

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

20TH JANUARY 2016 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), H. J. Jones (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, S. R. Colella, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, C.A. Hotham, R. E. Jenkins, R. J. Laight, P. Lammas, L. C. R. Mallett, K.J. May, C. M. McDonald, P. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, R. D. Smith, C. B. Taylor, P.L. Thomas, M. Thompson, S. A. Webb and P. J. Whittaker

81\15 **MR. M. P. JARRETT**

The Chairman referred to the recent death of Mr M. P. Jarrett a former Leader of the Council. Members stood in silence in tribute to his memory.

82\15 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M. T. Buxton and L. J. Turner.

83\15 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Item 6 - Time to Change Pledge Update

Item 15 - Motion on Notice – Trade Unions

Councillor L. C. R. Mallett declared an other disclosable interest in respect of these items as a UNISON Member. The interest was subject to a dispensation and therefore Councillor Mallett stated he intended to remain in the meeting.

84\15 **MINUTES**

The minutes of the meeting of the Council held on 18th November 2015 were submitted.

RESOLVED that the minutes of the meeting of the Council held on 18th November 2015 be approved as a correct record.

85\15 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to two forthcoming events and invited all Members to support the events;

- Holocaust Memorial Day Service on 27th January 2016
- Civic Supper to celebrate Robbie Burns Night on 29th January 2016

86\15 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader informed Members of:

a meeting between Jeremy Hunt MP Secretary of State for Health with the local MPs to discuss local NHS improvements. Recommendations were expected within six weeks ; and

a meeting to discuss progress with the Devolution Deal with Greg Clarke MP Secretary of State for Communities and Local Government which had been postponed and would be re-arranged.

Councillor L. C. R. Mallett referred to:

the anticipated budget gap of approximately £3.5m by 2019/20 and queried whether the expenditure by this Council and Worcestershire County Council on the move to Parkside constituted Value for Money.

the Leader's comments quoted in the local press that she was "disgusted" with the likely financial Settlement from the Government. It was queried whether the Leader had conveyed this view to the Government.

The Leader confirmed that whilst she had been misquoted in the press she had spoken to the MP expressing her disappointment regarding the settlement.

With regard to the Parkside building it was important that staff and Members had the opportunity to settle into the new offices and to make improvements where required.

87\15 **TIME TO CHANGE PLEDGE**

Members were reminded of the decision of the Council to support the "Time to Change" pledge in January 2015.

A number of members of the officer group co-ordinating the Council's actions in this regard gave a short presentation updating members on actions taken so far. This included:

- a survey of the mental health of employees leading to the development of an action plan;
- training for managers, supervisors and front line staff;

- “time to talk” events to provide support to staff and help reduce the stigma around mental health issues;
- A wellbeing pilot event;
- Upgrading the council’s Employee Assistance Programme to provide one-to-one counselling sessions;
- An event about volunteering which attracted support from 20 local voluntary sector organisations.

Members thanked the Group for the work undertaken to date and expressed support for the plans to develop the work in the next few years.

88\15 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no public comments or questions on this occasion.

89\15 **RECOMMENDATIONS FROM THE CABINET HELD ON 2ND DECEMBER 2015**

Fees and Charges 2016/17

Councillor G. N. Denaro referred to the recommendations from the Cabinet in respect of proposed Fees and Charges. Councillor Denaro referred to the previous decision resolved by Cabinet on 2nd December 2015 not to increase non-statutory fees and charges unless there was a specific reason for doing so supported with appropriate evidence. These items were at present recommended to Council for increase as set out in the report.

Councillor Denaro referred to the information received subsequent to that Cabinet meeting in respect of the proposed Government Settlement, which was more unfavourable than anticipated. Comments had also been received from the Overview and Scrutiny Board. It was felt therefore that there was merit in the recommendations being deferred and the issue of fees and charges being reconsidered at the next meeting of the Cabinet.

During the discussion Members referred to several discrepancies in the appendix setting out fees and charges and requested that these be addressed prior to any reconsideration of fees and charges .

RESOLVED that consideration of the recommendations be deferred and that these be reconsidered by the Cabinet, together with all other fees and charges.

