

Droitwich Spa Town Council

MINUTES of the Extra- ordinary meeting of Droitwich Spa Town Council held in the Council Chamber at St Richards House on **Monday 18 July 2022** at 6.00pm.

PRESENT: Councillor GA Duffy (Mayor)
Councillor RG Beale
Councillor Mrs C Bowden
Councillor E Bowden
Councillor GR Brookes
Councillor DM Craigie
Councillor Mrs K Fellows
Councillor RP Hopkins
Councillor A Humphries
Councillor AH Laird
Councillor WT Moy
Councillor CM Murray

APOLOGIES for absence: Councillors Mrs JM Chaudry, J Grady, NR Griffiths, RJ Morris & AM Sinton.

PUBLIC QUESTIONS SESSION

There were no questions advised and no members of the public attended.

Mr Andy Ford – Senior Planning officer from Wychavon District Council attended the meeting specifically to support the business being transacted For Neighbourhood Planning options (Agenda Items 4 (a) & (b) and 6. Andy is the lead officer at WDC for Neighbourhood Planning and has helped provide professional guidance and pledged support to the Town Council towards considering options for delivery of a suitable project. Andy has also been involved to support Councillor AM Sinton (former Leader), Councillor GR Brookes (Current Leader and as designated Member for Neighbourhood Planning matters including responsibility for communication and liaison) and the Town Clerk in meeting with Dr Nicholson from DJN Planning on 15th June 2022 prior to receipt of the Project Outline and Fee Proposal presented for consideration at this meeting (Agenda Item 6).

75. DECLARATIONS OF INTERESTS

None received.

Councillor A Humphries asked for it to be recorded in the minutes that there was currently a red weather warning in place for high temperatures and his opinion that there was no business on the agenda for this meeting that could not wait another week. This was duly noted for the record.

76. MAYORS ANNOUNCEMENTS

The Mayor invited Councillor GR Brookes to read out the following statement.

Michael James Barratt was born in 1941 and started work on the buses, firstly as a conductor and then a driver. He went on to work as a National Accounts Manager with United Biscuits & KP Foods Ltd. During this period, he found the time to marry Linda and have three children Colin, Steve, and Julie

of whom he was extremely proud, as he was of his three grandchildren. I first met Mike when I joined the Conservative Party. Mike was very helpful to me as I first stood for election in Droitwich. By this time, 1992, Michael had already been Mayor of Droitwich Spa three times, in 1985, 86 and 1990. He was elected mayor again in 1999 and in 2011 again served the community in his fifth term of office which I think might just be a record that will never be broken. This achievement alone marks him as special and worthy of the honour conferred upon him of being made an honorary alderman.

With over 30 years on the bench as Justice of the Peace, Mike has showed an incredible amount of civic pride and has done more than his share of public duty. Michael was elected to Wychavon District Council in 1987 and apart from a four-year break served there until 2015 when he walked away from politics. He was elected Chairman of the District Council in 2003, was Chairman of Licensing for many years and, he said, met a number of persons applying for licences who, when he had last seen them, was when he was passing sentence. He was active with the Droitwich Stroke Club, First Droitwich Scout Group, Girl Guides, Trefoil Guild, Coventry Homes etc. Mike was pleased to serve, and it is appropriate that Droitwich Spa Town Council should have a minute's silence to reflect on his life and contribution to our town

The Mayor thanked Councillor Brookes and added his own respectful tribute in due reverence for Former Councillor and Honorary Alderman Mike Barratt.

Councillor A Humphries added that it had been a privilege for him to second the proposal to put forward Former Councillor Barratt for the title of Honorary Alderman in 2016 and asked to record that he was very sorry to hear the news of his recent passing.

The Mayor asked all present to stand for a minutes silence and reflection in memory of Former Councillor and Honorary Alderman Mr Mike Barratt.

RESOLVED That the tributes be recorded and a minutes silence held in due reverence for former Councillor and Honorary Alderman Mr Mike Barratt.

77. NEIGHBOURHOOD PLAN PROJECT OPTIONS

(a) To receive an update from Councillor GR Brookes in his capacity as the designated Town Council Member with responsibility for the project options, including Communications & Liaison.

Councillor Brookes updated the following report which had been circulated to all elected Members through the Town Clerk at 8.16am the same morning.

