

# **BROMSGROVE DISTRICT COUNCIL**

## **MEETING OF THE COUNCIL**

**WEDNESDAY, 20TH APRIL 2011 AT 6.00 P.M.**

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Miss D. H. Campbell JP (Vice-Chairman), Mrs. J. M. Boswell, Dr. D. W. P. Booth JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis F.CMI, Mrs. J. D. Luck (present during Minute No. 129/10 only), Mrs. C. M. McDonald, P. M. McDonald, D. McGrath (present during Minutes Nos. 129/10 to part of 139/10), E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, J. A. Ruck, C. R. Scurrill, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

### 129/10 **PRAYER**

At the request of the Chairman, the Reverend Beverley Robertson opened the meeting with a prayer.

### 130/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. N. Blagg, Mrs. M. Bunker and Ms. J. A. Marshall. Councillor Mrs. J. D. Luck left the meeting at the start of this item due to personal reasons.

### 131/10 **DECLARATIONS OF INTEREST**

Councillor W. R. Newnes declared a prejudicial interest in agenda item 9. (Recommendations from the Audit Board – Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14) as he was employed by one of the banks referred to and had dealings with two of the other banks. He left the meeting during consideration of this item and took no part in the discussion or voting thereon.

Mr. K Dicks, Chief Executive declared that Mrs. S. Hanley (Executive Director), Mrs. C. Felton (Head of Legal, Equalities and Democratic Services/ Monitoring Officer) and himself had a prejudicial interest in agenda item 11 (a) (Motion submitted by Councillor P. M. McDonald). These Chief Officers left the meeting during consideration of this item.

### 132/10 **MINUTES**

The minutes of the meeting of the Council held on 16th March 2011 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

133/10 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to the following Members who were standing down from the Council and requested that thanks be recorded for their service over the years.

Councillors A. N. Blagg, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox, Mrs. J. D. Luck, Ms. J. A. Marshall, D. McGrath and R. D. Smith.

134/10 **ANNOUNCEMENTS FROM THE LEADER**

There were no announcements from the Leader.

135/10 **RECOMMENDATIONS FROM THE CABINET ON 6TH APRIL 2011**

(i) **SHARED SERVICES / TRANSFORMATION – REVISED TIMELINE**

**RESOLVED** that the revised programme timeline for the delivery of Shared Service and Transformation between Bromsgrove District Council and Redditch Borough Council be approved.

(ii) **COUNCIL PLAN 2011-2014**

**RESOLVED** that the Council Plan 2011-2014 attached as an appendix to the report be approved.

136/10 **MINUTES OF THE MEETING OF THE CABINET HELD ON 6TH APRIL 2011**

The minutes of the meeting of the Cabinet held on 6th April 2011 were received for information.

137/10 **RECOMMENDATIONS FROM THE PLANNING COMMITTEE**

(i) **SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL**

Councillor Mrs. J. Dyer M.B.E. referred to additions which needed to be made to the text of the appendices referred to in the recommendations from the Planning Committee on proposed changes to the Scheme of delegation for Planning Enforcement and Development Control. The recommendations (with these additions) were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

An amendment was moved by Councillor S. R. Peters and seconded by Councillor L. J. Turner that the deleted wording shown in the boxes on page 189 of the Council agenda in respect of the size of planning applications to be determined by the Planning Committee should remain unchanged within the delegation.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the amendment were recorded.

For the amendment: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, S. P. Shannon, L. J. Turner and C. J. K. Wilson (9);

Against the amendment: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. McGrath, J. A. Ruck, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (23).

Accordingly the Chairman declared the amendment to be LOST.

Following further debate, the recommendations from the Planning Committee (including the additions to the text) were then put to the vote as the substantive motion, whereupon it was

**RESOLVED** that the amendments to the Scheme of Delegation for Planning Enforcement and Development Control as set out in Appendices 1, 2 and 3 of the report be approved, subject to the additions to the text as now tabled.

(ii) **PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT**

The recommendations from the Planning Committee were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the recommendations were recorded.

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, S. R. Peters, J. A. Ruck, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (24);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. P. Shannon and C. J. K. Wilson (8);

**RESOLVED:**

- (a) that the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development, as set out in Appendix 1 to the report, be approved and implemented with effect from 1st October 2011;
- (b) that any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must complete appropriate training;
- (c) that the implementation of the protocol be reviewed jointly by Members and officers after twelve months of implementation; and
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services to make the necessary amendments to the Council's Constitution in respect of the implementation of the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development.

**(iii) ADOPTION OF THE PLANNING ENFORCEMENT POLICY**

Councillor Mrs. J. Dyer M.B.E. referred to additions which needed to be made to the text of section 5.5 of Appendix 1 referred to in the recommendations from the Planning Committee. The recommendations (with these additions) were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

**RESOLVED** that the Council adopt the Planning Enforcement Policy, subject to:

- (a) the deletion of the third item in section 7 of the Enforcement Policy, attached at Appendix 1 to the report, and replacement with the following text:-
  - The confidentiality of those reporting incidents will be maintained and no information will be disclosed to any other party without the written consent of the complainant; and
- (b) additions to the text of section 5.5 of the Enforcement Policy as now tabled.

