

Open

# Council

# Agenda

6.00pm  
Wednesday, 21st November 2012  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Council

# PUBLIC INFORMATION

### Access to the Meeting and Further Information

- The Council meeting is open to the public except for any exempt/confidential items, which are normally taken at the end of the meeting.
- Agenda Item No. 5 – Public Participation. Guidance on how to have your say is available on the Council's website:  
<http://www.wyreforestdc.gov.uk/e-dms/resources/includes/file.php?id=310>
- If you have any queries about this Agenda or require any further information, please ask.
- If you have any mobility issues, please let us know before the meeting so that we can arrange for you to have a seat on the ground floor.
- This agenda can be made available in larger print on request.

Please contact:

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**COUNCIL MEETING**

**21<sup>st</sup> November 2012**

**Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF**

**TO ALL MEMBERS OF THE COUNCIL, 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 21<sup>st</sup> November 2012**, 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 Miller".

Ian Miller  
Chief Executive

**2012/2013**

## **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register. In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion. Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

## **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District. If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter. If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

## **WEBCASTING NOTICE**

This meeting is being filmed for live or subsequent broadcast via the Council’s website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)). At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy. By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes. If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting. If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

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

## **(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.

Wyre Forest District Council

Council

21<sup>st</sup> November 2012

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Prayers</b>  To be read by Pastor Rob Palmer from the Franche Evangelical Church, Kidderminster.	
2.	<b>Apologies for Absence</b>	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on 26 <sup>th</sup> September 2012.	<b>9</b>
5.	<b>Public Participation</b>  In accordance with the Council's scheme for public speaking at meetings of 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 12 <sup>th</sup> November 2012.  <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 Director of Community Assets and Localism will rule on whether or not the matter is urgent and that ruling will be final.</i>	

6.	<p><b>Questions</b></p> <p>To receive questions submitted in accordance with Standing Order A5 by Members of the Council, details of which have been received by 12 noon on Monday 12<sup>th</sup> November 2012 and the replies of the Leader of the Council or other appropriate Cabinet Member.</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 Director of Community Assets and Localism no later than 9am on the day of Council.</i></p>	17
7.	<p><b>Chairman's Communications</b></p> <p>To note the engagements of the Chairman of the Council since the Council's last meeting.</p>	19
8.	<p><b>Leader of the Council Announcements</b></p> <p>To receive announcements from the Leader of the Council.</p>	
9.	<p><b>Motions Submitted under Standing Orders</b></p> <p>To consider motions in the order they have been received in accordance with Standing Orders (Section 7, 4.1).</p>	20
10.	<p><b>Urgent Motions submitted under Standing Orders</b></p> <p>To consider motions in the order they have been received which, by reason of special circumstances, should be considered as a matter of urgency, in accordance with Standing Orders (Section 7, 4.1 (vii)).</p>	
11.	<p><b>Half-Yearly Report of the Chief Executive</b></p> <p>To receive a half-yearly report from the Chief Executive.</p>	23
12.	<p><b>Boundary Commission – Review of Parliamentary Constituencies</b></p> <p>To receive a report from the Chief Executive which reaffirms the Boundary Commission proposal, that the Wyre Forest Constituency should retain boundaries that are the same as the District Councils.</p>	26

<p><b>13.</b></p>	<p><b>Policy and Budget Framework</b></p> <p>Matters which require a Decision by Council.</p> <p><b>Recommendations from Cabinet meeting 18<sup>th</sup> September 2012</b></p> <ul style="list-style-type: none"> <li>• Annual Report on Treasury Management Service, Actual Prudential Indicators 2011/12 and Revision to the Investment Policy and Strategy Statement 2012/13</li> </ul> <p><b>Recommendations from Cabinet meeting 12<sup>th</sup> November 2012</b></p> <ul style="list-style-type: none"> <li>• Council Tax Benefit Reform (from page 31)</li> <li>• Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review Report 2012/13</li> </ul> <p><b>Recommendations from Licensing &amp; Environmental Committee meeting 8<sup>th</sup> October 2012</b></p> <ul style="list-style-type: none"> <li>• Review of the Gambling Act 2005 Statement of Principles</li> </ul> <p>Please note that the reports and associated documents, referred to above, have been circulated electronically to Members. Public inspection copies are available on request. Please refer to the front cover for contact details.</p>	<p><b>29</b></p>
<p><b>14.</b></p>	<p><b>Corporate Governance</b></p> <p>To consider a report from the Director of Community Assets and Localism on updates to corporate governance.</p>	<p><b>38</b></p>
<p><b>15.</b></p>	<p><b>To consider any other business, details of which have been communicated to the Director of Community Assets and Localism 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.</b></p>	
<p><b>16.</b></p>	<p><b>Exclusion of the Press and Public</b></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

17.	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services 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.</b>	
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WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT ON SEVERN

26TH SEPTEMBER 2012 (6.00PM)

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**Present:**

Councillors: J Aston, G W Ballinger, R Bishop, C Brewer, J-P Campion, S J M Clee, L Davies, N J Desmond, H E Dyke, P Dyke, N Gale, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, T Ingham, M B Kelly, N Knowles, H J Martin, D C H McCann, B McFarland, C D Nicholls, F M Oborski, T L Onslow, J W Parish, J Phillips, M Price, M Rayner, C Rogers, M A Salter, A M Sewell, J A Shaw, D R Sheppard, N J Thomas, S J Williams, and G C Yarranton.

**C.34 Prayers**

Prayers were read by the Reverend Jan Aston of St Mary's Ministry Team, Kidderminster.

**C.35 Apologies for Absence**

There were no apologies for absence.

**C.36 Declarations of Interests by Members**

There were no declarations of interest.

**C.37 Minutes**

**Decision: The minutes of the meeting held on 20<sup>th</sup> June 2012 be confirmed as a correct record and signed by the Chairman.**

**C.38 Public Participation**

No members of the public addressed the meeting.

**C.39 Questions**

The Council received the following question from Councillor Nigel Knowles directed at the Cabinet Member for Environmental Services, Councillor Marcus Hart.

I have had complaints about scrap metal collectors playing loud music and circling estates and elsewhere. Can we please:

1. Check they are bona fida registered/licensed to trade, and
2. Where are the scrap metal yards in Wyre Forest that the collector take the metal to and are they registered?

**Reply from Councillor Marcus Hart**

Councillor Knowles asked this question some days ago and a list of the registered traders was sent to him together with the relevant legislation.

**Supplementary Question from Councillor Knowles**

I believe it would be helpful if the list was in the public domain, and I feel that the number of complaints are increasing.

**Response from Councillor Hart.**

I will investigate to see if the list can be published. (Copy attached as Appendix 1.)

