

COUNCIL

19th November 2019

Present: **The Mayor, Councilor Ditta, in the Chair**

Councillors Agar, Allcott, A. Amos, B. Amos, Barnes, Bayliss, Berry, Biggs, Bisset, Cawthorne, Collins, Cronin, Denham, Geraghty, Gregson, Griffiths, Hassan, Hodges, Mrs L. Hodgson, S. Hodgson, Johnson, Lamb, Laurenson, Mackay, Mitchell, Riaz, Roberts, Squires, Stafford, Stalker, Stanley, Stephen and Udall

Apologies: **Councillor Altaf**

The Mayor's Chaplain, Imam Saleem Haris, offered prayers prior to the Council meeting.

45 Apologies for Absence

Apologies were received from Councillor Altaf.

46 Declarations of Interest

The following declaration of other disclosable interest was made:

Councillor Hassan – Amendment to the Capital Programme 2018/19-2023/24 (Minute 52) - In relation to customer services relocation and in particular the housing office relocation, as a Director of the company that owns the site. Councillor Hassan left the room during the consideration of this item.

47 Minutes

RESOLVED: That the minutes of the meeting held on 22nd October 2019 be approved as a correct record and signed by the Mayor.

48 Mayor's Communications

1. Pakistan Earthquake Appeal

The Mayor informed the Council that a 5.8 magnitude earthquake struck southern Mirpur district of Azad Jammu and Kashmir (AJK) on 24th September, leaving at least 125 persons, including women and children, dead and around 630 others injured, many of them seriously. The Mayor encouraged the Council to donate to meet the immediate needs of those affected by this disaster.

<https://www.justgiving.com/crowdfunding/allah-ditta-1>

2. Christmas Lights Switch on and Victorian Fayre opening

The Mayor invited all Members to join him on Thursday 21st November 2019 to celebrate the lights being switched on in Cathedral Square and also the Worcester Victorian Fayre opening ceremony from 4.15pm on Thursday 28th November, to include a procession from the Cathedral to the Cornmarket.

3. Mayor's Charity Afternoon Tea

The Mayor informed the Council that he will be hosting a festive afternoon tea in the beautiful Chapter House at Worcester Cathedral on Thursday 12th December between 2pm and 4pm. This is a fundraiser event for his four charities - Headway, Worcester Wheels, St Richard's Hospice and Worcester Cathedral.

The event will include the opportunity to visit the Cathedral's Christmas Tree Festival and 'Make A Wish' on the Mayor's Charity Tree. Tickets available from Worcester Tourist Information Centre, Civic Office and Eventbrite.

4. Elgar Chorale Christmas Concert

The Mayor reminded Members that tickets are on sale for this event at the Guildhall on Wednesday 18th December from the Worcester Tourist Information Centre, Civic Office and Eventbrite.

5. Remembrance Sunday

The Mayor thanked all those who had attended.

6. Refreshments

The Mayor invited all those present to join him for refreshments in the Mayor's Parlour after the meeting.

49 Public Participation

None.

50 Questions

Question No. 1	
Question From:	Councillor Alan Amos
Question To:	Councillor Marc Bayliss – Leader of the Council
Question:	What discussions has the Managing Director or any other senior relevant officer of the Council had with the Chief Constable of West Mercia police to stop further wilful blockades and disruption to the residents and businesses of the City by lawless behaviour from Green activists?
Answer:	I can confirm that the Managing Director meets with the Police routinely where a range of issues affecting the City are discussed, and at the next meeting the recent Extinction Rebellion protest, which I'm sure is what he was referring to, will be discussed.
Supplementary Question:	I'm very grateful to my very distinguished colleague for that answer, for the brevity and hope contained therein. If I can just pursue that slightly further, given the anger of so many residents of Bedwardine, and indeed residents and businesses throughout the whole city, following the Police's refusal to enforce the law and so encourage lawlessness supported by opposition parties, will he meet with the Chief Constable and