90\15

RECOMMENDATIONS FROM THE CABINET HELD ON 6TH JANUARY 2016

Overview and Scrutiny Board Recommendation – Draft Joint Health and Well Being Strategy 2016 - 2019

The recommendation from Cabinet to support the recommendation from the Overview and Scrutiny Board on this matter was proposed by Councillor M. A. Sherrey and seconded by Councillor B. T. Cooper.

RESOLVED that air quality be proposed as an additional priority for inclusion in the Joint Health and Well Being Strategy 2016 – 2019.

Dolphin Centre Replacement – Sport England Grant Funding and Project Update

The recommendations from Cabinet were proposed by Councillor R. J. Laight and seconded by Councillor M. Glass.

As an amendment it was proposed by Councillor C. J. Bloore and seconded by Councillor M. Thompson that the remainder of the wording following “Sport England” in recommendation (c) be deleted and that the following additional recommendation (d) be added:

“That the relevant Cabinet member instructs officers to evaluate and present to Councillors a scheme to withdraw a piece of land big enough to build a sports hall out of any future land sale on School Drive so that when funds are available a sports hall can be built.”

Councillor Bloore requested that consideration be given to making provision for the construction of a sports hall as part of the development at a future stage. There was an opportunity to allow this to happen.

Reference was made to the support for the inclusion of a sports hall as demonstrated by the petition presented at the last Council meeting.

During the debate the view was expressed that Sport England were in support of the replacement Leisure Centre proposed without a sports hall and that this would provide Bromsgrove with a new and financially sustainable leisure facility.

On a requisition under Council Procedure Rule 18.3 the following details of the voting on the amendment were recorded:

For the Amendment: Councillors C. B. Bloore, R. E. Jenkins, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. P. Shannon and M. Thompson (7)

Against the Amendment: Councillors C. Allen-Jones, S. J. Baxter, S. R. Colella, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, H. J. Jones, R. L. Laight, P. Lammas, K. J. May, S. R.

Peters, M. A. Sherrey, R. D. Smith, C. B. Taylor, P. L. Thomas, S. A. Webb and P. J. Whittaker (20)

Abstentions: Councillor C. A. Hotham (1)

During the debate on the substantive motion reference was made to the availability of swimming pools within the district.

RESOLVED:

- (a) that the funding offer from Sport England be approved and the Capital Programme in respect of the replacement leisure centre be increased by £1.5million to £13million;
- (b) that the revised facility mix for the centre as set out in section 3.6 of the report be approved, based upon the increased funding available; and
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services and the Head of Leisure and Cultural Services to enter into the required Lottery Funding Agreement in order to draw down the funding from Sport England and that any performance criteria stipulated be passed on to the future operator of the site.

91\15 **TO RECEIVE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 2ND DECEMBER 2015 AND 6TH JANUARY 2016**

The minutes of the meetings of the Cabinet held on 2nd December 2015 and 6th January 2016 were received for information.

92\15 **REPORT FROM THE PORTFOLIO HOLDER FOR PLANNING SERVICES AND HOUSING**

Councillor L.C.R. Mallett declared a Disclosable Pecuniary Interest in the British Heart Foundation. The organisation was referred to in the report and he would leave the room if it was discussed or debated. In the event this was not discussed and Councillor Mallett remained in the meeting..

As the Portfolio Holder for Planning Services and Housing, Councillor C. B. Taylor presented a report on the areas covered by his Portfolio.

Members considered the report and raised a number of issues including the Council's policy on affordable housing and the numbers of homes which could be achieved as part of planning applications. The view was expressed that whilst the Council's policy was to seek "up to 40%" affordable dwellings, in practice the percentage achieved in a particular development was sometimes less. There was also discussion on homelessness figures and how these compared with other Authorities. Councillor Taylor undertook to provide comparative figures in writing.