138/10 **RECOMMENDATION FROM THE AUDIT BOARD**

The recommendations from the Audit Board were moved by Councillor S. R. Peters and seconded by Councillor B. Lewis F.CMI.

**RESOLVED:**

- (a) that the Treasury Management Strategy Statement and Investment Strategy 2011-2012 to 2013-2014 as set out in Appendix 1 to the report be approved; and
- (b) that the Council approve an unlimited level for investment in Debt Management Account Deposit Facility (DMADF).

139/10 **CHANGES TO THE CONSTITUTION**

Members considered a report of the Head of Legal, Equalities and Democratic Services which presented proposed revisions to the Council's Constitution based on changes previously agreed, together with updated terms of reference for the Local Development Framework Working Party which better reflected its role. The report also presented a proposed new policy on ICT provision for Members.

The recommendations set out in 2.1 of the report were moved by Councillor G. Denaro and seconded by Councillor R. Hollingworth.

Councillor S.R. Peters moved an amendment that 8.2.1 of the Introduction to the Constitution (as set out in Appendix 1 to the report) be altered to state that Cabinet Members may not serve on the Audit Board. He withdrew a second part to the amendment which he had moved. The amendment was not seconded.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson that 6.2 of the Articles of the Constitution (as set out in Appendix 2 to the report) be altered to read: "The Chairman of the Overview and Scrutiny Board is a member of the non-controlling political group" instead of "...may be a member of the non-controlling political group.

Having been put to the vote, the Chairman declared the amendment to be LOST.

The recommendations set out in 2.1 of the report then became the substantive motion.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the recommendations were recorded.

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, J. A. Ruck, C. R. Scurrill, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, W. R. Newnes, S. P. Shannon and C. J. K. Wilson (7);

Abstentions: Councillors D. L. Pardoe, S. R. Peters and L. J. Turner.

**RESOLVED** that the Council notes and approves the revised sections of the Constitution as set out in Appendices 1-3 of the report.

The recommendations set out in 2.2 of the report were moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth.

During the debate Councillor W. R. Newnes requested that information in relation to the cost of providing Blackberry devices to the Leader and Deputy Leader be made available.

Having been put to the vote, it was

**RESOLVED** that the Council approves the Policy on Members ICT facilities as set out at Appendix 4 of the report and the revised terms of reference for the Local Development Framework Party as set out at Appendix 5.

140/10 **QUESTIONS ON NOTICE**

No questions on notice had been received.

141/10 **MOTION**

Members considered the following motion submitted by Councillor P. M. McDonald.

“In light of the Council no longer being able to fulfil their simple obligations such as providing street furniture, bus shelters, litter picking, removal of graffiti, hanging baskets, free swimming for the elderly, dog warden, free collection of green waste etc.

It should cap all chief officers’ salaries to that of no more than four times the lowest paid individual. This would free up monies that could be used for the Council to meet its obligations to the people of Bromsgrove.”

The motion was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson.

Following some discussion, a closure motion was moved by Councillor G. N. Denaro and seconded by Councillor C. B. Taylor that the question be now put to the vote. The Chairman allowed Councillor S. R. Peters to speak before the closure motion was put to the vote as he had indicated a wish to speak prior to the motion having been moved.

Having been put to the vote, the closure motion was CARRIED.

Following an exchange between Councillor P. M. McDonald and the Chairman as to whether he had a right of reply as the mover of the original motion, Councillor R. Hollingworth suggested that advice be sought from the Monitoring Officer. The meeting stood adjourned from 7.40 p.m. to 7.43 p.m. whilst that advice was sought.

Having reconvened the meeting, the Chairman announced that Councillor P. M. McDonald had a right of reply as set out under Council Procedure Rule 13.11 (c).

Following the right of reply, the motion was put to the vote and declared by the Chairman to be LOST.

142/10 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 13 (recommendations from the Cabinet on 6th April 2011 on Business Case for a Shared Leisure and Cultural Service) was moved by the Chairman and seconded by Councillor R. Hollingworth on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the Act as amended, being information in relation to any individual and any ongoing or contemplated negotiations in connection with labour relations matters between the Council and officers. Members needed to consider whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information by debating the matter in public.

Having been put to the vote it was

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the 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 Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
143/10	1 and 4

143/10 **RECOMMENDATIONS FROM THE CABINET ON 6TH APRIL 2011**

**BUSINESS CASE FOR A SHARED LEISURE AND CULTURAL SERVICE**

The recommendations from the Cabinet were moved by Councillor M. J. A. Webb and seconded by Councillor G. N. Denaro.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the recommendations were recorded.

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. L. Pardoe, S. R. Peters, J. A. Ruck, C. R. Scurrrell, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (25);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, S. P. Shannon and C. J. K. Wilson (6);

**RESOLVED** that the business case recommendations together with the delivery of a shared Leisure and Cultural Service by a single Leisure and Cultural Service management and development team hosted by Redditch Borough Council be approved.

The meeting closed at 8.00 p.m.

Chairman