	ask him how his appeasement of these troublemakers actually benefits the people of Worcester?
Answer:	I'm very happy to meet with the Commissioner and to raise these concerns that he has with him.
Question No. 2	
Question From:	Councillor Alan Amos
Question To:	Councillor Marc Bayliss – Leader of the Council
Question:	Can the Leader of the Council explain what new and different measures the Environment Committee is claiming the Council will be taking in 2020 to prevent the gull problem from becoming even more out of control; and what benefit residents and businesses will see from these new and different measures in 2020?
Answer:	<p>On 29th October the Environment Committee as part of a report that provided an update on Gull Control Management approved a gull management work programme for 2020 which set out the following items included in its work plan.</p> <p>Number 1, a comprehensive review of all local authority actions in relation to gull control will be undertaken and will be used to identify any new or different measures that could be undertaken this forthcoming season. This will help to ensure residents and businesses benefit from the best practice from across the country.</p> <p>Item number 2, a full population and behavioural study is to be undertaken for the first time since 2004 with the aim of understanding the situation in the city fully and enabling action to be best targeted.</p> <p>Number 3, an assessment of hawk flying within the City will be undertaken which it is hoped will benefit residents and businesses will be demonstrated and if not the measure can be eliminated from further investment.</p> <p>Item 4, the Local Authority has committed to sharing any best practice that we have with all involved in gull control through the Gull Forum.</p> <p>Item 5, a programme of accessing already identified 'hard to treat' nests has been developed with access established so that egg replacement may be able to be undertaken in new and different areas.</p> <p>And then finally, the current Planning Advisory Note will be upgraded to a Supplementary Planning Document at the earliest possible opportunity, which will provide a more robust method of influence and prompt appropriate roof design. This will have a direct impact and improvement on the</p>

	occupiers of those properties and neighbouring ones.
Supplementary Question:	If I could just take this a step further, and I'm grateful for his answer and the measures that are being possibly proposed, given the gull report's statement that - and I quote from the report: "The multitude of measures taken this year and previously have not reduced the gull population or resolved the issues of concern" - does he not find it utterly irresponsible that it intends to carry on with more of the same, including drawing up yet more pointless delaying reports, as I predicted at the last Council, knowing that they will just be condemning the people and businesses of Worcester to endless misery and danger for the foreseeable future?
Answer:	<p>We have a committee system, which has obviously led this programme. Speaking personally, I wish that there was more direct action we were taking at this point to address this issue. I have said myself that I am sympathetic to more radical methods, and I come to that through a long path, it's not something I want to do myself, but I do think we need to take firmer action.</p> <p>The Committee in its wisdom has come up with this programme. I support that programme, there are some activities there. I don't think personally it will have a radical and huge, noticeable difference on the population. Those measures have all been tried before. But I do hope the Committee will in its review of all the options continue to look at new and genuinely different ways of controlling this population.</p>
Question No. 3	
Question From:	Councillor Alan Amos
Question To:	Councillor Marc Bayliss – Leader of the Council
Question:	Given that the primary duty of the Council is to ensure the safety of its residents, can the Leader of the Council explain why the Report to the Communities Committee on 30 th October admitted that the Council has chosen not to enforce the law and the ban on cycling through the pedestrianized City Centre during the prohibited hours of 10.30 – 4.30 and will continue not to enforce it even in the event of the extension of the Public Spaces Protection Order?
Answer:	The Communities report stated that the Prohibition of Driving Orders, which cover several streets of the City Centre and which prohibit cycling within those streets between 10.30 and 4.30, have been enacted by the County Council and not the City Council. Worcester City Council by virtue does not have the power to take enforcement action in respect of this Order. Police officers from West Mercia can enforce against this Order under their general powers and the County Council as

	<p>the council making the order would also have powers to carry out enforcement action.</p> <p>The City Council officers have in the past and will continue to support awareness raising exercises and enforcement operations in respect of this Order. In addition the City Council officers are encouraged, where it is safe to do so, to speak to cyclists who are in breach of the Order and make them aware of the penalties associated with it.</p> <p>The proposal contained within the draft PSPO report was to provide the City Council and its officers with our own direct powers to tackle dangerous and nuisance cycling so that we are not reliant on other organisations and that provide us with more influence to bring about positive change for those using our City Centre.</p>
<p>Supplementary Question:</p>	<p>Can I thank Councillor Bayliss for that answer, that obviously that gives me some elements of hope there. Just to follow up briefly, given that County Council Highways are about to announce an extension in the hours of the pedestrianised city centre cycle and vehicle ban to 10am - 6pm, will the Council actually do anything at all to protect pedestrian safety by enforcing it? And could I just ask the Leader of the Council if he will comment on just two sentences in a very short email, one of the many I have received on this subject, where Mr CL says: "Council Amos, your comments regarding cycling in Worcester are quite correct. Every day I witness and avoid bikes on the pedestrian areas.</p> <p>I do not experience this anywhere else, but unfortunately there is no enforcement in Worcester for many of its ills." Well, in a subsequent email: "We are almost a year on and still cycling continues on the pavements of our city. I'm quite nervous when out and about as there appears to be more, not less. This doesn't happen in other towns and cities I visit. What is wrong with this place, I feel something has to be done, and not just said."</p>
<p>Answer:</p>	<p>As I made clear in the first response, there is an issue about powers, and the appropriate officers having the correct powers. We enforce on the highway with the powers of the County Council and it may be that there is greater delegation. That might be possible from the County Council to our own enforcement officers to take this action.</p> <p>Personally, again I would like to see a sensible middle line being taken here. I think our PSPO, which is about dangerous and willful activity when cycling, strikes the right balance. I think where people are cycling carefully and respectfully of pedestrians, I'd hope that those two groups could co-exist. And so I personally would like us to find some middle ground which does continue to support cyclists but which allows pedestrians to go about their business safely and without fear of being run over.</p>

51 **Notice of Motion**

The Council considered the following four Notices of Motion, which had been submitted in accordance with Council Procedure Rule 8:

1. **Former Councillor Stuart Denlegh-Maxwell**

Councillor Stuart Denlegh-Maxwell died suddenly on the 10th June 2019, when he was just sixty years old.