**C.40**

**Chairman's Communications**

The Chairman referred Members to the list of engagements as contained within the Council agenda and reminded the Chamber that the meeting would be the last one held in the Stourport Civic Centre Chamber due to the move to Wyre Forest House the following week.

**C.41**

**Leader's Announcements**

A copy of the Leaders Report was circulated to all Members. Moreover that Officers would be moving to Wyre Forest House in the next few days and that could mean that there may be disruption to the IT system during the weekend of the move. The Leader concluded that Councillor Hingley would be joining the Cabinet; and Councillor Phillips was thanked for his contribution to the work of the Cabinet.

**C.42**

**Motions Submitted Under Standing Orders**

No notices of motion were received in accordance with Standing Orders.

**C.43**

**Urgent Motions Submitted Under Standing Orders**

No urgent notices of motion were received in accordance with Standing Orders.

**C.44**

**Review of Polling Places**

Council received a report from the Chief Executive and Returning Officer which asked Council to consider the responses to the review of polling places and the subsequent changes that were recommended.

The Cabinet Member for Resources and Transformation outlined the content of the report and explained the background for the proposed changes, from Sure Start Centre, Radford Avenue, Kidderminster to St George's Social Club, Radford Avenue, Kidderminster and from St John's Primary School, Blake Brook, Kidderminster to the Council Offices, Bewdley Road, Kidderminster.

In response to a question regarding the former Polling Station at Trimpley and the need to promote postal votes, Members were advised by the Chief Executive that for the forthcoming Police and Crime Commissioner elections in November, postal votes would be issued in the same manner as for other elections. The Chief Executive concluded that the verification would be held at the Glades Leisure Centre Kidderminster and the Count at Shrewsbury Sports Village.

**Decision: The changes to the polling places as set out in paragraph 4.2 of the report to Council be made.**

**C.45**

**Corporate Governance and Constitution**

Council received a report from the Director of Community Assets and Localism on updates to the Corporate Governance Policy Framework, to appoint a panel of 6 Independent persons, and to amend the pay policy statement.

The Leader of the Council agreed that recommendation 2.3 of the report to Council would be considered separately and proceeded to explain the rationale for the recommendations on the appointment of Independent Persons and the amendment to the Pay Policy Statement.

Members were advised that following the introduction of the new ethical framework, there was a requirement for Council to appoint 'Independent Persons in a statutory advisory role in relation to complaints of Members breaching the Code of Conduct.

Further that the revision to the Pay Policy Statement was necessitated by the need to recruit the replacement for the Head of Service for the shared Economic Development and Regeneration service for North Worcestershire, and the amendment allowed for the recruitment of a suitably qualified candidate that was in line with salaries currently being paid.

The Chairman of the Ethics and Standards Committee expressed his thanks for the work of previous Independent Members and explained that they would now be participating in the Committee as co-opted members. A Member commented that the appointments did not reflect the community as a whole; however the Chamber were advised that relatively few people with suitable expertise and capability had applied.

During the debate Members recognised the importance of recruiting a suitable candidate to the post of Head of Service for shared Economic Regeneration service for North Worcestershire and the need to pay a salary that would encourage suitable applicants.

**Decision**

- 1. The persons detailed below as 'Independent Persons' as defined by the Localism Act 2011 be appointed for a period of 4 years.**
  - **David Coulson**
  - **James Hipkiss**
  - **Catherine Mangan**
  - **Raymond Needham**
  - **Fred Noble**
  - **David Warner.**
  
- 2 The amendment to the Pay Policy statement as set out in**

**appendix 2 of the report to Cabinet be approved.**

The Leader of the Council outlined the rationale for the recommendation relating to the delegation for decision making under the Hackney Carriage and private Hire age criteria Policy of 1997. Emphasis was given for the need to allow officers to make decisions under the policy and to ensure that the policy was applied evenly. However, the policy would be revisited at the end of the period.

The Leader of the Labour Group moved an amendment to the recommendation. It was felt that there had been insufficient time to consider the recommendation and this item should have been raised at an earlier meeting of Group Leaders. Moreover the recommendation reduced the democratic role of Members. Further debate ensued where the benefits of Members being involved in the decision to approve were promulgated.

The amendment was robustly debated with Members speaking for and against the amendment. A request for a named vote was lost because the majority of Members voted against it and upon a vote the amendment was lost using the Chairman's casting vote.

Members then moved to discuss the substantive item, and again Members elucidated their views on the need for Councillors to be able to make the decision on approving taxi licences under the age criteria. In turn Members spoke on the need for consistency, the role of Members in shaping policy and the need for officers to make decisions based on that policy.

A request for a named vote was lost because the majority of Members voted against it and upon a vote the substantive item was carried using the Chairman's casting vote.

**Decision: The decision making under the Hackney Carriage and Private Hire age criteria Policy of 1997 be delegated to officers and the current Wyre Forest District Council Scheme of delegation be amended as set out in paragraph 4.9 of the report to Council and that 1997 licensing policy be updated as set out in paragraph 4.7 of the report to Council.**

**C.46 Policy and Budget Framework**

**Recommendation from Cabinet meeting on 18<sup>th</sup> September 2012.**

**Annual Report on Treasury Management Service, Actual Prudential Indicators 2011/12 and Revision to the investment Policy and Strategy Statement 2012/13**

The Cabinet Member outlined the content of the report and explained that this had been ratified by Overview and Scrutiny. In response to a question from a Member, Council were advised that Sector, the Council's advisors that the revision to the Investment Policy would be helpful as resources started to fall; in particular the current level of an investment allowed in an

institution could prove to be restrictive in future.

**Decision:**

- 1 The actual 2011/12 prudential and treasury indicators in the report to Cabinet be approved.**
- 2 The annual treasury management report for 2011/12 be noted.**
- 3 The revision to the Investment Policy and Strategy Statement 2012/13, set out in Appendix 3 of the report to Cabinet be approved, to have immediate effect following Council approval**

There being no further business the meeting ended at 19.31.