Report to Council from Cllr Brookes - EGM 18th July 2022 Neighbourhood Planning - Options to complete our Plan

The idea of a Neighbourhood Development Plan has been mooted for some considerable time, and I recall voting for it during a previous administration. Two major difficulties have arisen. Firstly, parts of it will have a legal weight as part of the planning process. However, because of this, it is not straight forward and simple to write, especially for lay persons who are not familiar with planning matters. The hype on various government and other websites suggests it is easy to do. However, as Reading University's Professor Gavin Parker found, groups "underestimated the scale, complexity and time needed to produce their neighbourhood plans." In our case, we were repeatedly promised it would be done and without any cost, yet there has been no significant outcome to date. As the Turley report says, "While policy looks cut and dried on paper, it is anything but when talking to residents about potential development. It becomes highly

personal, drawing out NIMBY, and even venomous, reactions from otherwise reasonable people. These include ... personal attacks.”

Professor Parker said, “For an extreme, just look at the case of Spratton in Northamptonshire where councillors resigned en masse, citing a small minority who have, since the early stages of the drafting of the neighbourhood plan, consistently and without let-up made unfounded allegations against the parish council and individuals within it.”

I am very sorry to report that I, and another councillor, and our Town Clerk, were the subject of very similar venomous remarks and personal attacks on social media. You can imagine how hurtful this is when we are all simply trying to make good things happen for our town. I hope that those individuals concerned will eventually realise their activities are futile, achieve nothing, and they will desist and remove their offensive comments.

The second issue is, I believe, due to a failure, or refusal, by the so-called Working Group to understand how local government is obliged to work. There has been unwarranted criticism of the Town Clerk and me when we were simply advising regulations and procedures that legally must be followed. During my role with responsibility for communication & liaison I repeatedly asked for the Droitwich Spa Neighbourhood Working Group’s plan to complete the work. I was initially told by their chairman that this was available, but nothing has ever been forthcoming. There were then unwarranted allegations that DSTC was obstructing matters and refusing to allow the group to apply for government funding. Complete nonsense since a working plan is needed to apply for funds, and in any case the group were simply not eligible to apply since they were not and could not be a Neighbourhood Forum. For this council to make any decision to spend public monies, we need to have a clear objective, a plan to get there, and the costs of doing so. Without this we cannot properly spend public money from whatever source.

I also repeatedly asked for an up-to-date list of the members of the group. This was needed to reassure council and our residents that no developers were involved in drafting planning policies for Droitwich. Involvement of a developer or close contact would not be appropriate since, irrespective of the integrity of any individual concerned, there would always be an implied conflict of interest. It is noted that a previous associate of the Group has been actively involved with several prominent planning applications in the Droitwich Spa designated Neighbourhood Plan area. More recently, I have been informed that it never was the group’s intention to produce a plan, but to simply lobby for the Town Council to produce one. This means that the group have wasted a considerable amount of their time and the council’s time, since there was no need to lobby for a commitment that we had already made. I can only assume this behaviour is in some way politically motivated to destabilise this council, and it has certainly achieved nothing for our town. Being aware of the undertaking made by Droitwich Spa Town Council to produce a plan and with it clear that the working group had no work-plan and no intention to do anything, I felt it necessary to explore other ways to achieve the object to which this council had committed.

As I have previously reported, and together with Cllr Sinton (who was then Leader), and our Town Clerk, professional advice was sort from three accredited Planning Consultants, and from Wychavon District Council as the Planning Authority for Droitwich.

Various discussions took place, culminating in the report and motion in front of you tonight. Three planning experts were consulted and evaluated for their past performance in other Neighbourhood Plan preparation work and their assessment of our requirements. From this study, it was clear that DJN Planning was by far the

best fit for our requirements, and you have Dr Nicholson's report in front of you. You will note in paragraph 6, that restarting now will give us the opportunity to deal with any emerging issues in the SWDPR that we may wish to oppose.

The Town Centre Prospectus has now been published for Droitwich. With hindsight, it is evident that we were right to wait for this to be published. I have been advised that our Neighbourhood Plan can play a significant role in the redevelopment of the Netherwich Basin area for example. This has also been factored into the work plan before you.

Consultants also confirmed that we were right to defer work until there was a clear timetable for the SWDPR completion. I understand that now is a suitable time to re-start so the two projects will usefully align.