The following issues were also raised:

- Impact of any Duty to Co-operate with Birmingham City Council;
- The potential benefits of a Community Infrastructure Levy;
- Planning Enforcement role;

- Volume of work/application backlog within Development Control and the potential to improve. It was noted that there were now no outstanding major applications and 25 minor applications waiting to be processed;
- Working with other agencies to improve Highways within the District;
- Action Plan to ensure the “Designation” of Planning Services was addressed. It was noted that the action plan had been submitted to the Minister and details of performance were being submitted to the Overview and Scrutiny Board;
- Success of the Townscape Heritage Initiative in assisting in the regeneration of the High Street.

93\15 **RECOMMENDATION FROM LICENSING COMMITTEE - STATEMENT OF GAMBLING PRINCIPLES**

The recommendation from the Licensing Committee held on 9th November 2015 as contained in Minute No 21/15 was proposed by Councillor B. T. Cooper and seconded by Councillor J. M. L. A. Griffiths.

Attention was drawn to the draft Statement of Principles under the Gambling Act 2005 and to the changes to the previous Statement of Principles relating to the development of a “Local Area Profile” and guidance on considerations to be taken into account by operators when drawing up their risk assessments.

RESOLVED

- (a) that the Statement of principles as detailed at Appendix 2 to the report be approved; and
- (b) that the Statement of Principles be published by 31st January 2016.

94\15 **REQUEST TO CHANGE THE NAME OF THE PARISH OF BELBROUGHTON**

The Council considered a request from Belbroughton Parish Council to change its name from Belbroughton to Belbroughton and Fairfield Parish Council.

RESOLVED

That in accordance with section 75 of the Local Government Act 1972, and with immediate effect, the name of Belbroughton Parish Council be changed to Belbroughton and Fairfield Parish Council.

95\15 **URGENT DECISION - CHUCHFIELDS CAR PARK**

The report of an urgent decision relating to improvements to Churchfields car park was received and noted.

96\15

QUESTIONS ON NOTICE

Question submitted by Councillor M Thompson

The Leader, like me, was probably shocked by the hundreds of motorists arrested for drink driving over the Christmas period. It is important that community leaders set a good example and I am sure the Leader agrees with me that the arrest and subsequent resignation of the Conservative Leader of Worcestershire County Council for drink driving has not helped the image of local politicians. Personally, I do not share the point of view of local Conservative Pam Davey, that Adrian Hardman's generation "would barely think about the consequences". It is not, as she says, "easy" to breach the drink driving limit - particularly when one remembers the deaths of the children who have suffered on our roads at the hands of drink drivers. In view of this, will the Leader take a moral stance and set an example by insisting that, for Councillors, these premises are an alcohol – free zone and that those who wish to use them for functions, should they choose, supply their own drinks?

The Leader responded that she did not share the views of Councillor Davey. The Council provided alcoholic drinks following the annual meeting of the Council and at civic events and would not become alcohol free.

Question submitted by Councillor P. M. McDonald

In the light of the Controlling Group being unaware of its own Government reducing the Revenue Support Grant and crying poverty. When only a few years ago it had in the bank in excess of £22m. However, it now finds itself in debt to millions of pounds and the Planning Department in Special Measures: Does the Leader not agree with me that there is an urgency to set up a Monitoring Board to monitor the performance of this Council, before it finds itself back in Special Measures?

The Leader replied that the changes to the settlement grant came as a complete surprise to her and to the Local Government Association. She believed that the calculations were incorrect. The Council's reserves had been over £9.6m for the last 6 years and the Cabinet would bring forward proposals for adjustments to the budget position shortly.

Question submitted by Councillor C. M. McDonald

Would the Leader of the Council please inform me of the total costs over the last two years of engaging consultants, temporary and casual workers?

The Leader responded that the Council had spent £586k in 2013-14 and £395k in 2014-15.

Question submitted by Councillor S. J. Baxter

Would the Leader say what the energy efficiency rating is for our new Council Building at Parkside relative to our old Council premises?

The Leader replied that the certificate stating the energy rating for Parkside had not yet been received.

