

Open

Council

Agenda

6pm
Wednesday, 17 May 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Council

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COUNCIL MEETING

9 May 2023

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 17 May 2023**, in the Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster.

The Agenda for the meeting is enclosed.

Yours sincerely

A handwritten signature in black ink that reads "I R Miller".

Ian Miller
Chief Executive

Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required. Again please ensure you have spoken in advance to the relevant legal advisor.

(A) TERMS OF REFERENCE OF THE COUNCIL

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council's business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

(B) MATTERS RESERVED TO THE COUNCIL

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.

8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council's Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

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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.

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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, 17 May 2023

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, Vicar, Kidderminster Baptist Church	
2.	Election of Chairman To elect a Chairman of the Council for the Municipal Year 2023-2024.	
3.	Chairman – Investiture and Declaration of Acceptance of Office To invest the Chairman of the Council with the Chain of Office after which the Chairman will make his or her Declaration of Acceptance of Office.	
4.	Chairman’s Response The Chairman of the Council will express thanks for his or her election	
5.	Retiring Chairman The Leaders of the largest political groups will thank the retiring Chairman of the Council.	
6.	Election of Vice-Chairman To elect a Vice-Chairman of the Council for the Municipal Year 2023-2024.	
7.	Vice-Chairman – Investiture and Declaration of Acceptance of Office To invest the Vice-Chairman of the Council with his or her Badge of Office after which the Vice-Chairman will make a Declaration of Acceptance of Office.	
8.	Election of Leader of the Council To elect a Leader of the Council for the period to the annual general meeting following the ordinary elections in 2027, in accordance with section 91 of the Local Government Act 2000 and the Council’s constitution.	10

9.	Apologies for Absence	
10.	<p>Declarations of Interests by Members</p> <p>In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda.</p> <p>Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.</p>	
11.	<p>Minutes</p> <p>To approve as a correct record and sign the Minutes of the last meeting held on 22 February 2023.</p>	12
12.	<p>Public Participation</p> <p>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 Monday 8 May 2023.</p> <p>No requests for public participation were received by the deadline.</p> <p><i>If you wish to speak on an urgent matter that has arisen since the deadline and you could not reasonably have known about it at the time, you should register your interest in speaking no later than 9am on the day of the meeting of Council. In the case of a request to speak on an urgent matter, the Solicitor to the Council will rule on whether or not the matter is urgent and that ruling will be final.</i></p>	
13.	<p>Chairman's Communications</p> <p>To note the engagements of the Chairman of the Council since the Council's last meeting.</p>	25
14.	<p>Leader of the Council Announcements</p> <p>To receive announcements from the Leader of the Council.</p>	
15.	<p>Political and Constitutional Structures 2023-2024</p> <p>To consider a report from the Solicitor to the Council on the proposed political and constitutional structures for the municipal year 2023-2024.</p>	26
16.	<p>Members' Annual Activity Reports and Attendance 2022-2023</p> <p>To note the schedule of Members' Annual Reports giving details of their activities in their role as District Councillors for the 2022-2023 municipal year and to receive a record of Members' attendance for the 2022-2023 municipal year.</p> <p><i>These reports are available electronically on the website</i> https://forms.wyreforestdc.gov.uk/council/meetings/com55.htm#mt8698</p>	70

17.	<p>Annual Reports for the Municipal Year 2022-2023</p> <p>(a) Cabinet</p> <p>(b) Overview & Scrutiny Committee</p> <p>(c) Ethics & Standards Committee</p>	<p>71</p> <p>73</p> <p>78</p>
18.	<p>Independent Remuneration Panel</p> <p>To receive a report from the Chief Executive to agree to establish an Independent Remuneration Panel (IRP) to recommend any amendments to the scheme of allowances to be paid to Members for the municipal year 2023/24 and for subsequent years.</p>	81
19.	<p>Questions</p> <p>To receive questions submitted by Members of the Council and the replies of the Leader of the Council, or relevant Cabinet Member, in accordance with Standing Order 1.9, details of which have been received by 12 noon on Friday 5 May 2023.</p> <p>No questions were received by the deadline.</p> <p><i>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.</i></p>	
20.	<p>Motions Submitted under Standing Orders</p> <p>To consider Motions in the order in which notice has been received.</p> <p>No motions were received by the deadline.</p>	
21.	<p>Emergency Motions submitted under Standing Orders</p> <p>To consider Emergency Motions submitted in accordance with Standing Order 4.1 (i).</p>	
22.	<p>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.</p>	
23.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	

Part 2

Not open to the Press and Public

24.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL**COUNCIL**
17 MAY 2023**Election of Leader of the Council**

OPEN	
RESPONSIBLE OFFICER:	Chief Executive
CONTACT OFFICER:	Ian Miller, Ext. 2700 ian.miller@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

1.1 To elect a Leader of the Council.

2. RECOMMENDATION

2.1 Council is asked to **ELECT** the Leader of the Council for the period to the annual general meeting of the Council following the next ordinary elections in May 2027.

3. BACKGROUND

3.1 On 1st December 2010, the Council adopted a new governance model for its executive arrangements with effect from May 2011. The Local Government 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) required Councils to adopt what has been described as a “strong leader” in governance terms for executive arrangements.

3.2 Under this model Council appoints the Leader, who then appoints the Cabinet and allocates Cabinet responsibilities. The Leader has a strengthened role and is directly responsible for deciding the discharge of the functions which are the responsibility of the executive.

3.3 The Leader of the Council decides the size of the Cabinet (the legal maximum of 10 remains) and areas of Cabinet member responsibility. The Leader of the Council must appoint at least 2 other Councillors to the Cabinet, and under Article 7 of the Council’s Constitution must appoint one of them as Deputy Leader.

3.4 The Leader allocates responsibility for the discharge of executive functions, whether by himself or herself, the Cabinet collectively, individual members of the Cabinet, or officers, or any combination. The discharge of functions which are not the responsibility of the executive (e.g. Planning, Overview and Scrutiny and Ethics and Standards) remains unaffected.

4. KEY ISSUES

4.1 Under section 44E of the 2000 Act, the Council was required to appoint its Leader for up to a 4 year term of office. The term of office was linked to the term of office of the Member as a Councillor, as set out in article 7 of the Council’s constitution. Section 44E has since been repealed by the Localism Act 2011. In accordance with the

permissive powers in section 9I of the 2000 Act (as inserted by the 2011 Act), Wyre Forest's constitution continues to make provision for the term of office of the Leader to be linked to his or her term of office as a Councillor. This will be the period until the annual general meeting of the Council following the next ordinary elections in May 2027.

- 4.2 The position described above in respect of the term of office of the Leader reflects what is required by the Council's constitution. Council is reminded that, under Article 7 of its constitution, it has the ability to vote to remove the Leader from office following submission of a motion to that effect; and any Leader has the ability to resign from office.

5. FINANCIAL IMPLICATIONS

- 5.1 None. The Council's budget includes provision for the special responsibility allowance for the role of Leader of the Council.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The relevant provisions of the 2000 Act and the Council's constitution have been mentioned above. A Leader should be appointed as required by the legislation and the adopted governance model for the council's executive arrangements.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This report relates to an appointment to be made by the Council and an equality impact assessment is not required.

8. RISK MANAGEMENT

- 8.1 If the Council fails to appoint a Leader of the Council, the powers would be discharged by the Head of Paid Service in consultation with Group Leaders.

9. CONCLUSION

- 9.1 The Council is invited to appoint the Leader of the Council.

10. CONSULTEES

- 10.1 The Corporate Leadership Team.

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

22 FEBRUARY 2023 (6PM)

Present:

Councillors: P Dyke (Chairman), C Edginton-White (Vice-Chairman), J Aston, G W Ballinger, C J Barnett, B Brookes, V Caulfield, S J Chambers, A Coleman, R H Coleman, B S Dawes, N J Desmond, H E Dyke, N Gale, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, N Martin, S Miah, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, S E N Rook, D Ross, D R Sheppard, J W R Thomas, A Totty, L Whitehouse and P W M Young.

C.62 Prayers

Prayers were read by Rev. Sallie Butcher – Priest-in-Charge, Wyre Forest West (Mamble, Bayton, Rock, Heightington and Far Forest)

C.63 Apologies for Absence

Apologies for absence were received from Councillor: J F Byng.

C.64 Declarations of Interests by Members

As recorded later in the minutes, Councillor S Chambers declared in respect of agenda item nine, Council Tax Setting 2023-2024, that her brother is the Police and Crime Commissioner for West Mercia.

C.65 Minutes

Decision: The minutes of the meeting held on 7 December 2022 be confirmed as a correct record and signed by the Chairman.

C.66 Public Participation

There was no public participation.

C.67 Chairman's Communications

The Council received a list of functions attended by the Chairman or Vice-Chairman since the Council's last meeting. The Chairman announced that unfortunately, due to lack of support, his charity Valentine Dance event had been cancelled.

C.68 Leader of the Council Announcements

The Leader of the Council referred members to her tabled report. A copy of the announcements is available for viewing on the Council's website.

https://forms.wyreforestdc.gov.uk/council/docs/doc58379_20230222_council_report.pdf

C.69 Medium Term Financial Strategy 2023-2026 & Capital Strategy 2023-2033

A report was considered from the Head of Resources which sought approval of the Council's budget for 2023-2026 having considered the proposed decision and budget reports recommended to council by cabinet.

The report also sought approval of the Capital Strategy for 2023-2033 including prudential indicators which set limits for non-financial investments and to fulfil the key requirements of the Department for Levelling up, Housing and Communities (DLUHC) Investment Guidance.

The Cabinet Member for Finance and Capital Portfolio presented the report and formally moved the recommendations for approval. She said that the budget proposals had been shaped by the views of residents who had completed the council's annual budget consultation and consideration of the alternative budgets shared by the Liberal Democrat and Conservative groups.

She said that the cabinet were grateful to the public for sharing their views and to the other groups for their suggestions. She added that the strategy continued with the programme of work to consider options for how the council might deliver services differently in future to save costs and protect front line services.

The Cabinet Member gave a summary of the nine proposals as outlined in the report considered by cabinet on 7 February 2023. In addition to the proposals, she advised that cabinet were sympathetic to two further alternative budget proposals that do not have revenue implications for 2023-24, namely; the webcasting for cabinet meetings would be resumed in the new municipal year, and cabinet will invite the Overview and Scrutiny Committee to undertake a review of inclusive play equipment in the parks owned by WFDC in the new municipal year.

In conclusion, the Cabinet Member said that the proposals set out in the report represented a realistic way forward that reflected the aspirations of the cabinet; acknowledged the alternative proposals put forward by the opposition groups whilst still allowing the authority to continue to balance the books in these challenging times.

The Leader seconded the proposals.

On behalf of the Conservative Group Councillor N Desmond moved a suite of amendments as set out in appendix 5 of the report. He said that the

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alternative proposals sought to be helpful and constructive. He said they were formulated by the needs of the residents and their priorities and were a continuation of the group's vision and aims that had been clearly set out over the last two years. He added that the proposals were based on restoring pride within the district.

The amendment was seconded by Councillor M Hart.

A robust debate on the amendment ensued.