By agreeing this motion, we will have a viable and costed plan to complete a Neighbourhood Plan for Droitwich, the assistance and guidance of a proven planning expert, and the involvement of Wychavon District Council who, through Andy Ford, will also support us through the process and offer practical support with the preparation of the various maps and diagrams we will require. The plan will also be able to bring forward and influence the redevelopment of a significant part of our town, giving a worthwhile outcome.

Councillor A Humphries directly questioned the Town Clerk for the exact time that he had received the report for circulation provided by Councillor Brookes. The Town Clerk replied that the report had been received by email as an attachment from Councillor Brookes on Sunday afternoon (17th July 2022 at approximately 1500 hours). This had been duly circulated at the earliest opportunity the next business day. Councillor Brookes confirmed this to be correct.

Councillor RP Hopkins updated the following statement.

“Neighbourhood Plan Issues Re 18th July 2020 Town Council Meeting
Financial Issues.

Necessary steps before a Project can be approved.

1. Contracts

All Contracts under £25000, other than those under £3000, require 3 Quotes. This is mandatory and in accordance with CALC Accounting regulations. Therefore, no decision can be made on a single quote, particularly one that could result in charges in excess of £25000.

2. Business Plan

Before a Project can be approved and Contracts granted, a Business Plan must be produced. This should include a Budget of the expected Costs to be incurred including a phasing estimate so that applications for individual grant tranches can be calculated and planned. It should be noted that any unspent grant at the end of each Locality Financial Year must be repaid and re-applied for in the following year.

In addition, a projection of expected hard and soft benefits is necessary. As the project progresses, any unplanned costs or savings need to be reflected in the Business Plan.

Any negative impact on the Precept in any year exceeding 5% or more over the previous year, possibly as a result of the project costs, would result in a referendum for public consent which could be defeated particularly in view of the current financial climate.

In recent years Councillor Brooks has stated publicly that an NP for Droitwich Spa would cost in the region of £100.000 despite the NPMG's view that it could be done

for far less than that as the standard grant from Locality would account for £18000 and a number of key tasks could be performed by locality consultants free of charge. It would be interesting to know at this stage what the Councillor thinks today”.

Councillor Hopkins added an opinion that any work completed towards a NHP project by the Neighbourhood Plan Group may be withheld and not made available to the Town Council for use in a resurrected project. Councillor Brookes acknowledged this point and added that the eventuality would be disappointing given that any NHP project was for the benefit of the Town, the Community and Droitwich Spa residents.

Councillor GR Brookes, the Mayor and the Town Clerk confirmed that the business plan and fee proposal presented as Item 6 for this agenda did fully accord with the Financial Regulations. To this effect the proposal recommended is below the £25,000.00 procurement threshold and three separate consultants had been engaged to provide their options, guidance and proposals. This exercise had taken place over several weeks with different meetings. Those attending had been Councillor Brookes in his designated role as the Elected Member for Neighbourhood Planning matters including responsibilities for communication and liaison, Councillor AM Sinton (former Leader) and the Town Clerk meeting separately with the different consultants. Clarification was made that the fee proposal was for the professional consultant time and services for delivery of a Neighbourhood Plan project over the outlined period. This project was anticipated to take up to 24 months from start- up and would span different Municipal periods and into the next Administration. The opportunity to apply for Locality funding (suggested £9,000 eligibility) and the technical support packages is anticipated to begin from August. This is important because the current funding stream is only understood to be available during 2022 prior to review. Support from Wychavon District Council including the offer of additional funding is noted and referenced in the fee proposal. This aspect is significant towards some of the additional project delivery aspects, economies and costs including the consultation exercises, technical mapping services and use of a specific portal on the existing Town Council website.

Councillor A Humphries raised several points and questions including timescales for delivery, grant funding and whether the Neighbourhood Plan project had been deliberately delayed by the majority Conservative Group? Councillor Humphries questioned as a formal point of order whether the Town Council Leadership Role change from Councillor AM Sinton to Councillor GR Brookes was valid from 1st July 2022 because it had not been formally recorded as a minute for a meeting.