## Agenda Item No. 4 Appendix 1

<b>Address</b>	<b>Post Code</b>	<b>Register Details</b>	<b>Register Date</b>	<b>Site Address</b>	<b>Site Post Code</b>	<b>Source</b>	<b>Source Ref</b>
Grant Metals, 1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	Scrap Metal Dealer	26/06/2011	1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	WFDC	WK/201100726
Grant Metals, 1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	Scrap Metal Dealer	26/06/2011	1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	WFDC	WK/201100726
Grant Metals, 1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	Scrap Metal Dealer	26/06/2011	1 Riverside Business Centre, Hartlebury Road, Stourport-on- Severn	DY8 9BZ	WFDC	WK/201100726
70, Whittal Drive West, Kidderminster	DY11 7EN	Scrap Metal Dealer	14/01/2011	70, Whittal Drive West, Kidderminster	DY11 7EN	WFDC	WK/201006445
21 Brooklands Drive, Kidderminster	DY11 5EB	Scrap Metal Dealer	03/12/2010	21 Brooklands Drive, Kidderminster	DY11 5EB	WFDC	WK/201005872
4 Wivelden Avenue, Stourport-on- Severn	DY13 9JJ	Scrap Metal Dealer	26/10/2010	4 Wivelden Avenue, Stourport-on- Severn	DY13 9JJ	WFDC	WK/201005368

**Agenda Item No. 4 Appendix 1**

14 Vernon Road, Stourport-on-Severn	DY13 8HA	Scrap Metal Dealer	26/10/2010	14 Vernon Road, Stourport-on-Severn	DY13 8HA	WFDC	WK/201005366
15 Hanstone Road, Stourpot-on-Severn	DY13 0HH	Scrap Metal Dealer	26/10/2010	15 Hanstone Road, Stourpot-on-Severn	DY13 0HH	WFDC	WK/201005357
Flat 4, Evesham Court, Park Street, Kixdderminster	DY11 6TP	Scrap Metal Dealer	28/09/2010	Flat 4, Evesham Court, Park Street, Kixdderminster	DY11 6TP	WFDC	WK/201004840
21 Bullus Road, Stourport-on-Severn	DY13 9DG	Scrap Metal Dealer	28/09/2010	21 Bullus Road, Stourport-on-Severn	DY13 9DG	WFDC	WK/201004847
13 Gaymore Road, Cookley, Kidderminster	DY10 3TU	Scrap Metal Dealer	28/09/2010	13 Gaymore Road, Cookley, Kidderminster	DY10 3TU	WFDC	WK/201004838
18 Witley Way, Stourport-on-Severn	DY13 0NE	Scrap Metal Dealer	28/09/2010	18 Witley Way, Stourport-on-Severn	DY13 0NE	WFDC	WK/201004836
Grant Metals, 1 Riverside Business Centre, Hartlebury Road, Stourport-on-Severn	DY8 9BZ	Scrap Metal Dealer	26/06/2011	1 Riverside Business Centre, Hartlebury Road, Stourport-on-Severn	DY8 9BZ	WFDC	WK/020099714
Kidderminster Waste Services, Unit 18, Churchfields Business Park, Kidderminster		Scrap Metal Dealer	12/11/2009	Unit 18, Churchfields Business Park, Kidderminster		WFDC	WK/200900186

**Agenda Item No. 4 Appendix 1**

Yard 1, Road 2, Hoobrook Ind Est, Worcester Road, Kidderminster	DY10 1HY	Scrap Metal Dealer	12/05/2009	Yard 1, Road 2, Hoobrook Ind Est, Worcester Road, Kidderminster	DY10 1HY	WFDC	WK/020097383
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**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL MEETING**  
**21<sup>st</sup> NOVEMBER 2012**  
**QUESTIONS TO COUNCIL**

**1. Question from Councillor G Ballinger to the Leader of the Council, Councillor John Campion**

I refer to the discussion under Agenda Item No. 12 – Corporate Governance and Constitution at the last full Council meeting on 26<sup>th</sup> September in relation to the 3<sup>rd</sup> recommendation which delegated decision making under the Hackney Carriage and Private Hire age criteria Policy of 1997 to officers and the current Wyre Forest District Scheme of delegation to be amended as set out in paragraph 4.9 of the report to Council; and that the 1997 licensing policy be updated as set out in paragraph 4.7 of the report to Council.

A number of Member voting opportunities arose on this and followed extensive Member debate.

What is the recorded outcome of these individual votes?

**2. Question from Councillor M Rayner to the Cabinet Member for Place-Shaping, Councillor A Hingley**

What and how are Section 106 monies distributed to groups and who identifies which groups will benefit?

**3. Question from Councillor N Thomas to the Cabinet Member for Community Well-Being, Councillor I Hardiman.**

What are the current proposals for the Stourport Leisure Centre?

**4. Question from Councillor M Rayner to the Leader of the Council, Councillor John Campion.**

What is the country of origin of the carpeting in the Wyre Forest House?

**5. Question from Councillor M Price to the Cabinet Member for Environmental Services, Councillor M Hart.**

I am sure that the whole Council will agree with me in welcoming the "Free Car Parking" initiative over the Christmas and New Year period. However, would the Cabinet Member agree with me that the problems being experienced in the Retail Sector across the District are not restricted to the festive season. Would the Cabinet Member therefore agree that, early in the New Year it would be appropriate for Wyre Forest DC to consider

emulating the decision of Worcester City Council and reduce Car Parking Charges across the District in order to support our retail sector?

**6. Question from Councillor M Price to the Cabinet Member for Resources and Transformation, Councillor N Desmond.**

Could you please tell us what is happening with the bar and catering contract for the Town Hall?

**7. Question from Councillor H Dyke to the Leader of the Council, Councillor J Campion**

Can the Cabinet Member responsible please tell me if the Cabinet and Administration still supports the "No Surprises Protocol" and if so would he agree with me that the protocol and its interpretation requires a full refresh across the authority?

**8. Question from Councillor H Dyke to the Cabinet Member for Environmental Services, Councillor M Hart**

After much publicity surrounding the widely promoted " Dog Poo Fairy" initiative earlier in the Summer could he please advise me if he has any evidence that the initiative was or is being successful e.g. has there been a noticeable reduction in dog fouling issues being reported to the HUB.

**CHAIRMAN'S FUNCTIONS**

**2012/13**

**SEPTEMBER 2012**

Saturday 29<sup>th</sup> @ 2.30pm      AGM of the Wyre Forest Talking Newspaper  
Sunday 30<sup>th</sup> @ 3.00pm      Wychavon District Council Civic Service

**OCTOBER 2012**

Friday 5<sup>th</sup>      Mayor of Kidderminster's Charity Dinner, La Brasserie\*\*  
Saturday 6<sup>th</sup>      Your Music Concerts, Kidderminster Town Hall  
Sunday 7<sup>th</sup>      County Harvest Festival, Worcester Cathedral  
Wednesday 10<sup>th</sup> @ 8.30am      Launch of the Academy in Kidderminster\*  
Friday 12<sup>th</sup> @ 10.00am      Worcestershire Association of Carers AGM\*  
Thursday 18<sup>th</sup> @ 6.00pm      Parish Chairmen Meeting  
Friday 19<sup>th</sup> @ 11.30am      Opening of Carpet Museum  
Wednesday 24<sup>th</sup> @ 10.15      Citizenship Ceremony\*\*  
Wednesday 24<sup>th</sup> @ 2.00pm      Funeral for Peter Carter  
Friday 26<sup>th</sup>      Tenbury Wells Halloween Supper  
Wednesday 31<sup>st</sup> @ 2.30pm      Medal Ceremony for Summer Reading Challenge at  
Bewdley Library\*\*