97\15 **NOTICE OF MOTION - ANIMAL WELFARE**

The Council considered the following motion submitted by Councillor M Thompson and deferred for consideration from the previous meeting of the Council:

“Whilst humans and animals often enjoy a harmonious and mutually beneficial relationship, there are numerous examples of animals suffering extreme and unnecessary cruelty at the hands of humans; sadly and often in the name of entertainment. Bromsgrove District Council should be a Council that promotes animal welfare and as such be a compassionate beacon to other Districts. This motion, therefore, proposes that on its land and premises the Council:

- (i) Does not allow circuses that use animals;
- (ii) Does not allow the use of animals as prizes (for example: goldfish in fairs)
- (iii) Uses only environmentally cleaning products and products that have not been tested on animals.

The motion was proposed by Councillor M Thompson and seconded by Councillor S. P. Shannon.

In proposing the motion, Councillor Thompson suggested that if it was agreed by the Council it would set an example to others, especially young people, about taking steps to protect animals and the planet.

During debate, Councillor B. T Cooper referred to the licensing situation regarding travelling circuses and the role of DEFRA in enforcing this. The Council could impose restrictions on circuses on its own land. Currently the terms and conditions of hire for circuses and fairs using Council-owned land forbade the use of animals and the use of animals as prizes.

With reference to the use of environmentally friendly cleaning and other products, Councillor Cooper reported that where this information was available on the product or COSHH Data sheets, the use of more potentially damaging products was avoided. However, officers could not guarantee that all the cleaning products in use by the Council had been ethically tested due to the nature of the data available.

In the light of this information, Councillor Cooper suggested that the motion was unnecessary and that current practice achieved what was being proposed. Councillors then debated whether the motion should be agreed in order to confirm as policy what was being practised.

On a requisition under procedure rule 18.3 the following details of voting were recorded:

For the motion: Councillors C. J. Bloore, C. A. Hotham, L.C.R Mallett, P. M. McDonald, C. M. McDonald, S. R. Peters, S. P. Shannon and M. Thompson (8)

Against the motion: Councillors R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, H. J. Jones, R. J. Laight, P. Lammas, K. J. May, M. A. Sherrey, R. D. Smith, C.B. Taylor, P. L. Thomas, S. A. Webb and P. J. Whittaker (15)

Abstentions: Councillors S. J. Baxter, S. R. Colella, B. T. Cooper and R.E Jenkins (4)

The Chairman declared the motion to be LOST.

98\15

NOTICE OF MOTION - TRADE UNION BILL

The Council considered the following motion submitted by Councillor P. McDonald:

This council notes:

- In July 2015 the government announced its trade union bill - a wide-ranging set of proposals which, taken as a package, will undermine the basic right to strike and make it harder for workers to organise effectively in trade unions.
- The proposals include ending the ban on employers bringing in agency workers to cover for permanent staff during industrial action- which fundamentally undermines the right to strike.
- The proposals will also bring in new restrictions on pickets and protests during strikes. Unions will have to give the details of a lead picketer on every picket line to the police and employers - and the government have even floated the idea of making all picketers give their details to the police. They may even be required to submit a campaign plan to the police and employers two weeks in advance - setting out what they intend to do, whether they will use a loudspeaker or carry a banner and even what strikers intend to put on social media, such as Facebook or twitter.
- The government have also proposed new thresholds for turnout in strike ballots, plus additional thresholds for those working in "important public services".
- The government want to grant ministers the power to unilaterally cut so-called "facilities time" in the public sector. This is paid time-off mutually agreed between employers and unions for union reps to represent their members and negotiate with their employer.
- The government also proposes to prohibit public sector employers assisting unions to collect their membership subscriptions through payrolls - even though this is used for a variety of other staff benefits such as cycle-to-work schemes and childcare vouchers, and even though unions often meet the costs of this.

Council further notes:

- The human rights organisations Liberty, Amnesty International and the British Institute of Human Rights have said that the government's proposals "would hamper people's basic rights to protest and shift even more power from the employee to the employer".
- The government refuses to allow trade unions to ballot their members electronically, which could help increase engagement.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.
- Strikes in the UK are at historically low levels.

