

BROMSGROVE DISTRICT COUNCIL

EXTRAORDINARY MEETING OF THE COUNCIL

WEDNESDAY, 22ND JUNE 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), R. J. Laight (Vice-Chairman) Mrs. S. J. Baxter, C. J. Bloore, Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, S. Dudley, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, B. Lewis F.CMI, L. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrall, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and C. J. K. Wilson

13/11 **PRAYER**

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

14/11 **ADDITIONAL ITEMS OF BUSINESS**

The Chairman announced that she would be seeking consent to suspend the Council Procedure Rules after agenda item 6 in order to consider two additional items of business (Leader's Announcements and a Notice of Motion on Worcestershire Acute Health Trust/Alexandra Hospital).

15/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. R. Boulter, Ms. M. T. Buxton, R. J. Deeming Mrs. R. L. Dent, L. J. Turner and P. J. Whittaker.

16/11 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

Item 10 - Appointment to Outside Bodies

Councillor C. J. Bloore	Prejudicial interest in Bromsgrove Sporting.
Councillor P. M. McDonald	These Members left the room during this item
Councillor S. P. Shannon	and took no part in the voting on the appointments to this outside body.

Item 13 – Recommendations from the Joint Independent Remuneration Panel on Members' Allowances

The Monitoring Officer advised that all Members had a personal interest in this item.

Additional Item – Motion on Worcestershire Acute Health Trust/Alexandra Hospital

Councillor J. S. Brogan Personal Interest.
Employed within the NHS but a different Trust.

Councillor Mrs. J. M. Boswell Personal interest.
Member of fundraising committee of the Princess of Wales Hospital.

Councillor Dr. B. T. Cooper Personal Interest.
Had a honorary consultancy contract with another NHS Trust.

Councillor L. Mallett Personal interest.
Worked for a body which funded nurses within the PCT and Acute Trust within Redditch.

Councillor Mrs. M. A. Sherrey Personal interest.
Received a pension from the NHS.

17/11 **MINUTES**

The minutes of the Annual Meeting of the Council held on 18th May 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

18/11 **REVIEW OF THE ROLE OF COUNCIL CHAIRMAN AND VICE CHAIRMAN**

Members considered a report of the Head of Legal, Equalities and Democratic Services on proposals for alternative chairing arrangements for the Council, including the separation of the role of ceremonial head from that of chairing Council meetings.

The Leader clarified that the sum of £3500 available for the Civic Head of the Council would not be paid as an actual allowance but would fund the reimbursement of expenses incurred in attending events. In response to a question he also clarified how the chains of office would be used.

Having been proposed by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP, it was

RESOLVED:

- (a) that approval be given to the introduction of a Civic Head and a Deputy Civic Head, together with the changes to the role of the Chairman of the Council and Vice Chairman as described in paragraph 4.4 of the report;

- (b) that the current Member Allowance for the Chairman be revised to create two allowances of £3500 each for the Chairman of the Council and the Civic Head of the Council, such amounts to be increased each year by the same percentage increase as is applied to the basic allowance;
- (c) that approval be given to the revised Roles and Responsibilities for the four posts referred to in the report as set out in Appendix 1 and delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make the consequential changes to the Constitution.

19/11 **ELECTION OF CIVIC HEAD**

It was proposed by Councillor R. Hollingworth and seconded by Councillor Mrs M. A. Sherrey JP and

RESOLVED that Councillor Mrs. C. J. Spencer be elected as Civic Head of the Council for the ensuing year.

Councillor Mrs. C. J. Spencer thanked Members of the Council for electing her to the office and tendered her resignation as Vice-Chairman of the Council. She then vacated her seat on the dais.

20/11 **ELECTION OF VICE-CHAIRMAN**

In light of the newly created vacancy for the office of Vice-Chairman, it was proposed by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP and

RESOLVED that Councillor R. J. Laight be elected as Vice-Chairman of the Council for the ensuing year.