**NOVEMBER 2012**

Friday 2<sup>nd</sup> @ 5.30pm      No Barriers Awards, WFCH  
Saturday 3<sup>rd</sup>      Wychavon District Council Chairman's Ball  
Friday 9<sup>th</sup> @ 10.00am      University of Worcester Awards Ceremony\*  
Friday 16<sup>th</sup> @ 7.00pm      Wyre Forest Young Voices Concert  
Saturday 17<sup>th</sup> @ 2.00pm      Kidderminster Christmas Lights Switch On  
Sunday 18<sup>th</sup> @ 6.30pm      18<sup>th</sup> Road Peace Service, St Ambrose Church  
Tuesday 20<sup>th</sup>      Excellence in the Community Awards, Telford International  
Conference Centre

\* Denotes Vice Chairman

\*\* Denotes Past Chairman

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL MEETING**  
**21<sup>st</sup> NOVEMBER 2012**  
**MOTIONS TO COUNCIL**

**1. Motion from the Labour Group**

Council notes that

- The Chancellor of the Exchequer announced in the 2012 budget the Government's desire to introduce "more market-facing" public sector pay. This could mean regional or local public sector pay.
- Public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East.
- The New Economics Foundation believes that regional and local pay could cost the West Midlands economy up to £1.2 billion per year and 3,710 jobs.
- 65% of public sector workers are female and, despite Equal Pay legislation, women in many sectors of the national economy still earn less than males in comparable roles.
- Workers in Wyre Forest are paid £133 less per week than the national average.

Council believes that

- The Government's case is based on the claim that public sector pay is "crowding out" the private sector. This is not supported by evidence, particularly at a time of high unemployment. In Wyre Forest, where there are four Job Seekers Allowance claimants for every job vacancy, there are simply not enough full-time jobs of any kind on offer.
- The Government misinterprets the real reasons for the differences between public and private sector pay. For instance, it does not appear to realise that a higher proportion of public sector work is highly-skilled, such as teaching and nursing, that, in the public sector there is a smaller pay gap between top and bottom earners, and that there is a smaller gender pay gap.

Council further believes that

- Regional or local public sector pay would make it harder for the public sector in Wyre Forest to recruit and retain good quality professionals, because they would be able to earn more elsewhere.
- Reducing the pay of the 7,800 public sector workers in Wyre Forest would have significantly harmful effect on spending power locally.
- Driving down public sector wages would not improve the wages of people working in the private sector, but could encourage further depression of wages in all sectors.

- Our vision of the economic future for Wyre Forest is greater actual and relative prosperity, not for our district forever to be saddled with a “low pay” status

Therefore, Council resolves

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council’s opposition to plans for regional or localised public sector pay.
- To write to Mark Garnier, MP, outlining our concerns about the impact that this policy would have on the local community.
- To sign up to the Fair Pay campaign.

## 2 Motion from the Labour Group

### The Living Wage

Council understands the principle of the Living Wage to be remuneration for employment at a level above the Minimum Wage, such that living standards can be higher than the basic affordability of life’s necessities.

Council supports the principle of the Living Wage, currently set at £7.45 per hour outside London.

Council accepts the impracticality of the immediate implementation of remuneration at Living Wage levels, especially for small businesses, but believes that it should be a longer-term goal for all paid employment.

Council notes that forty-three of its own employees, nearly 11% of the workforce, are not paid a Living Wage.

Council resolves to use the budget decision-making process for 2013-14 to identify resources which will enable it to pay all employees at least a Living Wage.

## 3. Motion from the Labour Group

### Charter for a Future that Works

Wyre Forest District Council formally endorses the TUC’s *Charter for a Future that Works* and will take practical action to support the aims of the Charter, which call for

- **A Job or Training Guarantee:** The Government should guarantee paid work or training to every young person who has been out of work for six months or more.
- **Action on Apprenticeships:** All public bodies should commit to recruiting a set number of apprentices each year and public sector contracts should encourage private contractors to have a quality apprenticeship scheme.

- **Quality Work Experience:** Young people should have access to good quality, paid work experience that includes a job interview at the end of every placement.
- **Welfare Reform:** In the short-term, the Government should reform the rules on Job Seekers Allowance, to allow young people to return to full-time education without any effect on their benefits. In the longer term, a Youth Credit, or other financial support, should be introduced to help all young people boost both their learning and employment prospects.
- **Practical Support:** Also, there needs to be extra measures to help young people stay in education and assist with transport costs.

It is vital that urgent action is taken by all public bodies and employers to address the unemployment crisis facing young people today. At a local level, Wyre Forest District Council will write to Mark Garnier MP and businesses requesting that they sign the Charter and take practical steps to support its aims.

Wyre Forest District Council will support local young people by

- Offering apprenticeships
- Offering quality work experience programmes
- As part of the tendering process, urge all private contractors to have a quality apprenticeship scheme.

Cllr Jamie Shaw  
Leader of the Labour Group  
8<sup>th</sup> November 2012

**WYRE FOREST DISTRICT COUNCIL**

**21 NOVEMBER 2012**  
**HALF-YEARLY REPORT OF THE CHIEF EXECUTIVE**

- 1 This is my second half-yearly report, following the report I gave to the AGM in May. I will concentrate on an overview of the issues facing the district and the Council; key actions being implemented against the priorities in the corporate plan for 2011-14; and the progress that we have made in transforming the Council.

**Overview of the issues facing the district and the Council**

- 2 The most significant issue facing the Council is undoubtedly the financial position. There is uncertainty about the level of future Government funding – other than that it will decline further following the 29% reduction in grant over the last two years. We will hear more after the Chancellor's "autumn" statement on 5 December. At the same time significant changes to the local government finance system will happen in April 2013, with devolution of responsibility to the Council for deciding what council tax discounts to give to people of working age in place of council tax benefit and new arrangements for business rates. The latter incentivise councils to support economic growth but the system is inordinately complex and means that we will receive a share of a proportion of a marginal amount of any growth – it is far from a panacea for the financial issues facing most councils. The Government's offer of a third year of grant to freeze council tax has further removed local government's ability for manoeuvre. The choice in essence lies between a grant equivalent to a 1% council tax or increasing council tax by 2%, as no council is likely to win a referendum for a higher increase than 2%. It should be a matter of concern to members that the sole local tax controlled by councils has almost become a national tax set by the Government.
- 3 We have a strong track record in delivering major reductions in our net expenditure over the last few years. However the scale of the challenge is significant and our ability to tackle it is also affected by the wider economic situation, which is depressing some income streams. Detailed work is in hand to plan the future financial strategy, which will emerge next month. The Cabinet and Corporate Management Team decided to involve all WF20 managers in the process in order to benefit from a wider range of views and ideas and build broader understanding of the challenges facing us and solutions needed. Tough decisions will be required in order to produce a balanced budget as we cannot carry on drawing on reserves forever, and inevitably what we do and how we do it will have to change. Close and regular monitoring will be required of efficiency and income targets in order to keep the budget on track.