Council believes:

- No worker ever wants to go on strike - but it is a crucial last resort for workers when their employer refuses to listen to their views, negotiate with them or compromise.
- The right to strike and protest are fundamental rights which should be valued and respected in a free and democratic society.
- Without the right to strike, workers will be unable to defend their jobs or pay, stand up for decent services and achieve fairness and safety at work.
- The government's proposals will undermine constructive employment relations in Bromsgrove District Council. We believe harmonious industrial relations are achieved by meaningful engagement with trade unions and their members.
- That, in the spirit of localism, councils should be free to build positive industrial relations that work for their communities without central government interference.

Council resolves:

- To support the UNISON, GMB and the TUC's campaign to protect the right to strike.
- To write to the Secretary of State for Business, Innovation and Skills and MP for Bromsgrove, Sajid Javid, stating the council's opposition to the government's proposals on trade unions.
- To write to the Secretary of State for Communities and Local Government stating the opposition to the interference of central government in local industrial relations as it is against the spirit of localism.
- Continue to value the importance of meaningful workforce engagement and representation through UNISON and GMB, the trade unions in Bromsgrove District Council.
- In the event that the government's proposals become law, in so far as is lawful for the council as an employer:

- to continue to allow recognised trade unions to use subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and as much notice as possible of any changed arrangements.
- to maintain current arrangements on "facility time" for trade union reps to represent their members.
- to commit not to use agency workers to break strikes.

The motion was proposed by Councillor P. McDonald and seconded by Councillor C. McDonald.

In proposing the motion Councillor McDonald referred to the many successes achieved by trades unions, including equal pay.

During debate the view was expressed that the Council enjoyed a positive working relationship with the trade unions whose representatives were allowed reasonable time to carry out their duties. The Council would seek to maintain this relationship as it supported employees.

On a requisition under Council procedure rule 18.3 the following details of voting were recorded:

For the motion: Councillors C. J. Bloore, L.C.R Mallett, C. M. McDonald, P. M. McDonald, S. P. Shannon and M. Thompson (6)

Against the motion: Councillors B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, H. J. Jones, R. J. Laight, P. Lammas, K. J. May, M. A. Sherrey, R. D. Smith, C.B. Taylor, P.L. Thomas, S. A. Webb and P. J. Whittaker.(16)

Abstentions: Councillors S. Baxter, S. Colella, C. Hotham and R. Jenkins (4)

The Chairman declared the motion to be LOST.

99\15

NOTICE OF MOTION - FOOD HYGIENE RATING

The Council considered the following motion submitted by Councillor C.M McDonald:

"That this Council urges the Government to make it compulsory for restaurants, pubs and takeaways to display their food hygiene rating. Such a measure would encourage outlets to achieve and maintain the highest of standards."

The motion was proposed by Councillor C.M McDonald and seconded by Councillor M. Thompson.

In proposing the motion Councillor C.M McDonald suggested that requiring establishments to display their scores would encourage all to aim for the highest scores. This would then support improvement in food hygiene in a

constructive way. There was precedent for this in that Wales (2013) and Northern Ireland (this year) were requiring compulsory display.

During debate on the motion, the following were the main points raised:

- That the introduction of “scores on the doors” in 2010 had led to positive working relationships between environmental health officers and food providers. Over 95% of food providers in the District had scores of 3 and above;
- The current approach enabled environmental health officers to concentrate efforts on premises with low scores;
- It was suggested that inspections had not been taking place as regularly as they might and that some had been conducted over the telephone;
- The scheme was currently voluntary and the public could ask about a premises’ score if it was not displayed; a website was also available for the public to check the scores for premises, although it was pointed out that not all members of the public would have internet access;
- How effective an approach to the government was likely to be.

On a requisition under Council procedure rule 18.3, the following details of voting were recorded:

For the motion: Councillors S. J. Baxter, C. J. Bloore, S. R. Colella, C. A. Hotham, R. E. Jenkins, L.C.R. Mallett, C. M. McDonald, P. M. McDonald, S. P. Shannon, M. Thompson (10)

Against the motion: Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, H. J. Jones, R. J. Laight, P. Lammas, K. J. May, M. A. Sherrey, R. D. Smith, C.B. Taylor, P. L. Thomas, S. A. Webb and P. J. Whittaker (17)

The Chairman declared the motion to be LOST.

The meeting closed at 9.30 p.m.

Chairman