Named votes on the Conservative Group proposals were recorded as follows and the amendment was defeated:

For (13)

Councillors: B Brookes, S J Chambers, B S Dawes, N J Desmond, N Gale, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, T L Onslow, C Rogers and D Ross.

Against (19)

Councillors: J Aston, G W Ballinger, C J Barnett, V Caulfield, A Coleman, R H Coleman, H E Dyke, P Dyke, C Edginton-White, N Martin, S Miah, F M Oborski MBE, M Rayner, S E N Rook, D R Sheppard, J W R Thomas, A Totty, L Whitehouse and P W M Young.

Abstained (0)

A discussion on the substantive budget proposals took place. The Leader of the Liberal Democrat group, Councillor F Oborski MBE thanked the Cabinet Member for taking on the proposals from her group and welcomed the inclusion of the £5k community fund to deliver events to celebrate the coronation of King Charles III.

The Leader of the Conservative group, Councillor M Hart, said that it was regrettable that no funds had been allocated for the provision of disabled play equipment in Brinton Park and Stourport riverside. However it was a positive step that the Overview and Scrutiny Committee had been invited to undertake a review on the matter.

The Cabinet Member for Finance and Capital Portfolio addressed a number of the issues raised during the debate and urged council to support the proposals.

A named vote on the substantive budget proposals was recorded as follows and was agreed:

For (19)

Councillors: J Aston, G W Ballinger, C J Barnett, V Caulfield, A Coleman, R H Coleman, H E Dyke, P Dyke, C Edginton-White, N Martin, S Miah, F M Oborski MBE, M Rayner, S E N Rook, D R Sheppard, J W R Thomas,

A Totty, L Whitehouse and P W M Young.

Against (0)

Abstained (13)

Councillors: B Brookes, S J Chambers, B S Dawes, N J Desmond, N Gale, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, T L Onslow, C Rogers and D Ross.

Decision: Council;

1.1 THREE YEAR BUDGET, CAPITAL STRATEGY AND POLICY FRAMEWORK 2023-2026

1.1.1 APPROVED the updated Medium-Term Financial Strategy 2023-2026.

1.1.2 APPROVED the Cabinet Proposals – taking into account the impact on the Council’s Capital and Revenue Budgets for 2023-2026 as shown in the tables in paragraphs 6.1 and 6.3 and as set out below:

- a) Approval to provide community leadership funding of £1,000 for each councillor in 2023-24, at a cost of £33,000 in 2023-24.**
- b) Approval to provide additional staffing resources to address capacity issues at a cost of £119,000 in 2023-24, £166,000 in 2024-25 and £189,000 in 2025-26.**
- c) Approve investment for a further 5 year period in the ICT strategy which has revenue implications of £6,000 in 2023-24, £49,000 in 2024-25 and £123,000 in 2025-26. The ICT Strategy will deliver £1.6m capital investment over the period 2023-24 to 2028-29.**
- d) Approval to fund 2 generic Civil and Environmental enforcement posts £65,140 in 2023-24 and £67,740 in 2024-25.**
- e) Approval to provide additional litter picking resource in Stourport and Bewdley, a £10,000 pa core element to cover six weeks in the summer and a £10,000 pa match funding element subject to match funding from the Town Councils.**
- f) Approval to provide a £5,000 Community Fund to provide grants of £100 - £500 to support community, charity and residents’ groups to deliver events to celebrate the Coronation of King Charles III.**
- g) Approval to provide new culture/arts events grants to town councils £20,000 pa.**

- h) **Approval of up to £1,000 pa for the costs of the No Barriers Awards scheme on the basis that there is an absolute minimum of administrative support provided by WFDC;**
 - i) **Approval of the inclusion of the Housing Fund grant offer in the Capital Programme. The grant offer of £706,000 will support capital expenditure in 2023-24 of £876,000. The balance to be met from the Evergreen Investment Fund.**
- 1.1.3 APPROVED the fees and charges in line with this Strategy, and the impact on the Council's Revenue Budget for 2023-2026, as shown in Appendix 3.**
- 1.1.4 APPROVED the Council's updated Capital Strategy:**
- a) **Approval of the Capital Strategy 2023-2033 set out in Appendix 1 of the December Cabinet report and the associated Quatitative Indicators set out in Appendix 2 of the same report.**
 - b) **Approval of variations to the Capital Programme and Vehicle, Equipment and Systems Renewals Schedule as set out in Appendices 2A and 2B, of the report (which updates Appendix 1 of the Capital Strategy report to December 2022 Cabinet).**
 - c) **Approval of the limits for gross debt for non-treasury investments compared to net service expenditure and for commercial income as a percentage of net service expenditure as set out in Appendix 2C of the report.**
- 1.1.5 APPROVED that any Final Accounts savings arising from 2022-2023, together with surplus Earmarked Reserves, be allocated by the Head of Resources in consultation with the Cabinet Member for Finance and Capital Portfolio.**
- 1.1.6 The General Fund Revenue Budget be APPROVED including all updates from the position in December 2022 as set out in the report.**
- 1.2 COUNCIL TAX AND BUSINESS RATES**
- 1.2.2 Council:**
- a) **SETS the Council Tax for Wyre Forest District Council on a Band D Property at £236.21 for 2023-2024 (£229.34 2022-2023) which represents an increase of 3% on Council Tax from 2022-2023.**
 - b) **ENDORSES the provisional Council Tax on a Band D Property in 2024-2025 of £243.27 and £250.57 in 2025-2026, being increases of 3%.**

- 1.2.3 NOTED the Head of Resources (as Chief Financial Officer) opinion on the budget proposals, recommended by the Cabinet in the report, as detailed in Appendix 4 of the report.**

C.70 Council Tax Setting 2023-2024

Council considered the formal resolution for setting the Council Tax for 2023-24.

The Cabinet Member for Finance and Capital Portfolio formally moved the recommendations as set out in the report for approval. She said the resolution included setting a Council Tax for this Council of £236.21, an increase of just under 3% which for a Band D property was just £6.87 for the year or 13p per week. She added that most properties in Wyre Forest were in Bands A to C and would therefore pay less than this.

The Leader seconded the proposal.

A discussion ensued. Councillor S Chambers made her declaration at this point (7.33pm).

A named vote on the Council Tax resolution was recorded as follows and was agreed:

For (32)

Councillors: J Aston, G Ballinger, C Barnett, B Brookes, V Caulfield, S Chambers, A Coleman, R Coleman, B Dawes, N Desmond, H Dyke, P Dyke, C Edginton-White, N Gale, I Hardiman, P Harrison, M Hart, K Henderson, L Jones, N Martin, S Miah, F Oborski MBE, T Onslow, M Rayner, C Rogers, S Rook, D Ross, D Sheppard, J Thomas, A Totty, L Whitehouse and P Young.

Decision: Council APPROVED the formal Council Tax Resolution 2023-24 at Appendix 1, taking into account information contained in Appendices 2 to 5.

C.71 Policy and Budget Framework – Matters which require a decision by Council

- a. Recommendation from the Treasury Management Review Panel – 30-01-2023**

- **Treasury Management Strategy 2023-24**

Councillor S Miah presented the recommendations and formally moved them for approval. He thanked the Head of Resources, her team and the external advisors for their hard work and expert advice they give to members.

Councillor F Oborski MBE seconded the proposals.

Upon a vote, the proposals were agreed.

Decision: Council;

- 1.1 **Approved the restated Prudential Indicators and Limits for the financial years 2023-24 to 2032-33, along with the new Liability Benchmark, included in Appendix 3 of the report. (There have been no revisions to the Prudential Indicators considered by the Panel)**
- 1.2 **Approved the updated Treasury Management and Investment Policy and Strategy Statements for the period 1st April 2023 to 31st March 2024 (the associated Prudential Indicators are included in Appendix 3 and the detailed criteria is included in Section 10 and Appendix 5).**
- 1.3 **Approved the Minimum Revenue Provision (MRP) Statement that sets out the Council's policy on MRP included in Appendix 1.**
- 1.4 **Approved the Authorised Limit Prudential Indicator included in Appendix 3.**
- 1.5 **Noted that the separate Capital Strategy 2023-33, to be approved separately by Council, sets out the policy statement covering non-treasury investments including the related suite of prudential indicators.**

C.72

Questions

Eight questions had been submitted by members of the council in accordance with standing orders.

1. Question from Councillor N Desmond to the Leader of the Council

Last June, the cabinet took the decision to end their agreement with Cordwell leisure to provide a cinema and leisure facilities on the former Glades Site, Kidderminster. Could the Leader explain what has happened over the last 8 months to redevelop this important site?

Answer from Leader of the Council

I am sorry to say a common theme will arise in some of tonight's answers, and it will be about Government delays. Cabinet decided in the summer to progress a preferred development scheme for parcel 1 of Lionfields, which is the former Glades site. If you remember we parcelled them into various numbers, with the site being taken to market for development, subject to the outcome of a feasibility study. The tendering of the feasibility study had been held up because we applied for the money for this from the UK Shared Prosperity Fund. The plan was submitted at the end of July. The Government's announcement was scheduled for October 2022, but we did not get the answer until December. So, until we got that answer, we were not sure if we would be lucky with that grant, and the actual first tranche of the money only went into our bank account on the 31 January 2023. So

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now we know we have got that money and we are successful with the grant, the plan is for us to do the invitation to tender this month, or the beginning of next month. I can only apologise we could not move quicker, but we were waiting for Government to get back to us.

Supplementary question

I am very grateful for that full and frank answer, it is helpful. Can the Leader just clarify how much money have we had in, or how much is the feasibility study looking to cost? And more importantly an invitation to tender to do what? Is that a complete feasibility study for the whole package, and does she agree with me that the most probable outcome is likely to be a residential development?

Answer

I agree with you on that Councillor Desmond, but obviously I cannot foretell the future and if you remember we had this conversation at Cabinet about what was likely to come forward. I have not got the complete cost in front of me regarding the application, but I will supply that to you as soon as possible. Yes, I think it is likely to be residential, and the tender part is for us to do the feasibility and get started.

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

With The Environment Act 2021 becoming law introducing the need for a separate food waste collection, could the Cabinet member reassure me that there are no plans whatsoever to introduce 3 weekly collections?

Answer from the Cabinet Member for Operational Services

All the Worcestershire councils, as you well know, are planning for the introduction of food waste collections, but have been badly let down by Government. We are still waiting for Government to confirm the timetable for the implementation and say what funding will be available to cover the costs of this implementation. Because of this, any decisions on how food waste will be implemented, and other changes required under The Environment Act, will be a decision for the future Cabinet and not this administration to take.

Supplementary question

Would the Cabinet member confirm this, and indeed say that if they were to be the future administration or that he or any of his colleagues were involved in, would he rule out 3 weekly collections, yes or no?

Answer

Unfortunately, I cannot do that, there are several options on the table that have been put forward by the consultants which the waste group within the county is looking at. As you say 3 weekly collections is one of those options. Whatever Cabinet / administration is in post after the May elections, it is for them to look at the proposals and make a decision on them. It is not within the scope of this administration.

3. Question from Councillor B Brookes to the Cabinet Member for Housing, Health, Wellbeing and Democratic Services

Could the Cabinet Member please tell this Council how many members of staff have left this Council since 1st January 2022, by whatever means, how many job vacancies we currently have unfilled and what are the posts?