**Key actions implemented against the priorities set in the corporate plan**

- 4 We moved into Wyre Forest House at the beginning of October. Although there are a number of snagging issues to deal with as in any major construction project, this marks the completion of the most significant element of our transformation programme under our priority of "delivering together, with less". The account has not yet been finalised but I am confident that we will be able to report an underspend against the (revised) budget of £10m; and we are already enjoying the lower running costs and other savings from the project. An updated report on achievement of

annual revenue savings against the business case projection of £500k will be prepared in the early part of 2013.

- 5 We will be able to celebrate the completion of Wyre Forest House at the official opening on 22 November. However it is appropriate that I should record now my personal thanks to a large number of staff who contributed to achieving the successful outcome. I would particularly like to mention Elaine Brookes and the facilities team, Alison Braithwaite and her team for the work done on planning the move and dealing with a range of other issues, and Dave Johnson and the ICT team.
- 6 Some other significant achievements since my last report are:
  - 6.1 devising and agreeing a new system of council tax support to replace council tax benefit. We were the first council in Worcestershire to consult on proposals and Council is being asked to approve the scheme tonight, well ahead of the deadline of 31 January. We have also decided to join the proposed Worcestershire pool for business rates and have played a major role in negotiating the agreement;
  - 6.2 agreeing the site to be acquired for the new leisure centre, which is our next major project. We hope to achieve outline planning permission in early 2013 so that the procurement process for the delivery partner can commence;
  - 6.3 implementing decisions on how to invest the £1m fund for “securing the economic prosperity of the district” following the State of the Area debate. For example, the funding for apprenticeships has been fully committed and is supporting 14 placements in companies across Wyre Forest; and a programme has been announced of free car parking and events in town centres from mid November to January. The Council is investing its own resources in creating at least four additional apprenticeships (two of which have already been filled) and two university placements in planning and communications;
  - 6.4 finishing consultation on the site allocation policies within our local development framework. The inspector has been appointed and is expected to undertake the examination in public in time for her report to be considered and the documents formally adopted by Council at its meeting in February;
  - 6.5 the local development order to simplify the planning process within the South Kidderminster enterprise park is in place, having been presented to the Secretary of State on his visit to Wyre Forest at the end of June and endorsed formally by him in August. The first development to take advantage of the order has been announced and others are known to be in preparation;
  - 6.6 Successfully hosting the visit of the Olympic Torch to Wyre Forest in late May.
- 7 These achievements are not attributable solely to me or the directors: it depends on the contribution and commitment of our staff, to which I would like to pay tribute. It is very pleasing that their work has been recognised by several awards since May including:



- 7.1 the tourism information centre at Bewdley Museum won the 2012 Worcestershire Welcome Award for Outstanding Customer Services and will now be submitted for the national VisitEngland excellence awards in 2013;
- 7.2 our Recycling and Waste Management Team won the “Local Authority Team of the Year” category in the National Recycling Awards;
- 7.3 the Wyre Forest Crematorium won a regional design award from the Royal Institute of British Architects.design award, a partnership project between Wyre Forest District Council and Dignity plc.

### **The progress that we have made in transforming the Council**

- 8 We have continued with the arrangements for involving members in the Wyre Forest Forward transformation programme following the peer review last November. There is a regular meeting of Group leaders and their deputies with members of the Cabinet and Corporate Management Team, to oversee all aspects of the programme; and we have continued with regular meetings of the Members’ Forum to ensuring that members are briefed on key issues and that they receive reports back from members sitting on external bodies. The Forum is generally well-supported with over half of councillors attending each meeting.
- 9 As noted above, the move to Wyre Forest House has been successfully completed which has allowed progress with our accommodation rationalisation strategy. The lease on Duke House has been surrendered, part of the Green Street Offices have been mothballed and work is in hand to sell Coventry Street offices at auction and to transfer the Civic Centre to Stourport Town Council in the spring. Other aspects of our transformation work are proceeding satisfactorily. The latest systems thinking interventions will confirm new processes and savings associated with them before the end of the financial year. The shared services that we host are all progressing well.

### **Conclusion**

- 10 The Council faces significant challenges over the coming period. Despite their magnitude, I continue to feel confident that Councillors and our staff will rise to meet them, and that the Council will continue to demonstrate its ability to provide effective community leadership. Finally I would like to thank members and others for the support that I have received.

Ian Miller  
November 2012

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL**  
**21<sup>st</sup> NOVEMBER 2012**

**Boundary Commission – Review of Parliamentary Constituencies**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	-
<b>CORPORATE PLAN PRIORITY:</b>	Improving community well-being
<b>CABINET MEMBER:</b>	The Leader of the Council
<b>DIRECTOR:</b>	Ian Miller Chief Executive
<b>CONTACT OFFICER:</b>	Caroline Newlands Ext 2715 Caroline.newlands@wyreforestdc.gov.uk
<b>APPENDICES:</b>	None

**1. PURPOSE OF REPORT**

- 1.1 To reaffirm the Council's support for the Boundary Commission's proposal, that the Wyre Forest constituency should retain boundaries that are the same as the District Council's.

**2. RECOMMENDATION**

- 2.1 The Council is asked to RESOLVE to reaffirm its support for the Wyre Forest Parliamentary constituency to be based on the same boundaries as Wyre Forest District Council.**

**3. BACKGROUND**

- 3.1 The Council last considered this matter on 28 September 2011 when it resolved unanimously to support the Boundary Commission's initial proposal. The Commission had proposed that the Wyre Forest parliamentary constituency should retain its existing footprint, which is the same as the district council's.
- 3.2 The backdrop to the Commission's review is legislation to reduce the number of seats in the House of Commons to 600. The rules state for the review that every constituency must contain between 72,810 and 80,473 electors, which is 5% either side of the electoral quota of 76,641. Wyre Forest has an electorate of 77,800, which is slightly above the electoral quota but well within the 5% tolerance in the rules.
- 3.2 The Boundary Commission has considered responses to its initial proposals and, on 16 October, published revised proposals. They are the subject of a final period of consultation until 10 December 2012. The Commission is then required to make its final recommendations to Parliament by 1 October 2013. The Commission's proposals for Wyre Forest are unchanged, which is in line with the Council's views.
- 3.3 The impact of the revised proposals elsewhere in Worcestershire is:

- the retention of the Worcester constituency on its present boundaries;
- a Malvern and Ledbury constituency, which includes parts of the West Worcestershire and Mid Worcestershire constituencies as well as part of North Herefordshire;
- an Evesham constituency containing large parts of Wychavon and three wards from Malvern Hills;
- a constituency covering Bromsgrove and Droitwich;
- the transfer of four wards including Alvechurch and Hollywood from Bromsgrove to Redditch constituency.