Stuart first represented Claines Ward from 1988 to 1994 and returned, some twenty-four years later, through success at the May 2018 elections.

The River Severn was of particular significance to Stuart, in his childhood he would swim in the river, he had a long term association with the rowing club, and would regularly walk his dog Daisy along the riverside. Stuart was a strong supporter of the Riverside Park and took a keen interest in its development.

In order to provide a tribute to Stuart and to mark the City's appreciation of his service, Council requests that a bench in the newly created Riverside Park is dedicated to his memory.

The proposer, Councillor Stafford and the seconder, Councillor Stanley, both spoke in support of the Motion.

Members then entered into a debate on the Motion, where support was expressed across the Chamber.

On being put to the vote, the Motion was unanimously agreed and it was

RESOLVED: That Council requests that a bench in the newly created Riverside Park is dedicated to his memory.

2. **USDAW Freedom From Fear Campaign**

Every minute of the working day a shop worker is verbally abused, threatened with violence or physically attacked. Council therefore supports the USDAW Freedom From Fear Campaign and requests that all Worcester residents respect shop workers. Council requests the Managing Director to work with Worcester BID, West Mercia Constabulary and Community Safety teams to develop a strategy to reduce shop worker abuse.

The proposer, Councillor Udall and the seconder, Councillor B. Amos, both spoke in support of the Motion.

Members then entered into a debate on the Motion, where support was expressed across the Chamber.

On being put to the vote, the Motion was unanimously agreed and it was

RESOLVED: That the Council:

1. **supports the USDAW Free From Fear Campaign and requests that all Worcester residents respect shop workers; and**

2. **requests the Managing Director to work with Worcester BID, West Mercia Constabulary and Community Safety teams to develop a strategy to reduce shop worker abuse.**

3. **City Centre Post Office**

This Council instructs the Managing Director to meet with the Regional Manager of The Post Office to seek an immediate improvement in the increasingly unreasonably long queues at the City's Central Post Office in the High Street.

The proposer Councillor A. Amos and the seconder, Councillor Griffiths, both spoke in support of the Motion.

In accordance with the rules set out in the Constitution, Councillor Udall proposed an amendment to the Motion, as follows:

In addition, Council calls upon the Worcestershire County Council Overview, Scrutiny and Performance Board to undertake a joint scrutiny exercise with all Worcestershire District Councils, to investigate recent Post Office closures, the adequacy of the local service and to recommend any necessary improvements; thus making Post Office Management accountable to the people of the County.

The proposed amendment was seconded by Councillor Biggs.

In accordance with Council Procedure Rule 11.12, the proposer, Councillor Amos with the consent of the seconder, Councillor Griffiths withdrew the Motion.

4. **Electoral Reform**

Full Council notes that:

1. The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted. This leads to voter apathy and a feeling of disconnection from local democracy. Many seats are not even contested, and certain parties are over-represented, the most extreme example in May 2019 being Havant, where the Conservative Party took all of the seats up for election on Havant Council with just 43.9% of the vote. ^[1]
2. The alternative to FPTP is a system of proportional representation (PR), where votes cast for parties translates more or less directly into seats won. There are many variants of PR.
The Single Transferable Vote System (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates and those who receive the most backing (including second and subsequent choices) are elected to serve in multi-member wards.
3. Worcester City Council (in common with most other district councils) already has multi-member wards and thus the transfer to a similar system would be easier than if the wards were single-member.
4. The introduction of PR for local elections in Scotland has led to an increase in turnout, which was 47% at the last elections, held in 2017. In contrast turnout in Worcester in 2019 was 35%.

^[1] <https://www.electoral-reform.org.uk/local-elections-how-voters-in-england-were-cheated-by-a-broken-voting-system/>

5. A move to a system of PR for local elections would necessitate moving to all-out elections every four years, rather than the current one-third system. This would benefit the council and Worcester residents too, since it would mean more time for decision-making.
6. It would also mean that we would have fewer, larger wards, in order to have more members per ward. We currently have 35 councillors elected in 15 wards. We might move to 35 councillors elected in 7 wards.