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

I can tell you 60 members of staff have left this organisation, and they are varying from resignations, ill health, retirement, and end of contracts. I can also tell you that we have a number of vacancies ranging from operatives, customer services, procurement, auditors, Development Manager, Resilience Manager and Health & Safety Officer.

Supplementary question

What evidence do you have that the 5% uplift to staff wages has made in stemming the flow of staff, following the 4 years of mismanagement by this administration?

Answer

I cannot possibly agree that it is mismanagement of the last 4 years. I think the 5% did not go far enough. I think that staff will come and go for varying reasons. I also think that what the 5% has done, is that it has increased the people that apply for our jobs and the skill set of the people that are applying for the jobs has increased. I do not think it is mismanagement of the last 4 years.

4. Question from Councillor T Onslow to the Cabinet Member Culture, Leisure and Community Safety

Immediately after the Cabinet Member replied to my question at the last meeting, a local resident contacted me to say that what I had just been told was completely incorrect – exactly what happened when the Leader replied to my question on this in February. In light of this, would the Cabinet Member agree with me, in respect of the HLF Bid for Brinton Park, that the Administration has lost control of the whole process and negotiations with the Scout Group – who were told on 23rd December, the last working day before Christmas, by email that they were being cut out of the HLF project – have been appallingly handled?

Answer from Cabinet Member Culture, Leisure and Community Safety

No, I do not agree.

Supplementary question

Would he please tell me, this project has been going on and this money was granted two and half years ago, when is work going to start in Brinton Park?

Answer

Many councils across the country are having to reshape and rescale their budgets for different projects. And you know because construction costs

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have gone up dramatically over the last couple of years. The National Lottery Heritage Fund actually contacted officers of this Council, on the evening of the 7th December and made it very clear that the project funding was at risk of being withdrawn and imposed a deadline of the 31st December on this council, to submit the signed lease and licence to agree to submit a re-scoped project omitting the pavilion. And that was agreed with the Lottery Fund. The scouts confirmed on the 21st December that the documentation was not going to be agreed before Christmas and regrettably we had to inform the scouts that the pavilion element of the project would be omitted. The total approved grant is £2.4 million, of which £175,000 relates to the pavilion. Given the increases in construction costs the Council is not going to increase its financial commitment and there is no realistic hope of alternative funding. Cost reductions of about £200,000 have to be made. While the pavilion and WF21 the scout group were important to the overall bid, it was only a small proportion of the total cost. It is about new toilets, new café and y a lot for the whole of the public of Wyre Forest and that's what Brinton Park is about. We need to keep within the overall funding of the scheme. We are sad this has had to happen, but given the need to keep within that budget, the willingness of the fund to contemplate a re-scoped project, that omitted the pavilion, could not be overlooked. We would have lost the whole money if we had not re-scoped and put in a new bid, and that is the bottom line. It's gone on for years and years - the discussions with the scouts, everybody, and I think I said this when we did speak in December, at the end of the day our Officers tried their hardest and it is sad it couldn't be achieved. But at the end of the day, we do not want to lose the project for that part, because it is a major project, a major refurbishment and it needs to go ahead.

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

Whilst welcoming the news in the 1st February edition of Wyred Weekly regarding access to Wyre Forest House would the Cabinet Member advise this Council whose decision it was to reverse this policy, why it was ever introduced in the first place and by whom?

Answer from the Cabinet Member for Operational Services

This was an operational decision by officers. Perhaps you have forgotten Councillor Hardiman that the restrictions on access to the building and many other places was first introduced in 2020, as a result of Government's legislation in response to the Covid 19 pandemic.

Supplementary question

Would the Cabinet member agree with me that the decision to shut up shop to the public we serve was a disgrace and demonstrates that this Progressive Alliance led Council has forgotten that it is the electorate they serve and not themselves?

Answer

Wyre Forest House is not a customer service hub. The service hub for the district is located at Green Street. There is no need for Wyre Forest House to be open to casual visitors to access any services that are here.

6. Question from Councillor N Desmond to the Cabinet Member for Culture, Leisure and Community Safety

Following the Cabinet's strong leader report setting out the procurement process for providing WFDC electric vehicle charging points, could the relevant cabinet member confirm if the contract has been awarded and when can we expect the first EVC to be operational by?

Answer from the Cabinet Member for Culture, Leisure and Community Safety

There are two Conservative members on the all-party Green Panel. They have been kept fully informed on the progress, and at its meeting on 16th December, the panel was informed that the specification for tender should be advertised in January and an appointment of a contractor in March. At the last meeting, that was last Friday, the panel was informed that the tender was due to be advertised on the 17th of February and contract due to be awarded in April. I can confirm that the tender document was released on Thursday 16th February. The Green Panel has been disappointed that more progress hasn't been made and at the end of the line we were given explanations throughout by our officers and consultants, that these delays had to be dealt with and it was nothing to do with us not wanting it to proceed.

Supplementary question

Would the Cabinet member agree with me that this whole process has been utter shambolic and utter incompetence from the Progressive Alliance? I was told last September that the first one would be delivered last autumn / winter 2022, despite the tender document not even going out at the time. Then all members were told in November that the tender advert would go out at the 23rd November and final award the 6th January. We are now told that the tender document is just gone out and the contract will be in April. Isn't this a reflection that this Progressive Alliance have simply failed to deliver anything meaningful for the last four years?

Answer

No, it is a bit rich really to hear this sort of complaint about the timetable when the Conservative group keeps wanting to delay implementation. In December there was the issue Overview & Scrutiny Committee wanted to refresh the business case and work with further consultants and Cabinet could not agree with that. They have tried again tonight with their amendments for the budget, they do not want to see progress, they do not want to see implementation basically. I acknowledge that regrettably progress has not followed the timetable indicated in the Strong Leader report approved on 14th November. And I said that we were very disappointed about that. But delays have occurred due to the complexity of the process and the tender documentation. They need to be right so that we can move forward to awarding a contract in April and see delivery in the summer.

7. Question from Councillor M Hart to the Leader of the Council

Would the Leader of the Council who has responsibility for Parish Councils please set out to this Council exactly how many Parish Council meetings

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(not including Kidderminster Town Council which she sits on in) she has attended since she took over responsibility in May 2021?

Answer from the Leader of the Council

I can confirm that I have met with many Parish Councils and Councillors in my role as Localism. I have also attended the forums when they have taken place. I have not attended Parish Council meetings. My upbringing when I was taught manners was: do not attend where you are not invited. Had any Parish Council invited me to attend any meeting, I would have gladly done so, or as many as they invited me to attend.

Supplementary question

Would she agree with me, frankly that that answer is absolutely laughable, and it is absolutely shameful and disgraceful that the Leader of this Council and who has responsibility, does not go and attend Parish Councils. And does it not demonstrate to all those Parish Councils and all of us in the rural areas, that this Progressive Alliance just do not care about them?

Answer

I do not think it demonstrates that at all, and of course I understand your question being that most of the Parish Councils are within the ward that you represent. So, I can understand why, and I am sure it will appear in a leaflet next week. But I was only too happy to attend. Had I been invited I would have done so; I was not invited, and I did not.

8. Question from Councillor M Hart to the Leader of the Council

Could the Leader of the Council tell this Council what she thinks the Progressive Allowance's biggest achievement has been over the last 4 years?

Answer from the Leader of the Council

I refer members back to the Leader's announcements and the part that I did not read out is in reference to the question that Councillor Hart has asked. And the wording is, *the period has been dominated*, this is the past four years, *by external factors, including significant periods of upheaval at Westminster, the UK's exit from the European Union, cost of living crisis and of course the thing that will haunt us forever, Covid 19 pandemic*. And not just the Progressive Alliance but this Council - because let us not forget we are a Council of bodies all supposedly working together - have dealt with all those issues very well. We have continued to provide a service to residents of Wyre Forest through all those things that have come across the Council, along with things like investing in a Green Panel to look at the green issues that haven't been addressed before by this Council. So, I think that small paragraph in the Leader's announcements shows what the Progressive Alliance and this Council have achieved during those past four years.

Supplementary question

Having told us what she thought the greatest achievement is, would she tell this Council whether her biggest regret is - a) Not redeveloping the Crown House site; b) Not redeveloping the former Glades site; c) Not redeveloping

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the Bridge Street site in Stourport; d) Releasing far too much land for housing development from the green belt; or e) All of the above?

Answer

I think that anything we haven't been able to achieve as a Council is sad, and I think that anything we have been able to achieve as a Council should be celebrated.

C.73 Motions Submitted under Standing Orders

No motions were received by the deadline.

C.74 Emergency Motions submitted under Standing Orders

There were no emergency motions.

There being no further business, the meeting ended at 8.05pm.

The meeting is available for viewing on the Council's website
<https://wyreforestdc.public-i.tv/core/portal/webcasts>

Chairman's List of Functions – 2023

February to May 2023

27 th Feb 2023	Royal Visit to Specsavers – Our Chairman was presented to HRH The Princess Royal on her arrival. The Vice Chairman was also in attendance.
3 rd March 2023	Lord Lieutenant of Worcestershire, The Guildhall Worcestershire
17 th March 2023	Wyre Forest Young Voices, St George's Church, Kidderminster
23 rd March 2023*	Evening of Gardening with Paul Cook, Cook's Garden Centre joined by the BBC Hereford and Worcester's Reg Moule
24 th March 2023	Mayor of Kidderminster Quiz Night, Kidderminster Cricket Club
25 th March 2023	Annual Concert, St Mary's Church, Kidderminster
23 rd April 2023	Wyre Forest Scouts, St George's Day Parade

* Denotes attendance by Vice Chairman

WYRE FOREST DISTRICT COUNCIL

COUNCIL

17 MAY 2023

Political and Constitutional Structures 2023/2024

OPEN	
CABINET MEMBER:	The Leader of the Council
DIRECTOR:	Solicitor to the Council
CONTACT OFFICER:	Caroline Newlands, Ext. 2715 caroline.newlands@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Revisions to the Constitution Appendix 2 - Political management structure Appendix 3 - Committee appointments Appendix 4 - Municipal calendar Appendix 5 - Political balance Appendix 6 - Appointments to outside bodies Appendix 7 - Planning Code of Good Practice

1. **PURPOSE OF REPORT**

To consider the Political and Constitutional Structures for the municipal year 2023/2024.

2. **RECOMMENDATION**

The Council is asked to:

- 2.1 **Agree the revisions to the Constitution as set out in Appendix 1**
- 2.2 **Approve the proposed Political Management Structure of committees for 2023/2024 as set out in Appendix 2.**
- 2.3 **Agree the Chairmen and Vice-Chairmen of Committees as contained in Appendix 3.**
- 2.4 **Adopt the Municipal Calendar as set out in Appendix 4.**
- 2.5 **Agree the revised table of political balance in Appendix 5.**
- 2.6 **Agree the appointments to outside bodies as set out in Appendix 6.**
- 2.7 **That the Planning Code of Good Practice as set out in Appendix 7 be adopted and added to the Constitution as Part 22**
- 2.8 **Authorise the Solicitor to the Council 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.**

3. BACKGROUND

- 3.1 Council is responsible for establishing the political structures which are not the responsibility of the Leader and Cabinet. Under the Local Government Act 2000 as amended by the Public Involvement in Health Act 2007, the Leader of the Council is responsible for appointments to the Cabinet and allocating responsibilities to Cabinet members. Since 2011, the Council has appointed the Leader of the Council under the “strong leader” model and Council was invited to appoint the Leader for the period to 2027 earlier on tonight’s agenda.
- 3.2 It remains Council’s role to establish such Committees as it thinks fit to carry out the discharge of functions which are not the responsibility of the Cabinet. It also appoints their Chairmen and Vice Chairmen.
- 3.3 Under section 7, 1.4 of the Council’s constitution, it is a function of full Council to make appointments to external bodies including relevant joint committees. Vacancies that arise during the course of the municipal year are dealt with by the Cabinet.
- 3.4 Under Article 15 of the Constitution, it is for full Council to agree material changes to the constitution. There are two such amendments proposed, which are set out in section 4 below and Appendices 1 and 7.