As a whole, the county would still have 6 MPs although one of them would also represent part of Herefordshire.

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

- 4.1 It is important that the Council takes part in the final period of consultation in order to reiterate its support for the present boundaries of the Wyre Forest constituency.

#### **5. FINANCIAL IMPLICATIONS**

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

#### **6. LEGAL AND POLICY IMPLICATIONS**

None.

#### **7. EQUALITY IMPACT ASSESSMENT**

- 7.1 An equality assessment impact is not required as the consultation process does not directly affect the discharge of the council's functions.

#### **8. RISK MANAGEMENT**

- 8.1 There are no direct risk management issues for the council. Retention of the Parliamentary constituency on the same boundaries as the district council helps to promote an effective voice for Wyre Forest in Parliament.

#### **9. CONCLUSION**

- 9.1 The Council is invited to reaffirm its support for the Boundary Commission's revised proposals so far as they relate to Wyre Forest.

#### **10. CONSULTEES**

- 10.1 The Leader of the Council

**11. BACKGROUND PAPERS**

11.1 Boundary Commission for England – West Midlands, Initial proposals, 2011.

<http://consultation.boundarycommissionforengland.independent.gov.uk/whats-proposed/west-midlands/>

11.2 Boundary Commission for England – West Midlands, Revised proposals, October 2012

[http://assets.boundarycommissionforengland.independent.gov.uk/wp-content/uploads/2012/10/2900322\\_WestMidlands\\_ACCESSIBLE-2.pdf?9d7bd4](http://assets.boundarycommissionforengland.independent.gov.uk/wp-content/uploads/2012/10/2900322_WestMidlands_ACCESSIBLE-2.pdf?9d7bd4)

See in particular paragraphs AC80 to AC106 and AC351 to AC354 which deal with Worcestershire and parts of Herefordshire.

11.3 Report to Council, 28 September 2011

WYRE FOREST DISTRICT COUNCIL

**COUNCIL**  
**21<sup>st</sup> NOVEMBER 2012**

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

**Recommendation from the Cabinet meeting held on**  
**18<sup>th</sup> September 2012**

**Purpose of the report**

To consider recommendations from the cabinet on matters outside the policy framework or approved budget of the Council.

**Supporting information**

Would Councillors please note that the related reports and documents have not been included in the Council book, with the exception of Council Tax Benefit Reform, as they have already been sent to Members via the Cabinet Agenda. Copies have been included in the electronic circulation of the Council agenda and public inspection copy is available on request. The policy documents referred to below, are available on the Council's website.

<b>Recommendation to Council</b>	<b>Cabinet Member</b>
<p><b>Annual Report on Treasury Management Service, Actual Prudential Indicators 2011/12 and Revision to the Investment Policy and Strategy Statement 2012/13</b></p> <ol style="list-style-type: none"> <li><b>1. The actual 2011/12 prudential and treasury indicators in the report to Cabinet be approved.</b></li> <li><b>2. The annual treasury management report for 2011/12 be noted.</b></li> <li><b>3. The revision to the Investment Policy and Strategy Statement 2012/13, set out in Appendix 3 of the report to Cabinet be approved and to have immediate effect following Council approval.</b></li> </ol>	<p>Councillor N Desmond</p>

**Recommendation from the Cabinet meeting held on  
12<sup>th</sup> November 2012**

**Council Tax Benefit Reform – is attached as a separate report (page 31 onwards).**

<b>Recommendation to Council</b>	<b>Cabinet Member</b>
<b>Treasury Management Strategy statement and Annual Investment Strategy Mid Year Review Report 2012/13</b>  <b>1. The Treasury Management Mid-year Review be approved</b>  <b>2. The updated Prudential Indicators in section 6 of the report to Cabinet be approved</b>	Councillor N Desmond

**Recommendation from the Licensing and Environmental Committee meeting  
held on  
8<sup>th</sup> October 2012**

<b>Recommendation to Council</b>	<b>Cabinet Member</b>
<b>Review of the Gambling Act 2005 Statement of Principles</b>  <b>1. Following consultation with relevant stakeholders, the updated Gambling Statement of Principles for the Wyre Forest District be approved.</b>	Councillor M Hart

**WYRE FOREST DISTRICT COUNCIL**  
**COUNCIL**  
**21<sup>st</sup> NOVEMBER 2012**

**Council Tax Benefit Reform**

	<b>OPEN</b>
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Stronger Communities
<b>CORPORATE PLAN PRIORITY:</b>	Delivering Together with Less
<b>CABINET MEMBER:</b>	Councillor Desmond
<b>DIRECTOR:</b>	Director of Resources
<b>CONTACT OFFICER:</b>	Joanne Wagstaffe Ext. 2100 <a href="mailto:joanne.wagstaffe@wyreforestdc.gov.uk">joanne.wagstaffe@wyreforestdc.gov.uk</a>

## 1 PURPOSE OF REPORT

- 1.1** The government is replacing the national Council Tax Benefit scheme with a localised Council Tax Discount Scheme (CTDS). The Council undertook a consultation exercise on proposals for the scheme during the summer. Following the consultation and a review by Cabinet and the Overview and Scrutiny Committee a proposed scheme and range of Council Tax exemption changes is being recommended to Council for approval.
- 1.2** In October 2012 the Department of Communities and Local Government (CLG) announced that there would be £100m available for one year to support local authorities to develop well designed council tax support schemes and to maintain positive incentives to work.
- 1.3** This paper also sets out the impact of the proposed grant on Wyre Forest.

## 2 RECOMMENDATION

**The Council is asked to decide that:**

- 2.1** The scheme as outlined in paragraphs 4.2 to 4.5 and paragraph 5.2, which includes a cap on the reduction in support that an individual might face in 2013-14 of 8.5%, is approved;
- 2.2** The amount of money available for the Hardship Fund is reviewed on an annual basis. During the first year, a review be undertaken after the first six months;
- 2.3** From 2014-15 onwards support towards Council Tax liability for working age people is limited to 90%; and
- 2.4** The approval of the supporting documentation and any minor amendments to the scheme is delegated to the Cabinet Member for Resources and Transformation in consultation with the Director of Resources.