Full Council believes that a move to the use of proportional representation for local elections would boost turn-out, make the council more representative of the political make-up of its residents, and improve the quality of its decision-making, thereby benefiting all Worcester residents.

This Council therefore directs the Managing Director to write to Her Majesty's Government to request that the government changes electoral law to permit such a move.

The proposer, Councillor Bisset and the seconder, Councillor Allcott, both spoke in support of the Motion.

Members then entered into a debate on the Motion, where support and opposition was expressed across the Chamber.

On being put to the vote the Motion was lost.

52 Amendment to the Capital Programme 2018/19-2023/24

The Council considered the report of the Corporate Director – Finance and Resources on the amendment to the Capital Programme 2018-19-2023-24.

Under the Council's Constitution agreement of the Capital Programme is reserved to Full Council as part of the budget setting process. The report identified a number of items of expected capital expenditure during the financial year which:

- were not identified during the budget-setting process, or
- were anticipated but where the actual expenditure required was not known at that time, or
- where actual expenditure is expected to exceed the amount previously approved for inclusion in the capital programme.

All of the items set out in the report had been considered by the relevant Committee and recommended for approval via the Policy and Resources Committee.

It was proposed by Councillor Stephen and seconded by Councillor Bayliss and on being put to the vote it was agreed and

RESOLVED: That the Council approves the revised Capital Programme as set out in the report.

53 Report from the Relevant Committee on Matters which are Referred to Council for Decision

Referral Report from Policy and Resources Committee – Treasury Management Annual Report 2018-19

The Council considered a referral report from the Chairman of the Policy and Resources Committee on the Treasury Management Annual Report 2018-19.

The Annual Report was considered by the Policy and Resources Committee at its meeting on 31st July 2019 and it was agreed that it be referred to full Council for information.

It was proposed by Councillor Stephen and seconded by Councillor Bayliss and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council receive the Treasury Management Annual Report 2018-19.

Referral Report from Audit and Governance Committee – Audit and Governance Annual Report 2018-19

The Council considered a referral report from the Chairman of the Audit and Governance Committee on the Audit and Governance Committee Annual Report 2018-19.

The Annual Report was considered by the Audit and Governance Committee at its meeting on 18th September 2019. The Annual Report had shown how the Committee had successfully achieved its objectives over the last year and had therefore made a positive contribution to the Council's overall governance and control environment.

It was proposed by Councillor A. Amos and seconded by Councillor Agar and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council receive the Audit and Governance Committee Annual Report 2018-19.

Referral Report from Income Generation Sub-Committee – Proposed Fees and Charges for 2020 – Freedom Leisure Contract

The Council considered a referral report from the Chairman of the Income Generation Sub-Committee on the proposed Fees and Charges submitted by Freedom Leisure for 2020 (covering the period 1st January 2020 to 31st December 2020 inclusive).

At its meeting on 15th October 2019, the Income Generation Sub-Committee recommended that the proposed Fees and Charges submitted by Freedom Leisure for 2020 be referred to the Council for approval.

In response to questions from Members the Chairman of the Income Generation Sub-Committee agreed to request Freedom Leisure to provide further clarification on the wording of paragraph 3.8 of the report and a query on table 2, page 60 of the proposed fees and charges schedule, with regard to Lifeguard Hire. Both Members to be provided with a written response.

It was proposed by Councillor Riaz and seconded by Councillor Mackay and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council approve the Fees and Charges submitted by Freedom Leisure for 2020 (covering the period 1st January 2020 to 31st December 2020 inclusive).

Referral Report from Personnel and General Purposes Sub-Committee – Review of Polling Districts, Polling Places and Polling Stations 2019

The Council considered a referral report from the Chairman of the Personnel and General Purposes Sub-Committee on the Review of Polling Districts, Polling Places and Polling Stations 2019.

At its meeting on 4th November 2019 the Personnel and General Purposes Sub-Committee considered the findings of the Review of the Polling Districts, Polling Places and Polling Stations in the Parliamentary Constituency of Worcester which has been carried out in accordance with the Representation of the People Act 1983.

In accordance with the Council's Constitution it is the responsibility of the Personnel and General Purposes Sub-Committee to approve changes to the polling places and the responsibility of Full Council to approve the changes to polling districts.

It was proposed by Councillor Stephen and seconded by Councillor Bayliss and on being put to the vote it was agreed and

RESOLVED: That the Council approve the proposed changes to polling districts as set out in paragraph 3.3 of the report and the appendix attached to the report.

54 Report from the Leader of the Council on any matters which he is of the opinion require urgent consideration by The Council

None.

55 Items Involving the Disclosure of Exempt Information

None.

56 Any Exempt Issues

None.

Duration of the meeting: 7.00p.m. – 9.05p.m.

Chairman at the meeting on
18th February 2020

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