4. KEY ISSUES

- 4.1 Following the elections on 4 May 2023, four political groups have been formed and the administration will be provided by the Conservative group which holds 20 of the 33 seats. The Conservative group’s proposals for the 2023/2024 political structure are detailed in Appendix 2.

Political Balance

- 4.2 Following the elections, Council is required to calculate political balance shown in appendix 5. Councillors have formed themselves into political groups of the following numbers.

Conservative	20
Independent and Green	7
Labour	4
Liberal Democrat	2

Legislation requires that the aggregate allocation of committee seats must be in accordance with the principles of political balance and proportionality. Subject to this, individual committee membership should reflect the political balance of the Council as far as practicable. Council can depart from these principles provided no member votes against doing so. As usual, it is not possible to achieve precise political balance. The political balance of committees is set out in Appendix 5.

Amendments to Constitution

4.3 Three minor amendments to the constitution are set out in Appendix 1 for the Council's approval.

4.3.1 **Part 4 Responsibility for Functions – Table 3** DELEGATION TO OFFICERS OF FUNCTIONS THAT ARE NOT EXECUTIVE FUNCTIONS

To enable, inter alia, notices to be served in the event that works are urgently needed to trees in private ownership, rather than rely on the public safety delegations, it is considered that the Local Government (Miscellaneous Provisions) Act 1976, which includes a specific power should be added to the legislation under which officers can exercise delegated powers. Full details of the updated delegations are set out in Appendix 1.

4.3.2 **Part 12 Contract Procedure Rules – Section 2**

The Contracts procedure rules include the requirement to obtain quotes or tenders. The amendment is to increase the value where the award procedure must be followed unless an exception is obtained or one of the alternative methods of Tendering is chosen. The updated sections are also set out in Appendix 1.

4.3.3 **Part 12 Contract Procedure Rules - Rule 42**

Section 4 of the Constitution (Responsibility for Functions) delegates the signing of documents to the Solicitor to the Council unless the Council has authorised some other person for some specific purpose. It is proposed that the Contract Procedure Rules are amended to allow specified contracts (most notably those for services up to £5,000 and goods up to £15,000) to be signed by the lead officer managing the contract. The reason for this proposal is to enable officers to increase efficiency in entering lower value contracts. Proposed amendment to the Contract Procedure Rules is set out in Appendix 1.

4.4 A more substantial amendment to the constitution is proposed in Appendix 7, namely that the **Members' Planning Code of Good Practice** should be formally adopted as Part 22 of the Constitution. The Planning Committee approved this many years ago, after it was prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters. Formally adopting the Code as part of the Council's Constitution enhances transparency about these issues and sets clear expectations for appropriate behaviour by members in respect of planning matters.

Committee Appointments

4.5 After determining its political structures and allocations of seats to committees, Council must appoint Chairmen and Vice-Chairmen to committees. The nominations for these posts are set out in Appendix 3. The Solicitor to the Council will fill other seats in accordance with the nominations from the respective political Groups.

Municipal Calendar

4.6 The calendar of meetings for 2023/2024, attached at Appendix 4, has been prepared based on the Council's proposed decision-making structure and in accordance with the Council's Standing Orders.

Outside appointments

- 4.7 Each year the Council appoints Members as representatives on a number of outside bodies.
- 4.8 The attached schedule at Appendix 6 details the appointments due at this time and the number of nominations required for each body. Members will note that the appointments are made for the municipal year 2023/2024 unless otherwise annotated.
- 4.9 The schedule in Appendix 6 sets out the proposals for who should be appointed in each case. The proposals have been shared with Group Leaders.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The proposals comply with the requirements of Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 which require one or more Overview and Scrutiny Committees to be established. The proposals comply with the requirements of the Licensing Act 2003 in respect of licensing committees.
- 6.2 The proposals for the allocation of seats on committees reflect political balance in accordance with the Local Government and Housing Act 1989.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 An equality impact assessment has been undertaken and it is considered that there are no discernible impacts on the six equality strands.

8. RISK MANAGEMENT

- 8.1 There are no significant risks associated with the proposed political management structure for 2023/2024.

9. CONCLUSION

- 9.1 The proposals contained within this report meet the requirements of the relevant legislation including the Local Government Act 2000 and provide clear links to the Council's priorities.

10. CONSULTEES

- 10.1 The Chief Executive.
- 10.2 Group Leaders – in respect of the municipal calendar & appointments to outside bodies.

11. BACKGROUND PAPERS

- 11.1 Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, Local Government and Housing Act 1989, The Police and Criminal Justice Act 2006; Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 No. 881; the Accounts and Audit Regulations 2015 No 234.

Appendix 1 – Amendments to the Constitution

Amendments shown in *italics*

Part 4 Responsibility for Functions

Table 3: DELEGATION TO OFFICERS OF FUNCTIONS THAT ARE NOT EXECUTIVE FUNCTIONS

The following be included in the list of planning legislation in table 3:

Local Government (Miscellaneous Provisions) Act 1976

Part 12 Contract Procedure Rules

SECTION 2
REQUIREMENT TO OBTAIN QUOTES OR TENDERS

8. COMPETITION REQUIREMENTS

- 8.1 The nature of the procurement process to be undertaken will depend on the estimated Total Value of the contract.
- 8.2 Where the estimated Total Value of the proposed contract is within the values the first column the award procedure in the second column must be followed unless an exception is obtained or one of the alternative methods to Tendering is chosen (detailed in Section 4).

TOTAL VALUE

Up to and including **£5,000**

AWARD PROCEDURE

- Must use existing Corporate Contract if there is one or an existing Framework Agreement provided costs are competitive
- Must seek at least one Quote and raise a purchase order
- Selections of Contractor can be on price alone
- Consider using electronic Portal Quick Quote process

* *Good practice to get three Quotes.*

Over **£5,000** up to and including **£15,000**

- Must, before placing an order invite at least two written Quotes
- Should consider using an existing Corporate Contract if

- Over **£15,000** up to and including £175,000
- there is one or an existing Framework Agreement provided costs are competitive
 - Selection of Contractor can be on prove alone
 - Consider using the Electronic Portal Quick Quote process
 - Must advertise contract in accordance with 25.1 and make documentation available on the Electronic Portal
 - Must use Council's formal Tender template
 - Must consider use of MEA evaluation criteria rather than price alone.
 - Should consider using an existing Framework Agreement
- Over £175,000
- In accordance with PCR 2015 and advice from the Procurement Officer and Solicitor to the Council
- 8.3** Contracts must not be divided in order to avoid the application of these Standing Orders or compliance with Public Contract Regulations 2015 ('the Regulations')

Part 12 Contract Procedure Rules

Rule 42

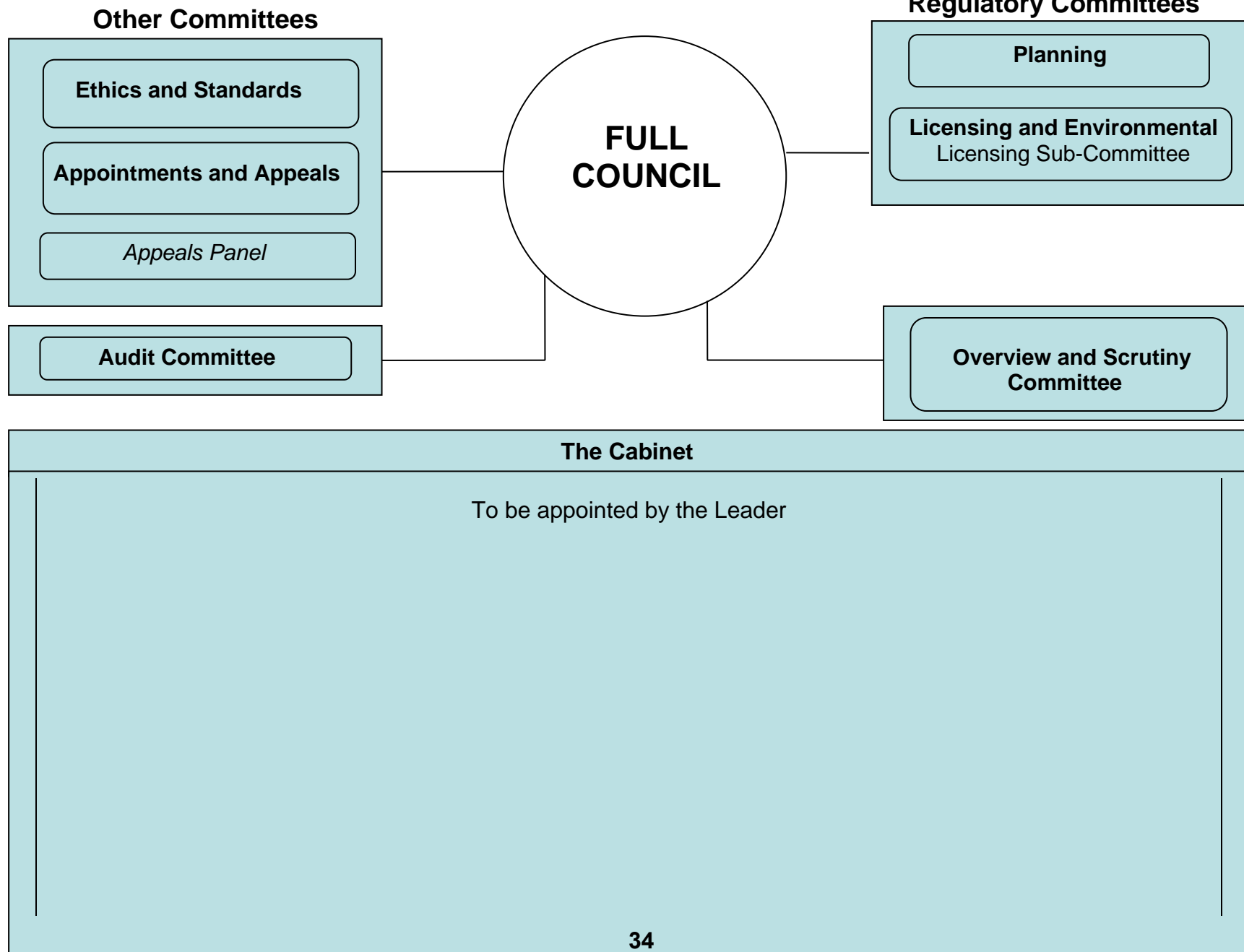
42. SIGNING AND SEALING OF CONTRACTS

- 42.1 With the exception of 42.3 to **42.5** Contracts must be signed by the Solicitor to the Council.
- 42.2 Contracts under seal must be signed by the Solicitor to the Council.
- 42.3 Provided a purchase is on the Council's standard terms and the necessary authority and budget is in place, where purchases are made through the Procure To Pay electronic system Rule 42.1 shall not apply.
- 42.4** *With authorisation from the Relevant CLT Member a Lead Officer may sign a document on behalf of the Council which is:*
- a) a memorandum of understanding;*
 - b) a contract for the purchase of services which has a Total Value of £5000 or less; or*
 - c) a contract for the purchase of goods which has a Total Value of £15,000 or less.*