## BACKGROUND

- 3.1 The Government intends to localise support for CTB from 2013/14 and this has been put into effect by the Local Government Finance Act 2012. The main effect of this is to reimburse councils only 90% of the current costs of granting CTB. This 10% reduction in grant funding for the Wyre Forest district with a current CTB cost of £8.51M equates to a shortfall of £851,000 per annum. If the Council took no action, the amount of the shortfall which must be financed by Wyre Forest would be approximately £111,000. If the shortfall was to be funded from Council Tax this would equate to a 1.6% increase to the Council Tax payers.
- 3.2 The 90% of current grant will continue to be funded by Government at a set amount. Any increase / decrease in the level of Council Tax Discount due to demographic pressures will then fall to the local government family to finance.
- 3.3 The Government has decided that pensioners must remain protected from any reductions compared to the current Council Tax Benefit scheme and we may also have to consider protection of other vulnerable groups.
- 3.4 At the same time some of the current mandatory exemptions that are offered on Council Tax will cease. It will then be a local decision if these exemptions will continue and at what level.
- 3.5 In October 2012 the CLG announced that they were making available £100m of support to authorities to help them develop well designed council tax support schemes. The grant will only be paid if an authority meets certain criteria and if they apply for the grant. The grant will be applied for in January 2013 and will be paid to authorities in March 2013.
- 3.6 When WFDC completed its consultation exercise on various options for the CTDS scheme, the availability of the Transitional Grant was not known and therefore the consultation did not include any consideration of the grant.



4 KEY ISSUES

**The Recommended Option**

4.1 There is a predicted reduction in funding of £111,000 per annum to the Council following the localisation of Council Tax benefit. The financial impact of the recommended option is shown below:

	<b>Financial impact for Collection fund (£000)</b>	<b>Financial impact on WFDC (£000)</b>
Estimated cost of Government cut to funding	851	111
<b>LESS</b>		
Council Tax exemption changes	(273)	(36)
Limitation of discount including limiting support to 91.5% for working age people	(391)	(51)
<b>PLUS</b>		
Hardship fund (maximum)	0	25
<b>Total financial impact, excluding Transitional Grant</b>	<b>187</b>	<b>49</b>
Government Grant (2013/14 only)*		(28)
<b>Total cost</b>	<b>187</b>	<b>21</b>

\*- Only the grant relating to WFDC is shown in the table. If WFDC accept the transitional grant then there will be separate grants paid to Worcestershire County Council, West Mercia Police Authority and Hereford and Worcester Fire and Rescue Service. These grants will be paid directly to the organisations and will not impact on the Collection Fund.

4.2 The recommended scheme is based on the following principles:

- Principle 1** Every household with working age claimants should pay something;
- Principle 2** The scheme should incentivise people into work;
- Principle 3** People with greater amounts of savings receive less support;
- Principle 4** Protection will be provided through a Hardship Fund to those who are least able to pay; and
- Principle 5** The scheme will be in support of the Council's Corporate Plan Priorities of an increased supply of good quality and decent homes in which people can afford to live.

4.3 The Council Tax exemption changes which are included in the recommended option are as follows:

- **Class A**, long term uninhabitable properties - change this exemption to 50% for a maximum of a 12 month period.
- **Class C**, short term unfurnished properties - reinstate exemption at 50% for 6 months in line with business rates properties.
- **Class L**, repossessed properties - levy a full charge payable by the bank / building society.
- **Second Homes Discount** – end the 10% discount and levy a 100% charge.

4.4 The recommended scheme also included the following changes to eligibility criteria for the scheme:

- **Second adult rebate** – to be abolished;
- **Minimum level of benefit/support per week** – the threshold to be increased to £5 per week;
- **Capital Levels and Tariffs** – the unit tariff to be changed to £200; and
- **Backdating** – to be removed.

4.5 There is also to be a hardship fund, costing WFDC up to £25,000, as set out in the Cabinet report of 23 October.

#### **Criteria for Accepting the Transitional Grant**

4.6 There are a number of criteria which we must adopt in our scheme to be able to apply for the grant. These are

- Those who would be entitled to 100% support under current council tax benefit arrangements pay between zero and no more than 8.5% of their net Council tax liability;
- The taper rate does not increase above 25%; and
- There is no sharp reduction in support for those entering work.

4.7 At this point we believe that the recommended option meets all of these requirements.

#### **Consultation**

4.8 The Recommendation is to accept the Transitional Grant. Consideration has been given as to whether there is a requirement to re-consult on the proposed scheme. On the basis that the grant requirements are within the original range of the proposals which were consulted on (reducing support by between 5% and 20%) it is considered that this option is covered by the original consultation and that no further consultation is necessary.

**Other issues to consider**

- 4.9 The CTDS needs to be confirmed by Council by the end of January 2013. It is possible that there will still be some changes to the scheme requirements between now and the end of January. Therefore the principles of the scheme have been recommended and it is envisaged that the detailed supporting documentation and guidance will be agreed by the lead member closer to the end of January 2013 to ensure that the scheme is compliant with the requirements.

**5 RECOMMENDED OPTION**

- 5.1 The report to Cabinet on 23 October 2012 outlined the rationale as to why support for working age people should be reduced and the relevant financial factors.
- 5.2 Taking account of the recommendations from OSC and the availability of the Government grant scheme, the Cabinet's final recommendation is to shape the scheme so that the government grant is accepted. For 2013-14 this will mean that the support towards the payment of Council Tax under the CTDS will be limited to 91.5% and from 2014-15 onwards the support will be limited to 90%.
- 5.3 The impact on individuals would be minimal. For an 'average' band D property this would be approximately £2.50 per week which a claimant must find to cover their Council Tax bill. In Wyre Forest the majority of those currently claiming Council Tax benefit live in band A and B properties which means that they will have to find less per week to put towards their Council Tax bill.

**6 INTRODUCTION OF CTDS – OVERVIEW OF TIMELINE**

- 6.1 The legislation requires Councils to adopt a scheme for council tax discounts by 31 January 2013.
- 6.2 Key dates in the Timeline are:
- 21st November 2012– Council approve Local Scheme effective from;1 April 2013.
  - November to end January 2013 - supporting documentation agreed;
  - 31<sup>st</sup> January 2013 – Transitional Grant application submitted after this date;
  - February – 2013/14 budget agreed; and
  - March 2013 – Transitional Grant paid

**7 LEGAL AND POLICY IMPLICATIONS**

- 7.1 The powers under which the council will decide a scheme for council tax discounts are in section 13A of the Local Government Finance Act 1992 as substituted by section 10 of the Local Government Finance Act 2012. Section 10(4) requires a scheme to be adopted by 31 January 2013. Section 11 provides a power for councils to decide the discount for second homes, while section 12 inserts section 11B into the 1992 Act which allows councils to set a council tax of up to 150% for long term empty properties.

