way in which we continue our statutory duties at the moment, then we will have to look at other ways to find the money or hence cut the services.

3. Question withdrawn

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 Franco units on the Hoobrook Link Road will be completed, given work started in the summer of 2019?

Answer from the Cabinet Member for Operational Services

Following a Council decision on 2 November the contract has been finalised. The contractor has been on site since Monday and we expect completion early 2022.

Supplementary question

Would the Cabinet Member assure me that should there be any further problems with this project it will not impact on our capital programme?

Answer

Hopefully, there should be no further increases to our capital programme, and hopefully, we should come under budget.

5. Question withdrawn

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?

Answer from the Cabinet Member for Operational Services

Wyre Forest House is open for business. If a member of the public turns up with a query, staff will do their utmost to help. Given the fact that staff are not always available, if there is a specific request it is better that the public use the online services or the customer services hub to access council services. The building continues to be open for public meetings.

Supplementary question

I am a little concerned that the door is locked all day long and you need an access pass to get in. Would the Cabinet Member not agree we serve the public and therefore we are failing by not being properly open?

Answer

The reception is manned all the time and, if they notice that someone is waiting to come in, the reception team will let them in as soon as is humanly possible. There is somebody on reception from 9am to 5pm.

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?

Answer from the Leader

As a back bencher on this Council for most of the years I have served on it, I respect, value and welcome the role back benchers play on this Council.

Supplementary question

Would the Leader agree with me that saying one thing is indeed one thing, but the doing is another? If the Overview & Scrutiny Committee which is cross-party for example makes genuine recommendations to her and the Executive that she leads, will she give a commitment that they will be genuinely considered and taken on board rather than simply ignored?

Answer

Any recommendations that come forward from Overview & Scrutiny (O&S) and other panels, are duly considered and given full attention by myself and Cabinet, and I can assure you as a past Chairman of O&S for many years, I make sure that every recommendation from Scrutiny is given the full attention it deserves. Sometimes as legislation allows, we take a different view for Council from those recommendations made by these committees. Just because we don't agree does not mean to say we show disrespect, we look at the picture for Council. I will also remind members that there is a call-in procedure, that can be activated if members feel strongly. It was activated in my time as Chairman and received quite a lot of opposition from the Cabinet at that time. As a past chair of O&S I am sure that past administrations have not accepted recommendations from O&S. As I have said this does not show disrespect it shows looking at an issue differently.

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?

Answer from the Leader

You will have noticed that in the Cabinet Agenda of 9 November, paragraph 4.2.3 and 4.2.4, it discusses the idea of moving into different areas. It also forms part of this year's budget consultation document, so we are asking residents at the moment what their views are.

Supplementary question

Agenda Item No. 4

Do you personally favour changing the policy so we can invest in out of district projects? And do you agree with the recent presentation at Scrutiny, where Jones Valerio, in relation to Stratford Court in Solihull, said the current policy is restricting this Council from maximising income at that particular place, due to the current policy of not being able to invest in out of district?

Answer

I always take notice of people that we have to advise us and will continue to do so. Secondly, I do not make personal decisions for this Council. I make decisions on behalf of the Council and the residents. I do not think that my personal view has any relevance: it is the view of Council and the way forward.

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?

Answer from the Leader

The rumour that the Council is selling or going to sell Habberley Valley seems to circulate quite often and is totally untrue. I have no plans to sell it and the selling of Habberley Valley has not been discussed in any forum I have attended. Members may also remember during localism discussions transfer of our services was discussed, including nature reserves, but there was no mention of anything ever being sold. This has not been progressed to this date, and there have not been any conversations with any third party or within Cabinet.

Supplementary question

If that is so, would you agree that we need to reassure the incumbent tenant within Habberley Valley who looks after the café and put forward plans to maximise the asset?

Answer

I am aware that tenants have asked this question before of a Councillor that is no longer serving on this Council and other Councillors within the ward. As far as I am aware, they have always received the same reply.

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?

Answer from the Cabinet Member for Operational Services

This was discussed at the Green Advisory Panel and is one of a number of options for de-carbonising our fleet that is under active consideration.

Supplementary question

Agenda Item No. 4

Would the Cabinet member be willing to contact the City of Portsmouth council who have very successfully already converted their diesel freighters to using biodiesel and are already noticing the carbon impact that it is having in reducing their carbon footprint?

Answer

Yes, certainly if you would forward the contact details of the person in that Council, I will get in touch with them and see what they have to say.

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?

Answer from the Cabinet Member for Housing, Health, Well-being and Democratic Services

Our Head of Strategic Growth has regular meetings with the County Council and the Community Housing Group to identify two properties. With regards to when we are expecting those families, that is something that we are not aware of yet. There was a meeting this afternoon, so I am hoping to get an update from the Head of Strategic Growth in the next few days.

Supplementary question

I am aware that families who have been housed in Worcester have been welcomed to the City by the Worcester Welcoming Group. I hope she will agree that, if and when Afghan families are housed in Wyre Forest, the local Refugee Group will be given the opportunity to welcome them and assist them in settling?

Answer

Yes

C.67

Motions Submitted under Standing Orders

Two motions have been received in accordance with Standing Orders.

1. Notice of Motion from the Liberal Democrat Group

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

Councillor Oborski MBE outlined the reasons for the motion. A discussion ensued and upon a show of hands, the motion was unanimously agreed.

Decision: The motion received in accordance with Standing Orders be agreed:

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

Councillor L'Huillier presented her motion which was seconded by the Cabinet Member for Finance and Capital Portfolio.

Councillor L'Huillier outlined the reasons for the motion. A discussion ensued and upon a show of hands, the motion was unanimously agreed.

Decision: The motion received in accordance with Standing Orders be agreed:

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

- (1) to send a letter to our MP Mark Garnier, asking him to take to**

Agenda Item No. 4

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;

- (2) to send a letter to the Secretary of State for Levelling Up, Housing and Communities to ask for a response to this motion;**
- (3) to consider the responses received at the next available meeting of Council.**

C.68 Emergency Motions submitted under Standing Orders

There were no urgent motions.

There being no further business, the meeting ended at 8.42pm.

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