- 42.5** *The Procurement Officer is authorised to sign access agreements on behalf of the Council where the purpose is to access further information regarding a framework agreement.*



Political Structure May 2023



COMMITTEE APPOINTMENTS
WYRE FOREST DISTRICT COUNCIL
COMMITTEES 2023/2024

<p>Appointments and Appeals Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Leader of the Council Deputy Leader</p>
<p>Audit Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Councillor Nathan Desmond Councillor Alan Sutton</p>
<p>Overview and Scrutiny Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Councillor Nicky Martin Councillor Fran Oborski</p>
<p>Licensing and Environmental Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Councillor Paul Harrison Councillor Ken Henderson</p>
<p>Licensing Sub-Committee</p>	<p>A rota of 3 Members of the Licensing and Environmental Committee, including, and chaired by, the Committee's Chairman or Vice-Chairman.</p>
<p>Planning Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Councillor Robin Drew Councillor David Little</p>
<p>Ethics and Standards Committee</p> <p>Chairman: Vice-Chairman:</p>	<p>Councillor Nicky Gale Councillor Emily Bourne</p>
<p>Strategic Review Panel</p> <p>Chairman: Vice-Chairman:</p>	<p>Cabinet Member for Finance Leader of the Council</p>

MAY 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 Bank Holiday	2	3 CLT	4 Elections	5 Count	6	7
8 Bank Holiday	9	10 5pm-6pm Induction briefing for all new members 6pm Group Leaders	11 5pm-6.30pm Induction briefing for all new members (continued)	12	13	14
15 CLT	16	17 6pm Council	18 6pm Planning	19	20	21
22	23 Cabinet/CLT	24 6pm Audit	25	26	27	28
29 Bank Holiday School half term week	30	31 CLT				

JUNE 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5 10.30am Licensing & Environmental	6	7 CLT	8 6pm Overview & Scrutiny	9	10	11
12	13 4.30pm Group Leaders 6pm Cabinet	14	15	16	17	18
19 CLT	20 6pm Planning	21	22	23	24	25
26	27 Cabinet/CLT	28	29	30		

JULY 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4 CLT	5	6 6pm Overview & Scrutiny	7	8	9
10	11 4.30pm Group Leaders	12	13	14	15	16
17 6pm Cabinet	18 CLT 6pm Planning	19 6pm Council	20	21	22	23
24	25 Cabinet/CLT	26 School summer holiday commences	27	28	29	30
31						

AUGUST 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3	4	5	6
7 10.30am Licensing & Environmental	8 CLT	9	10	11	12	13
14	15 6pm Planning	16	17	18	19	20
21	22 CLT	23	24	25	26	27
28 Bank Holiday	29 Cabinet/CLT	30	31			

Agenda Item No. 15 Appendix 4

SEPTEMBER 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5 CLT	6	7 6pm Overview & Scrutiny	8	9	10
11 6.30pm Parish Forum	12 4.30pm Group Leaders 6pm Cabinet	13	14 6pm Ethics & Standards	15	16	17
18	19 CLT 6pm Planning	20 6pm Council	21 Cabinet/CLT	22	23	24
25	26	27 6pm Audit	28	29	30	

* TMRP meeting & training to be programmed in

OCTOBER 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2 10.30am Licensing & Environmental	3 CLT	4	5 6pm Overview & Scrutiny	6	7	8
9	10	11	12	13	14	15
16	17 CLT 6pm Planning	18	19	20	21	22
23	24 Cabinet/CLT	25	26	27	28	29
30 School half term week	31					

* TMRP meeting to be programmed in (October / November)

** Strategic Review Panel to be programmed in (October / November)

Agenda Item No. 15 Appendix 4

NOVEMBER 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6 6pm Overview & Scrutiny	7 CLT	8	9 4.30pm Group Leaders 6pm Cabinet	10	11	12
13	14 6pm Planning	15	16	17	18	19
20	21 CLT	22 6pm Audit	23	24	25	26
27	28 Cabinet/CLT	29	30			

* TMRP meeting to be programmed in (October / November)

** Strategic Review Panel to be programmed in (October / November)

Agenda Item No. 15 Appendix 4

DECEMBER 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4 10.30am Licensing & Environmental	5	6	7 6pm Overview & Scrutiny	8	9	10
11	12 CLT	13 6pm Council	14	15	16	17
18	19 6pm Planning	20 4.30pm Group Leaders 6pm Cabinet	21	22 Schools close for Christmas holiday	23	24
25 Bank Holiday	26 Bank Holiday	27 Offices Closed	28 Offices Closed	29 Offices Closed	30	31

JANUARY 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 Bank Holiday	2	3	4	5	6	7
8 Schools return from holiday	9 CLT	10	11 6pm Overview & Scrutiny	12	13	14
15	16 6pm Planning	17 6pm Audit	18	19	20	21
22	23 CLT Cabinet/CLT	24	25	26	27	28
29	30	31				

* TMRP meeting & training to be programmed in (January / February)

** Strategic Review Panel to be programmed in (x2)

Agenda Item No. 15 Appendix 4

FEBRUARY 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1 6pm Overview & Scrutiny	2	3	4
5 10.30am Licensing & Environmental	6 CLT	7	8	9	10	11
12 School half term week	13 4.30pm Group Leaders 6pm Cabinet	14	15	16	17	18
19	20 CLT 6pm Planning	21 6pm Council	22	23	24	25
26	27 Cabinet/CLT	28	29			

* TMRP meeting & training to be programmed in (January / February)

Agenda Item No. 15 Appendix 4

MARCH 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5	6	7 6pm Overview & Scrutiny	8	9	10
11	12 CLT 6pm Ethics & Standards	13	14	15	16	17
18	19 Cabinet/CLT 6pm Planning	20	21 6.30pm Parish Forum	22	23	24
25 School Easter holiday commences	26 CLT	27 6pm Audit	28	29 Bank Holiday	30	31

Agenda Item No. 15 Appendix 4

APRIL 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 Bank Holiday	2	3	4	5	6	7
8 Schools return from Easter holiday 10.30am Licensing & Environmental	9 CLT 4.30pm Group Leaders 6pm Cabinet	10	11 6pm Overview & Scrutiny	12	13	14
15	16 6pm Planning	17	18	19	20	21
22	23 CLT	24	25	26	27	28
29	30 Cabinet / CLT					

MAY 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2 Elections (PCC & KTC)	3	4	5
6 Bank Holiday	7 CLT	8	9 6pm Overview & Scrutiny	10	11	12
13	14	15 6pm Council	16	17	18	19
20	21 CLT 6pm Planning	22	23	24	25	26
27 Bank Holiday School half term week	28 Cabinet/CLT	29 6pm Audit	30	31		

JUNE 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3 10.30am Licensing & Environmental	4 CLT	5	6 6pm Overview & Scrutiny	7	8	9
10	11 4.30pm Group Leaders 6pm Cabinet	12	13	14	15	16
17	18 CLT 6pm Planning	19	20	21	22	23
24	25 Cabinet/CLT	26	27	28	29	30

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JULY 2024

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2 CLT	3	4 6pm Overview & Scrutiny	5	6	7
8	9 4.30pm Group Leaders 6pm Cabinet	10	11	12	13	14
15	16 CLT 6pm Planning	17 6pm Council	18	19	20	21
22 School summer holiday commences	23 Cabinet/CLT	24 6pm Audit	25	26	27	28
29	30	31				

		Conservative		Labour		Independent/ Green		Lib Dem		Total
No. of Cllrs.			20		4		7		2	33
Percentage			60.61%		12.12%		21.21%		6.06%	100.00%
Executive Cttees										
	Membership									
Appts & Appeals	5	3	3.03	1	0.61	1	1.06	0	0.30	5
Audit cttee	8	5	4.85	1	0.97	2	1.70	0	0.48	8
Ethics & standards *	7	4	4.24	1	0.85	2	1.48	0	0.42	7
Scrutiny										
Scrutiny Committee	12	7	7.27	1	1.45	3	2.55	1	0.73	12
Regulatory										
Planning	12	7	7.27	1	1.45	3	2.55	1	0.73	12
Lic & Env	12	7	7.27	1	1.45	3	2.55	1	0.73	12
Total	56	33	33.94	6	6.79	14	11.88	3	3.39	56
Percentage		58.93%		10.71%		25.00%		5.36%		100.00%
Difference between % No. of Cllrs. And % Number of Seats		-1.68%		-1.41%		3.79%		-0.70%		

* the table shows only district councillor members

1. Each member is required to notify the Proper Officer which political group, if any, he or she wishes to be identified with. A group comprises of two or more members.
2. Each Group Secretary is required to notify the Proper Officer which members of his or her groups he/she wishes to sit on each relevant committee or sub-committee.
3. The allocation of seats required the rounding up or down of calculated figures to give whole numbers.
4. Single party representatives and independent members (who do not form part of a political group) are not legally entitled to seats on committees to which the rules of proportionality apply.