- 7.2 Schedule 4 to the 2012 Act inserts Schedule 1A in the 1992 Act. Among other things, this requires the Council to consult major precepting authorities and such other persons as are likely to have an interest in the scheme. Paragraph 3(2) of Schedule 1A provides that the fact that the requirement was not in force when councils undertake consultation is to be disregarded in determining whether there has been compliance with the requirement.
- 7.3 In reaching final decisions on the scheme, the Council will have to have regard to its duties under the Equality Act 2010 although as noted below the view is that no equality issues arise as the proposed options apply to all potential recipients of council tax discounts. The Council will also have to have regard to any legislation issued by the Secretary of State as a consequence of the Local Government Finance Act as it may constrain the options that are available; and consideration will need to be given to other relevant legal requirements, such as the duty to co-operate in reducing child poverty in accordance with section 21 of the Child Poverty Act 2010.
- 7.4 The final decisions should also seek as far as possible to be consistent with the Council's corporate priorities of securing the economic prosperity of the district; improving community well-being; and delivering together, with less.

## **8 RISK MANAGEMENT**

### **8.1 Key risks include:**

- The scheme must be approved before we can apply for the grant;
- The budget may be set before we know whether we will receive the grant;
- Risk of challenge on the scheme as it has changed following consultation; and
- Risk of judicial review of changes.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An initial Equality Impact Assessment has been undertaken on the scheme. It will be updated once the details of the final scheme have been agreed. At present, the only adverse impact which has been identified is that there will be a differential impact on age. This is due to the Government scheme protecting pensioners and the changes to the scheme impacting on working age claimants.

## **10 CONCLUSION**

- 10.1 This report sets out proposed scheme for the localisation of Council Tax and the implications of the proposed government grant to support local authorities in implementing the CTDS.

## **11 CONSULTEES**

- Cabinet;
- Corporate Management Team; and
- Overview and Scrutiny Committee.

**12 BACKGROUND PAPERS**

- 12.1 DCLG guidance on the localisation of Council Tax Benefit, published 17th May 2012 and the 17<sup>th</sup> July 2012.
- 12.2 Council Tax Benefit is Changing – Consultation Document, Wyre Forest, published 23rd July 2012.
- 12.3 Localising support for council tax - Transitional grant scheme, published 18<sup>th</sup> October 2012.
- 12.4 Cabinet 23rd October 2012.
- 12.5 Overview and Scrutiny Committee 8th November 2012.
- 12.6 Cabinet 12 November 2012.

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL**  
**21<sup>ST</sup> NOVEMBER 2012**

**Corporate Governance Report**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Not applicable
<b>CORPORATE PLAN AIM:</b>	Delivering Together, With Less
<b>CABINET MEMBER:</b>	Cabinet Member for Resources and Transformation
<b>DIRECTOR:</b>	Caroline Newlands, Director of Community Assets and Localism
<b>CONTACT OFFICER:</b>	Penny Williams, Ext. 2729 Penelope.williams@wyreforestdc.gov.uk
<b>APPENDICES:</b>	None

**1. PURPOSE OF REPORT**

- 1.1 To appoint a Chairman of the Ethics and Standards Committee and to apprise Council of an urgent report considered by Cabinet on the 18<sup>th</sup> September 2012.

**2. RECOMMENDATION**

**The Council is asked to:**

**2.1 To appoint a Chairman of the Ethics and Standards Committee.**

**2.2 Note the quarterly report to Council on an item considered by Cabinet under the Special Urgency rules.**

**3. BACKGROUND**

**Ethics and Standards**

- 3.1 On 9<sup>th</sup> November the Chairman of the Ethics and Standards Committee, Councillor G Ballinger resigned as Chairman. Following the resignation, Council is required to appoint a Chairman for the remainder of the municipal year.

**Exchange of Land**

- 3.2 On 18<sup>th</sup> September 2012, the Cabinet considered a report under the Council's special urgency rules (Section 8, Rule 15 Access to Information Procedure Rules of the Council's Constitution) regarding land transfers in Bewdley.
- 3.3 Wyre Forest District Council's constitution requires under the Special Urgency Rules that if Section 8, Rule 14 cannot be followed, then the decision "can only be taken, if the decision taker (if an individual) or the Chairman of the body making the decision,

obtains the agreement of the Chairman of the relevant scrutiny committee that the taking of the decision cannot be reasonably deferred.”

- 3.4 Under the special urgency rules the Cabinet is required to prepare a report for submission to the next available meeting of the Council. The report is required to set out particulars of the decision, the individual or body making the decision and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.
- 3.5 The constitution requires the Leader to submit quarterly reports to the Council on Cabinet decisions taken in the circumstances set out in Section 8, Rule 15 (Special Urgency) in the preceding three months. The report is required to set out the number of decisions so taken and a summary of the matters in which those decisions were taken.

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

- 4.1 Only one Special Urgency decision has been taken in the preceding 3 months and this relates to an exchange of land by the authority.
- 4.2 Cabinet agreed that the exchange of land outlined in the report and appendices to Cabinet be approved and delegated authority be granted to the Directors of Economic Prosperity & Place and Community Assets & Localism in consultation with the Leader and Cabinet Members for Environmental Services and Place Shaping to undertake the necessary work and complete all necessary documentation to facilitate the exchange.
- 4.3 Delegated responsibility was granted to the Director of Economic Prosperity & Place to make the necessary arrangements with the other party to undertake public consultation on the proposed land exchange and its consequences and in consultation with the Leader and Cabinet Members for Environmental Services and Place Shaping to consider the outcome of such consultation.
- 4.4 Delegated responsibility was granted to the Director of Economic Prosperity & Place, Community Well-being & Environment and Community Assets & Localism, in consultation with the Leader and Cabinet Members for Environmental Services and Place Shaping, to facilitate any necessary work to ensure that planning permissions are in place as required for the respective development before any land exchange takes place and to procure and implement the demolition of the existing buildings and the construction of a new car park.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no significant financial implications as a result of this report.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 There are no legal or policy implications arising as a result of this proposal.

#### **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 There are no equality impact matters arising as a result of this proposal.

**8. RISK MANAGEMENT**

8.1 There are no significant risks resulting from this report.

**9. CONCLUSION**

9.1 Cabinet were asked to consider an arrangement that would see an exchange of land between the Council and the other relevant party.

**10. CONSULTEES**

10.1 Director of Community Assets and Localism and Chief Executive.

**11. BACKGROUND PAPERS**

11.1 Report to Cabinet 18<sup>th</sup> September 2012 – **please note this report was exempt.**