In response Councillor Brookes , the Mayor and the Town Clerk explained that the notification of the change in Leadership of the majority Conservative Group and therefore of the Town Council had been sent to all Members on the effective date of 1st July 2022 and there had been no scheduled meetings of Full Council during the intervening period. Councillor Brookes was therefore the “Acting Leader”. The Town Clerk confirmed he would clarify this question and some of the other points arising by taking professional advice the following day.

Councillor CM Murray expressed an opinion over the Project Outline and Fee Proposal to be considered as agenda item 6. Extracts were read aloud from the Calc/Nalc publication for Neighbourhood Planning with regard to the importance of community engagement and participation. Councillor Brookes acknowledged these points which are referenced within the proposal presented for later consideration.

(b) The Mayor and Town Clerk reminded that the motion for consideration at this stage was for a mandate to proceed with resuming work for a Neighbourhood Plan project- as follows.

Motion:-This Council agrees to now resume work to produce a Neighbourhood Plan and delegate's authority to the Leader and the Town Clerk to make the necessary arrangements to proceed in accord with the planning report.

RESOLVED This Council agrees to now resume work to produce a Neighbourhood Plan and delegate's authority to the Leader and the Town Clerk to make the necessary arrangements to proceed in accord with the planning report. There were 9 votes in favour and three abstentions.

The next morning following the Meeting (19 July) the Town Clerk has confirmed and registered the following three points arising with a professional colleague at Calc /Nalc.

1. The approach to three consultants for options and proposals complies fully with the Financial Regulations and maintains correct due diligence. The recommended fee proposal is below the procurement threshold of £25,000.00.
2. The referenced 5% referendum principles do not apply at Town and Parish Level and this has been the case for several years now. The NHP project is considered to be good value in terms of the fee proposal and is anticipated to span at least two Municipal periods. This is unlikely to have any adverse impact on estimates, budget setting or precept arrangements. The referendum principle would have only applied previously whereby the Band D Council Tax value significantly exceeded the national average (indicatively by over £5). Currently the Band D element for Droitwich Spa is set at approximately £47 which is well within the national average of circa £70).
3. There is no requirement to resolve or minute separately the change in Leadership of the majority Conservative Group and as such the Town Council. This is for the reason that the Leader has no Legal Status for Town and Parish Councils.

78. To consider the exclusion of the Public and Press by passing the following motion:

That the press and public be now excluded from the meeting under the provision of the Public Bodies (Admission to Meetings) Act 1960 by virtue of the confidential nature of the business about to be transacted which involves financial and legal matters.

RESOLVED That the press and public be now excluded from the meeting under the provision of the Public Bodies (Admission to Meetings) Act 1960 by virtue of the confidential nature of the business about to be transacted which involves financial and legal matters. The vote was unanimous in favour.

79. NEIGHBOURHOOD PLAN- PROPOSAL FOR CONSULTANCY SUPPORT- To consider a professional project delivery outline and accompanying fee proposal produced by Dr DJ Nicholson MRTPI of DJN Planning Ltd, dated July 2022. [Report and Fee Proposal attached to agenda]. There were no questions arising.

RESOLVED – To accept and proceed with the project delivery outline and accompanying fee proposal produced by Dr DJ Nicholson MRTPI of DJN Planning Ltd, dated July 2022. This is to support delivery of the Neighbourhood Plan resolved under minute reference 77 (EGM 18.7.2022) with the mandate to proceed for the project. There were 9 votes in favour and three abstentions.

80. STAFFING ARRANGEMENTS - To consider the Private & Confidential Report and recommendations outlined. Report provided with agenda.

The Town Clerk and Andy Ford (WDC Senior Planning Officer) both withdrew from the meeting at the start of this Agenda item.

Before leaving the Town Clerk asked the Mayor to consider nomination of an Elected Member present to record the remaining minutes of the meeting.

RESOLVED That Councillor Mrs K Fellows be nominated to record the minutes of the final agenda Item for the EGM of the 18th July 2022 (Agenda Item 7 – Staffing Arrangements). The vote was unanimous in favour.

RESOLVED That the recommendations detailed in the Private & Confidential Report on Staffing Arrangements for Agenda Item 7 of the Extra- ordinary Meeting of Full Council held on 18 July 2022 be agreed. This is with regard to the individual job role titles and salary changes outlined. The vote was unanimous in favour.

The meeting ended at 19.35 PM.

Chairman of Council -----
26 September 2022