Representation on Outside Bodies 2023/2024

External Body	Representative 2022/2023	Representative 2023/2024	Number of Representatives
Age UK	Councillor Dixon Sheppard	Councillor Nicky Gale	1 Councillor
Bewdley Development Trust	Councillor Calne Edginton-White	Councillor Emily Bourne	1 Councillor
Bewdley Museum Management Committee	Councillor Graham Ballinger Councillor Paul Harrison Councillor Anna Coleman	Relevant Cabinet Member Councillor Paul Harrison Councillor John Byng	Relevant Cabinet Member plus 2 Bewdley & Rock Ward or Wribbenhall & Arley Ward Councillors
Sir Edward Blount's Charity (operates as Witnell Blount Charity) [Appointment required only in short term, as merging with the Sir Josiah Mason Trust]	Rev Jason Borlase (for the period to the next ordinary elections in May 2023)	Councillor George Connolly	Requirement is to appoint a "competent person" who "may be but need not be a member of the council" (The charity's main role is operating and maintaining six almshouses in Franche & Habberley North Ward.)
District Councils' Network	Councillor Helen Dyke Substitute: Councillor Graham Ballinger	Leader of the Council Substitute: Deputy Leader	Leader, Deputy Leader as named substitute
Herefordshire and Worcestershire Integrated Care Partnership Assembly	Councillor Nicky Martin Substitute: Chief Executive	Relevant Cabinet Member Substitute: Councillor Paul Harrison	Relevant Cabinet Member 1 named substitute

External Body	Representative 2022/2023	Representative 2023/2024	Number of Representatives
Local Government Association General Assembly	Councillor Helen Dyke	Leader of the Council	Leader of the Council
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	Councillor John Thomas Substitute: Councillor Dixon Sheppard	Relevant Cabinet Member Substitute: Councillor Ian Hardiman	Relevant Cabinet Member, 1 Councillor as named substitute
Stourport Forward Board	Councillor Claire Barnett	Councillor Chris Rogers	1 Stourport Councillor / 1 Officer
The Elizabeth Mills Centre (formerly Stourport Day Centre)	Councillor Dixon Sheppard	Councillor Dave Little	1 Stourport Councillor
10:32 Wyre Forest Early Help (formerly Tree Tops Sure Start Children's Centre)	Councillor Nicky Gale	Councillor Nicky Gale	1 Foley Park and Hoobrook Ward Member
West Mercia Police and Crime Panel	Councillor Graham Ballinger	Relevant Cabinet Member	Relevant Cabinet Member
Worcestershire County Council Corporate Parenting Board	Councillor Fran Oborski	Councillor Fran Oborski	1 Councillor (Expectations from WCC: Relevant Cabinet Member or Councillor with relevant experience)
Worcestershire County Council Health Overview and Scrutiny Committee	Councillor Calne Edginton-White	Councillor Paul Harrison	1 Councillor

External Body	Representative 2022/2023	Representative 2023/2024	Number of Representatives
Worcestershire County Council Overview and Scrutiny Performance Board – co-opted member for scrutiny of Worcestershire Local Enterprise Partnership	Councillor Graham Ballinger	Councillor Ian Hardiman	1 Councillor
Worcestershire County Waste Forum	Councillor John Thomas	Relevant Cabinet Member	Relevant Cabinet Member
Worcestershire Health and Well-being Board	Councillor Nicky Martin Substitute: Chief Executive	Relevant Cabinet Member Substitute: Councillor Paul Harrison	Relevant Cabinet Member 1 named substitute
Worcestershire Health Improvement Group	Councillor Nicky Martin	Relevant Cabinet Member	Relevant Cabinet Member
Worcestershire Leaders' Board	Councillor Helen Dyke Substitute: Councillor Graham Ballinger	Leader of the Council Substitute: Deputy Leader	Leader, Deputy Leader as named substitute
Worcestershire Regulatory Services Board	Councillor Nicky Martin & Chairman of Licensing & Environmental Committee	Relevant Cabinet Member & Chairman of Licensing & Environmental Committee	2 Councillors (Past practice: Relevant Cabinet Member & Chairman of Licensing & Environmental Committee)
Wyre Forest Citizen's Advice Bureau - Management Committee	Councillor Shazu Miah	Councillor Ken Henderson	1 Councillor
Wyre Forest Community Leisure Association Ltd - Local Partnership Board	Councillor Graham Ballinger Councillor Peter Young	Relevant Cabinet Member Councillor Nicky Gale	2 Councillors / 2 Officers

External Body	Representative 2022/2023	Representative 2023/2024	Number of Representatives
Wyre Forest Local Children and Young People's Trust	Councillor Nicky Martin Councillor Helen Dyke	Relevant Cabinet Member Councillor Kevin Gale	2 Councillors including relevant Cabinet Member / 1 Officer
Wyre Forest Nightstop and Mediation Service Management Committee	Councillor Nicky Martin	Relevant Cabinet Member	Relevant Cabinet Member

Outside Bodies – Wyre Forest District Councillors Representing North Worcestershire Districts (for information).

The Leaders of Bromsgrove, Redditch and Wyre Forest will agree North Worcestershire representation on the bodies below for 2023/2024.

External Body	Representative 2022/2023	Representative 2023/2024
Worcestershire LEP	Councillor Karen May (Bromsgrove) Substitute: Councillor Helen Dyke (Wyre Forest)	Councillor Substitute:
Worcestershire Local Access Forum	Councillor Anthony Lovell (Redditch)	Councillor

Armed Forces Champions (for information)

These appointments are to be made by the Leader of the Council.

	2022/2023	2023/2024
Armed Forces Champion	Councillor Nicky Gale	Councillor Kevin Gale Councillor Alan Sutton

WYRE FOREST DISTRICT COUNCIL

Members' Planning Code of Good Practice

Background

Introduction

- 1. Development proposals and Interests under the Members' Code of Conduct**
- 3. Fettering Discretion in the Planning Process**
- 4. Contact with Applicants, Developers and Objectors**
- 5. Lobbying of Councillors**
- 6. Lobbying by Councillors**
- 7. Site Visits**
- 8. Public Speaking at Meetings**
- 9. Officers**
- 10. Decision Making**
- 11. Training**

Members' Planning Code of Good Practice

Background

This Code of Good Practice has been updated following adoption of a revised Code of Conduct by the Council.

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public or consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

Members dealing with planning matters will be required to sign a declaration stating that they have read and understood the code and will observe its provisions.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - The Council at risk of proceedings on the legality or maladministration of the related decision; and
 - Yourself at risk of either being named in a report made to the Standards Committee or Council.

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with applicants, objectors, officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in the Code of Conduct, **do** disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. A Councillor may have a DPI in relation to a planning application in a number of circumstances affecting them or a relevant person. Examples include, but are not limited to:
 - An application for development of a property owned or leased by the Councillor or a relevant person;
 - An application for development of land owned by the Councillor's employer or a relevant person's employer;
 - An application for development of a property which the Councillor or a relevant person occupy by way of licence.

There are no longer any exemptions allowing Councillors who have a DPI to speak where a member of the public would be allowed to speak. Therefore where a Councillor has a DPI (either him/herself or through a relevant person) he or she may not participate in the debate or vote on a planning application and must withdraw from the room. This applies whether or not the Councillor is wishing to speak as a member of the committee, as a ward councillor or as a private individual.

- Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests), **do** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;

- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

Where a matter (referred to above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- Except where you have a DPI when no participation is allowed, **don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority where you have an interest unless the Code of Conduct allows it and then only as part of the speaking scheme set out in detail in the Council's Planning Practice Note and the Council's adopted Code of Conduct.
- **Do** advise the Committee section and the case officer if you wish to exercise your right to speak at committee so that the Chairman and Members of the public are aware that you intend to do so
- **Don't** get involved in the processing of the application.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an interest in relation to a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example where you have a right to speak under the public speaking scheme in respect of a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery).
- **Do** notify the Monitoring Officer in writing of your own application and note that:

- notification to the Monitoring Officer should be made no later than submission of the application;
- the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee (*where permitted*).

3. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

The Code of Conduct is clear as to when you must leave the room and take no part in the debate due to an interest. The LGA guidance relating to the Code of Conduct is also specific in its references to bias and predetermination. If you have any doubt about the impression you may have given prior to a meeting as to the way you intend to vote, you should take advice from officers.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and country councillor), provided:
 - the proposal does not substantially affect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.

- **Don't** speak and vote on a proposal where you have fettered your discretion
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward Member (*with the consent of the Chairman of the Committee*) where you have represented your views and have indicated a closed mind and are therefore unable to vote, but do not have an interest that prevents participation. Where you do:
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item; and
 - ensure that your actions are recorded.

Bias and Predetermination

Councillors must also be aware of and act within the rules on predetermination and bias. Avoidance of bias or predetermination is a principle of natural justice which has evolved through the courts, although s25 of the Localism Act 2011 is also relevant. Even if a Councillor does not have a DPI or is not acting in breach of the Members' Code he or she may cause a decision to be invalid if he or she participates while predetermined or biased. The rules regarding predetermination and bias are likely to be more strictly applied where the Council is making "quasi-judicial" decisions, such as the determination of a planning application, than in the case of other decisions to be made by the Council.

The basic legal position is that a Councillor should not take part in making a decision on a planning matter if he or she is **biased** or has **predetermined** the matter. Councillors should bring an unbiased, properly directed mind to the consideration of any matters before them at Committee. This does not mean that Councillors are not entitled to have and to express opinions about general planning matters, or planning cases. However, they must approach, and must be seen to approach, matters before them with an open mind.

In this respect a distinction is to be drawn between those Councillors who are making the decision (i.e. speaking and voting as part of the committee) and those Councillors seeking merely to influence the decision (i.e. making representations as a Ward Councillor). The prohibition in respect of predetermination or bias only affects those actually making the decision. A Councillor who is not a member of the Planning Committee who has predetermined or who is biased may still speak as a Ward Councillor provided that he or she does not also have an interest under the Code of Conduct that would preclude participation.

Predetermination

The law also makes a distinction between *predetermination*, which rules out participation in decision-making and *pre disposition*, which does not.

A Councillor is entitled to have and to express views on local matters, both general planning matters and more specific applications. These views may indicate that a

Councillor has a predisposition towards a particular policy or viewpoint. This is perfectly acceptable and a Councillor with a predisposition may take part in decision-making.

A predisposition will move on to becoming predetermination if, in relation to any matter before the Committee, a Councillor has taken a stance which indicates that he or she has finally closed his or her mind on the matter and that nothing that he or she hears at Committee will alter his or her position.

Section 25 of the Localism Act 2011 expressly provides that a Councillor shall not be taken to have had a closed mind just because he or she has previously done anything that directly or indirectly indicated what view the he or she took, or would or might take, in relation to a matter. Therefore a Councillor will not have predetermined merely because he or she has made statements about a planning application in the past. However, this does not mean that a Councillor is free to say or do *anything* and still participate in the debate and vote. If by his or her actions and words the Councillor makes it clear that he or she will be voting a certain way no matter what information is presented at the Committee, then he or she will have predetermined and should not take part in the decision making.

Bias

A Councillor should not be party to decisions in which he is actually biased or gives the appearance of being biased, to the reasonable observer. The test for the appearance of bias is whether a fair minded and informed observer, having considered the facts, would conclude that there was a possibility that the decision maker was biased.

Bias may arise by virtue of a Councillor being closely connected with a person who has a vested interest in the application – either the applicant or an objector. This may result from a personal connection, such as an applicant being a relative or friend, or result from the Councillor espousing a particular viewpoint (e.g. by being part of a lobby group). The role of the Committee is to consider applications in accordance with the legislation and to balance the interests of persons with competing views and this may not be possible where a Councillor is closely connected with a particular party.

In addition, circumstances which raise the possibility of bias may also lead to an accusation of a breach of the Members' Code, as the Members' Code states that Councillors must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, friends or close associates. Where this might occur, Councillors should not take part in the decision-making

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** be careful about entering into electronic dialogue with applicants, developers or groups of objectors or supporters eg on websites, which may give rise to a claim

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- that you have made a decision on an application before you consider it as part of the committee process
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not state how you or other Members might vote.
- **Do** be careful about the nature of conversations with residents attending the presentation in case any information you may give could be construed as having already made your decision on a scheme. Direct residents questions either to the Developer or to the officers

5. Lobbying of Councillors

Members have a responsibility to consider all material planning considerations, which will mean that no Member should finally make their decision until they are in the Committee Room determining the application. A Member may have a feeling as to how they wish to vote based on things they are told or see, but that is different to being determined on a particular decision.

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- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality (and therefore your ability to participate in the Committee's decision making) to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £50 in accordance with the authority's rules on gifts and hospitality.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Manager at the earliest opportunity.
- **Do** promptly refer to the Development Manager any offers made to you of planning gain or constraint of development, through a proposed S.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have an interest in the matter under the Code of Conduct, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you may have fettered your discretion and are likely to have to withdraw to ensure that the decision of the Council is not open to challenge.

- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but where that organisation intends to make representations on a particular proposal, make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views or attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit;
 - you have first spoken to the Development Manager about your intention to do so and why (which will be recorded on the file); and

- you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.
- **Do** take advantage of your right to speak where you have an interest but you are permitted to do so under the Code of Conduct but only to address matters that any member of the public could raise under the Council's public speaking scheme

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Manager which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by the Head of Service to deal with the proposal at a Member level.
- **Do** recognise that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse. (See below for decisions contrary to officer recommendation).

- **Do** recognise the importance of the debate and that you may not be able to vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal (and that this is in accordance with the Council's protocol on deferrals).
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge. In the case of an approval the type of conditions proposed should be indicated and minuted. (See below for decisions contrary to officer recommendation).
- **Don't** ask for a recorded vote as the decision is a corporate one.
- **Do** bear in mind the following considerations in the event of a decision contrary to officer recommendation:

As stated above, planning decisions should be taken in accordance with the local development plan (in so far as it is relevant to the application) unless material considerations indicate otherwise.

All decisions, whether taken by the Council's appointed Planning Officer, or by the Planning Committee, are decisions made by Wyre Forest District Council, and may be subject to challenge either by judicial review or on appeal.

Planning Officers offer advice and make a recommendation, which may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its Members. The Planning Committee can accept, reject or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Planning Committee decisions contrary to Planning Officer recommendation can be subject to appeal or to legal challenge and an associated cost application. Members should therefore ensure that the planning reasons for the decision are set out and based on proper planning reasons prior to any decision being made.

In the event that a Member tables a motion contrary to the recommendation of the Planning Officer, the Member proposing the motion contrary to the recommendation must set out the reasoning and material planning considerations relied upon for reaching such a decision prior to the motion being debated and the Committee voting on the same. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan and/or the departure from policy or policy interpretation relied upon and/or what material planning considerations are to be attributed determining weight.

Where Members propose approving an application contrary to an officer recommendation for refusal, consideration will need to be given as to what

conditions should be imposed to ensure that the development is acceptable and controlled and as to whether any section 106 obligations should be sought.

- **Do** be aware that any decision taken the Committee contrary to officer recommendation may need to be defended by a member of the committee in an appeal or judicial review challenge.
- **Do** recognise that decisions that cannot be defended by the presentation of clear evidence to justify the decision may expose the Council to significant costs risks.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and this to assist you in carrying out your role properly and effectively.

Index of Members' Activity Reports Received as of the date of publication of the Council Agenda

Electronic Copies of all reports are available on the Internet

Name	Attendance Percentage for 2022/2023	Number of Meetings Attended
Cllr John Aston	69%	9
Cllr Graham Ballinger	100%	28
Cllr Claire Barnett	79%	15
Cllr Ben Brookes	95%	20
Cllr John Byng	95%	21
Cllr Vicky Caulfield	87%	26
Cllr Sally Chambers	89%	8
Cllr Anna Coleman	100%	22
Cllr Roger Coleman	100%	28
Cllr Berenice Dawes	85%	17
Cllr Nathan Desmond	89%	24
Cllr Helen Dyke	89%	24
Cllr Peter Dyke	100%	25
Cllr Calne Edginton-White	97%	28
Cllr Nicky Gale	63%	5
Cllr Ian Hardiman	94%	17
Cllr Paul Harrison	100%	17
Cllr Marcus Hart	100%	28
Cllr Ken Henderson	92%	11
Cllr Lisa Jones	75%	9
Cllr Nicky Martin	100%	15
Cllr Shazu Miah	88%	23
Cllr Fran Oborski	100%	31
Cllr Tracey Onslow	100%	15
Cllr Mary Rayner	97%	29
Cllr Chris Rogers	89%	33
Cllr Sarah Rook	78%	14
Cllr David Ross	77%	23
Cllr Dixon Sheppard	73%	11
Cllr John Thomas	100%	21
Cllr Alan Totty	79%	11
Cllr Leigh Whitehouse	92%	22
Cllr Peter Young	72%	13

The calendar of meetings is agreed at the beginning of each municipal year. Occasionally the need arises for additional meetings to be arranged at short notice which not all Members are able to attend due to previous commitments. The table shows only the meetings in the agreed municipal calendar: additional meetings are ignored.

Cabinet Annual Report 2022-2023

Report from the Leader of the Council

It gives me great pleasure to produce my second report as Leader of Wyre Forest District Council.

The municipal year 2022/2023 has yet again been a very busy and exciting year for Wyre Forest District Council.

I have enjoyed serving with my colleagues from across the political spectrum and I think we can all look back with satisfaction on what we have achieved as a Council since the elections in 2019.

The period has been dominated by external factors, including significant periods of upheaval at Westminster, the UK's exit from the European Union, the cost of living crisis - and not least the COVID-19 pandemic, which has had such deep and lasting impacts on the economy, society and families alike.

The Council has responded to these major challenges well and has continued to deliver services that communities value, yet we have also been able to take important steps to reshape the district and the Council's own operations.

Construction works are well under way on some important projects including removal of asbestos at premises in Worcester Street prior to demolition and preliminary works at the Castle Road car park, which has been removed from the car parking order and will be the site of a new temporary accommodation facility.

On 14 February, the Planning Committee approved the application for flood defences at Beale's Corner. While it will take time for the Environment Agency to implement the plans, this is a major positive step in providing reassurance and protection for a community that has suffered repeated flooding over several years. Colleagues were pleased to see the message of thanks to the Council's staff from the Agency's Operations Manager for the West Midlands. I would also like to thank staff from the Strategic Growth team for their work over many months with the Environment Agency, Historic England and other organisations in ensuring that the scheme has reached this point and that the planning application was swiftly dealt with after it was received.

The financial landscape faced by this authority and many other local authorities across the country remains exceptionally challenging. In February, the Administration's fourth medium term financial strategy was approved at full council. I would like to thank the residents who took time to comment and give their views on our budget proposals. We believe our new financial strategy very much reflects what people told us.

We have continued to work with Parish and Town Councils on various Localism Projects and I would like to thank them for their co-operation.

I am very proud of the way that Officers across the Council have come together as a whole to continue to provide a first-class service to residents and businesses across the district.

I would like to thank my Cabinet and Progressive Alliance colleagues for their support throughout the year.

I would also like to extend gratitude to the Chief Executive, the Corporate Leadership Team and Council staff for their support for me over the last four years, as a Cabinet member and, for almost two years, as Leader of the Council. It is deeply appreciated.

**Councillor Helen Dyke
Leader of the Council and Cabinet Member for Economic Regeneration,
Planning and Localism**

Scrutiny Committee Annual Report 2022-2023

Report from the Chairman of the Overview and Scrutiny Committee

It gives me great pleasure to write my fourth annual report as Chairman of the Overview and Scrutiny Committee.

The committee has met 8 times during this municipal year, 7 of which have been ordinary meetings and 1 sub-committee meeting.

There have been 4 meetings cancelled, (June 2022, Oct 2022, Jan 2023, April 2023). I do not wish to cancel meetings lightly but as stated I do not wish officer and member resource to be unnecessarily wasted.

The committee is made up as follows:-

5 Conservative Group – Councillor N Desmond, Councillor M Hart, Councillor T Onslow, Councillor C Rogers, Councillor D Ross
5 Independent Group – Councillor J Aston, Councillor V Caulfield, Councillor C Edginton-White, Councillor P Dyke, Councillor D Sheppard
1 Labour Group – Councillor S Rook
1 Liberal Democrat Group - Councillor S Miah

In this municipal year, we have considered 15 reports in all, with two call ins in respect of Stourport Sports Club and the Provision of Electric Vehicle Charging Infrastructure.

I am very grateful to all members of the scrutiny committee for their measured consideration, critical analysis and sound scrutiny on all items that come before us, whether they be the regular performance monitoring reports or other important reports regarding our district.

We have considered a wide variety of issues and reports such as car parking charges, the health and well-being plan, the North Worcestershire Community Safety Partnership plan, recommendations from the Fireworks Review Panel, the Levelling Up Fund Application, various property acquisition reports, the Future High Streets Fund delivery programme reports, the Electric Vehicle Charging Points report, together with regular reports from the Treasury Management Committee and also our external advisors from Jones Valerio in respect of our Capital Portfolio Fund to name but a few.

I am very pleased that we have been able to continue to maintain normality, in being able to hold face to face meetings, as whilst virtual meetings were perfectly adequate when 'needs must', there is no substitute for face to face, human interaction, it works far better. We do have the virtual option for officers and members to observe on zoom but I am grateful that the majority of officers have attended in person as have members.

Agenda Item No. 17 (b)

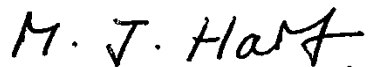
The committee is as required by law, to be politically balanced and despite this I am pleased that there has not been too much 'politics' albeit this is inevitable on some more contentious issues as after all, it is to scrutinise the work of the Executive.

I would like to thank all members of the committee for their hard work, in particular my vice-chairman Cllr. Sarah Rook. I would also like to thank the officers for their attendance and input at meetings and in particular Louisa Bright who has serviced the meeting and the ESO's in her absence.

As Chairman of Scrutiny, I was also appointed by Full Council to serve on the GBSLEP scrutiny committee of which I have attended four times per year in Solihull.

This is the fourth and final year of this Council's four-year term and we await the outcome of the elections in May and the new Council to determine who does what.

It has been an immense pleasure for me to chair the committee for the last four years and whoever is chairman after May I am sure they will continue to carry on the important work that scrutiny does in keeping a check and balance on the Executive.

A handwritten signature in black ink that reads "M. J. Hart". The signature is written in a cursive, slightly slanted style.

Councillor Marcus J. Hart

Scrutiny at Wyre Forest

For this municipal year, the Council's scrutiny function was carried out through the Overview and Scrutiny Committee.

The Committee consisted of 12 cross party Members. The workload included scrutinising proposals for new or amended policies before their consideration by the Cabinet and Council, undertaking detailed reviews into existing procedures and policy, and monitoring the schedule of proposed decisions as set out in the Council's Forward Plan.

Review Panels

Review Panels are in depth investigations into issues conducted by Members outside of the formal Scrutiny Committee setting. Only a Member of the Scrutiny Committee may Chair a review panel established following a request from the Committee. They allow more detailed work on particular topics and make recommendations to the Overview and Scrutiny Committee which in turn make recommendations to Cabinet. Their flexibility allows for a wide range of evidence sources, guests and methods of evidence gathering to be considered.

The following Panels have taken place during the 2022/2023 year:

Name	No. of meetings	Purpose
Treasury Management	2	Allowed detailed scrutiny and training in respect of treasury management. Recommendations from the Panel were made to Council.

Recommendation Tracking

As Scrutiny Committees can only make recommendations and do not take decisions, it is important to keep track of what has happened to the recommendations made by Scrutiny.

After recommendations have been made, all members receive the Cabinet decision list which records what decision Cabinet took in respect of any scrutiny committee recommendations. This is a clear means of tracking the outcome of recommendations.

Public and Stakeholder Involvement in Scrutiny

Scrutiny is an important means of involving the community in the Democratic Process. If you have any suggestions or comments for issues affecting your area which you feel Scrutiny could consider, please contact the Democratic Services Team via email: CommitteeSection@wyreforestdc.gov.uk telephone: 01562 732763, or in writing to Democratic Services, Wyre Forest House, Finepoint Way, Kidderminster DY10 7WF.

More information on Scrutiny at Wyre Forest District Council can be found at <http://www.wyreforestdc.gov.uk/cms/your-council-and-elections.aspx>

Terms of Reference - The Overview and Scrutiny Committee

1. Reviews the policies of the Council and the Cabinet and recommends to the Council or the Cabinet:
 - (i) Whether any new policies are required.
 - (ii) Whether any existing policies are no longer required.
 - (iii) Whether any changes are required to any existing policies.
 - (iv) Whether any action is required to make the policies more effective.
2. Reviews the discharge of Cabinet functions, and recommends to the Council or the Cabinet:
 - (i) Whether any action should be taken to improve the economy, efficiency, and effectiveness of those functions.
 - (ii) Whether any action should be taken to improve the co-ordination of the various functions within the Authority, or with any other person or body.
 - (iii) Whether the function should continue to be discharged or be discharged in another way.
3. Reviews any decisions or proposed decisions of the Council and of the Cabinet. In undertaking such reviews, the Overview and Scrutiny Committee shall in particular consider:
 - (i) Whether the relevant criteria were used.
 - (ii) Whether the decision is in accordance with the budget and policy framework of the Council.

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- (iii) Whether the decision or action was within the powers of the Authority.
 - (iv) Whether the decision was lawful.
 - (v) Whether the decision contributes to the efficient, effective, and economic discharge of the function.
4. Recommendations should all take account of the following:
 - (i) Whether the decision should be reconsidered, and if so, what alternative decision should be taken.
 - (ii) Whether the proposed decision should be taken or taken in a different form.
 - (iii) Whether any further action should be taken in the experience of that decision to ensure proper or better implementation of decisions.
 - (iv) Whether any further actions should be taken in the experience of that decision to improve the manner or quality of decision-making for the future.
 5. Considers any matters which affect the Council or its administrative area or the inhabitants of that area and makes recommendations to the Council or the Cabinet arising from that consideration.
 6. External Partners
Reviews the performance and effectiveness of the Council's external partner organisations, including the duty to scrutinise the local Crime and Disorder Reduction Partnership.
 7. Review Panels
Establishes time limited Review Panels which focus upon specific issues of concern raised by Members through a Scrutiny Proposal Form, consider evidence, and subsequently make recommendations to the Overview and Scrutiny Committee. A protocol for the establishment of Review Panels is attached as Appendix C at section 10 of the Constitution.
 8. Review the Forward Plan
Regularly reviews the Forward Plan with a view to deciding which, if any, forthcoming items require consideration.
 9. Sets and agrees an Annual Work Programme and prioritises the work of the Committee.
 10. Ensures consideration is given to encouraging public participation and engagement in functions of the Committee.
 11. Ensures that the views of any invitees and co-opted Members (where appropriate) are taken into account when conducting investigations.
 12. Monitors the implementation of scrutiny recommendations.
 13. Reviews and scrutinises relevant public bodies and partners in the district, including the Council's contribution and relationship with them. Where necessary, requesting them to address overview and scrutiny about their activities, performance, particular decisions, initiatives, or projects.

Ethics and Standards Committee Annual Report 2022-2023

Report from the Chairman of the Committee

The Ethics and Standards Committee met once during the municipal year on September 8 2022.

The committee including District Councillors, Parish Councillor representatives and the appointed Independent Persons considered a breach of the Members Code of Conduct. A complaint by a Town Clerk regarding a Councillor's conduct had been investigated and reports from the Independent Person and the Monitoring Officer including recommendations were considered. It was agreed by the committee that the Councillor should make an apology to the Clerk and the Town Council. It was also recommended that the Town Council should consider any further action they deemed appropriate.

The second item was the adoption of the new Local Government Association code of conduct. This item had been carried forward from the last Ethics and Standards meeting when it had been expected that there would be a common code of conduct across all Worcestershire Councils. It was reported that there was not a complete consensus on the code detail across all Worcestershire Councils and it was decided to recommend that Wyre Forest District Council adopt the National Local Government Association model code of conduct. It was further decided that the Councillors would require training when the new code is implemented and recommended that implementation should commence in May 2023 after the new council has been elected.

The third item was a report from the monitoring officer who reported that no complaints to the Local Government and Social Care Ombudsman had been received in 2021/2022.

The Committee continues to work closely with the Monitoring Officer, Independent Persons and public to ensure that any conduct issues are dealt with as quickly as possible. As chairman for the municipal year 2022/2023 I would also like to thank the Parish representatives and the Independent persons who give their time to support this very important committee and its functions.

Role of the Standards Committee / Terms of Reference

1. Promotes and maintains high standards of conduct by councillors and co-opted members.
2. Assists the councillors and co-opted members to observe the Members' Code of Conduct.
3. Advises the Council on the adoption or revision of the Members' Code of Conduct.
4. Monitors the operation of the Members' Code of Conduct.
5. Advises, trains or arranges to train councillors and co-opted members on matters relating to the Members' Code of Conduct.
6. Considers complaints against any member relating to alleged breach of the Code of Conduct, to make findings of fact and decisions in respect of the action to be taken, and where necessary to make recommendations to full Council.
7. Grants dispensations, if necessary, to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
8. Exercises (1) to (6) above in relation to the parish councils' wholly or mainly within the Wyre Forest District area and the members of those parish councils'.
9. Recommends approval and adoption of relevant codes, plans and policies.
10. Oversees the Whistle Blowing Policy.
11. Oversees the complaints handling and Ombudsman investigations.
12. Keeps the operation of the constitution under review so far as it relates to ethics and standards of behaviour.

Member Activity Reports

Members continue to submit an annual activity report which outlines their activities during the municipal year, significant work has been undertaken to ensure that the reports are detailed and are a useful tool for Members of the electorate to see the activities their elected Member have been undertaking during the municipal year.

Membership of the Ethics and Standards Committee

(6 Councillors, 3 co-opted Independent Members non-voting, 3 Parish Councillors non-voting)

Chairman: Councillor C Edginton-White

Vice-Chairman: Councillor B Dawes

Agenda Item No. 17 (c)

Councillors: I Hardiman, M Hart, S Miah, M Rayner and P Young

Independent Members: R Reynolds and Rev J A Cox

Parish Council representatives: Councillors R Drew, D Killingworth and W Mack

WYRE FOREST DISTRICT COUNCIL

COUNCIL
17 May 2023

INDEPENDENT REMUNERATION PANEL

OPEN	
RESPONSIBLE OFFICER:	Ian Miller Ext 2700 Chief Executive
APPENDICES:	Nil

1. PURPOSE OF REPORT

- 1.1 To agree to establish an Independent Remuneration Panel (IRP) to recommend any amendments to the scheme of allowances to be paid to Members for the municipal year 2023/24 and for subsequent years.

2. RECOMMENDATION

The Council is asked to:

- 2.1 **AUTHORISE the Solicitor to Council to convene an Independent Remuneration Panel (IRP) at the earliest opportunity, after seeking expressions of interest in serving from suitably qualified persons who are independent of the Council and having consulted Group Leaders prior to making appointments to the Panel;**
- 2.2 **REQUEST the IRP to report back no later than the Council’s meeting in September 2023 with recommendations for the Members’ Allowances Scheme for 2023/24 (which would take effect from 9 May 2023) and should include an uprating mechanism that would apply for the years commencing 1 April 2024, 1 April 2025, 1 April 2026 and 1 April 2027.**

3. BACKGROUND

- 3.1 The Local Authorities (Members’ Allowances) (England) Regulations 2003 No 1021 require local authorities to establish an Independent Remuneration Panel to review and provide advice on Members’ allowances before they adopt or amend a scheme.
- 3.2 The Council last decided its scheme of allowances at its meeting on 26 February 2020, which set the allowances for the period from May 2019 including the uprating mechanism to be applied in each such subsequent April including April 2023. The current scheme of allowances is set out in section 17 of the Constitution which can be seen at this link:

www.wyreforestdc.gov.uk/your-council/councillors-committees-and-meetings/constitution/section-17-members-allowances-scheme/

4. KEY ISSUES

- 4.1 Given that it is four years since an IRP was last convened and the mechanism for uprating allowances has recently expired, it is timely to convene a new Panel to produce recommendations on any amendments for the municipal year 2023/24 with the intention that its recommendations – if adopted by Council – would apply from 9 May 2023 i.e. the date on which Councillors elected on 4 May took office. The Panel would also be invited to propose an uprating mechanism that would apply in April of each year from 2024 to 2027. If adopted by Council, its recommendations on uprating avoid the effort and cost of convening an IRP again until 2027, when the Council elected in May 2027 can establish an IRP to produce recommendations for the period from 2027 onwards.
- 4.2 So that the Council can take timely decisions about recommendations for the municipal year 2023/24, the Panel should be invited to provide its recommendations in good time for the Council's meeting in September 2023.
- 4.3 To comply with this timetable and in line with past practice, the report seeks authorisation for the Solicitor to the Council to convene and appoint the Panel. This will involve advertising the opportunity to suitably qualified independent persons and then – following consultation with Group Leaders – appointing the members of the Panel. Decisions on members allowances are not an “executive function” under legislation so cannot be delegated to the Cabinet.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of convening the Panel, including a modest honorarium for members of the Panel and their travel costs, can be absorbed within existing budgets and are estimated at less than £2k. The Panel's recommendations cannot be predicted and any financial implications would have to be identified and considered by Council when the recommendations are to hand.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Regulation 19 of the 2003 Regulations provides that, in making or amending the scheme of allowances, the authority is required to ‘have regard to the recommendations made in relation to it by an Independent Remuneration Panel’. Under regulation 10(5), the Council cannot rely on an index for annual adjustment of allowances for a period longer than four years without seeking a recommendation from a Panel about the application of an index to the scheme of allowances.
- 6.2 Regulation 10(1) of the 2003 Regulations requires that, before the beginning of each financial year, an authority shall determine the scheme for the payment of allowances for that year. However regulations 10(3) and (6) allow a council to amend its scheme at any time during a year and a council may backdate any changes to the start of the financial year concerned. In this case, it is proposed that any changes should be backdated to 9 May 2023, when Councillors elected in the ordinary elections took office.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This report has been screened for its equality impact on the areas of race, disability, gender, gender identity, religion and belief, sexual orientation and age. It was not considered to have a disproportionate impact on any target area and therefore no full equality impact assessment is required.

8. RISK MANAGEMENT

- 8.1 The proposed approach will ensure that the Council complies with the legal requirements.

9. CONCLUSION

- 9.1 Council is invited to agree the arrangements set out in this report to establish an Independent Remuneration Panel.

10. CONSULTEES

- 10.1 Group Leaders.
10.2 Solicitor to the Council and Head of Resources.

11. BACKGROUND PAPERS

- 11.1 The Local Authorities (Members' Allowances) (England) Regulations 2003.
<https://www.legislation.gov.uk/uksi/2003/1021/contents/made>