Councillor R. J. Laight then took up the Vice-Chairman's seat on the dais.

21/11 **ELECTION OF DEPUTY CIVIC HEAD**

It was proposed by Councillor R. Hollingworth and seconded by Councillor Mrs M. A. Sherrey JP and

RESOLVED that Councillor Mrs. J. M. Boswell be elected as Deputy Civic Head of the Council for the ensuing year.

22/11 **SUSPENSION OF COUNCIL PROCEDURE RULES**

Having been put to the vote, the Chairman obtained the consent of the Chamber to suspend Council Procedure Rules to enable the two additional items of business which she had referred to at the start of the meeting to be considered.

23/11 **ADDITIONAL ITEM - LEADER'S ANNOUNCEMENTS**

The Leader announced that he intended to keep the Chamber updated on progress being made and requested that Members advise him of any matters on which they would wish to be updated under 'Leader's Announcements' at future meetings of the Council.

(a) Town Centre Regeneration

The Leader updated Members on progress including the opening of the new medical centre, developments with regard to the proposed new combined Police and Fire Station and the situation with regard to the proposed Sainsbury's site.

Negotiations were progressing with a major developer with regard to a site at the northern end of the High Street.

Parkside Side School was being looked at as a potential new Council House site, including accommodation for the Customer Service Centre, some County Council officers and possibly other public sector partners.

Eleven developers had expressed interest in the Recreation Road site which had been shortlisted to three. Their proposals would be examined to establish how well they matched the requirements within the Core Strategy.

High Street – the Leader referred to the Council's success in securing £1.2m ringfenced grant under the Heritage Lottery Fund for which the Council would need to submit a detailed submission. £2m had been set aside for improvements to the public realm with work due to begin in early 2012.

Hanover Street Car Park (and George House) – negotiations were progressing with developers.

(b) Positive Activities for Young People

Having previously reported that the level of funding from the County Council would be reduced from £330,000 to £80,000, the Leader advised that there was no money coming to Bromsgrove from the County Council and that the County would be undertaking further consultation. He gave assurances that Bromsgrove would fight to protect youth services and to ensure that the proposed future Trust arrangements with regard to the Rylands Centre were "done properly".

In connection with this, the Leader advised that the Local Strategic Partnership (LSP) would not accept the County Council "tasking" the LSP. The LSP worked in partnership with other bodies.

(c) Scrutiny

The Leader referred to the need to ensure that the Overview and Scrutiny Board focused on the Council not political matters. Political debate was for the Council Chamber.

(d) Balances/Capital Expenditure

The Leader referred to questions and insinuations being made with regard to the level of funds available and spent between 2003/04 and 2010/11. He was willing to produce a list to show where the money had been spent.

The Chairman announced that she would accept questions arising from the Leader's announcements.

Councillor P. M. McDonald queried the lack of an update on discussions taking place with regard to potential housing on the Polymer Latex site.

The Leader responded that he had not thought to do so as he had insufficient information and had not been involved in any discussions. It was not a site for housing in the Core Strategy and the Council had not received any proposals.

The Chairman ruled that comments made by Councillor S. P. Shannon did not amount to a question.

24/11 **ADDITIONAL ITEM - MOTION - WORCESTERSHIRE ACUTE HEALTH TRUST/ALEXANDRA HOSPITAL**

Members considered the following motion submitted by Councillor P. Lammas.

"Bromsgrove District Council wishes to express its deep concern regarding the recent Care Quality Commission report on the Worcestershire Acute Health Trust.

The Trust has failed to meet legal standards for nutrition, hydration and dignity.

Public confidence in the Trust has deteriorated and this Council is concerned about the health and welfare of patients in the Alexandra Hospital.

This Council requests that:

- 1) Worcestershire PCT undertake a scrutiny into the management systems that enabled this failure to occur;
- 2) Worcestershire Health Overview & Scrutiny Panel undertake an urgent scrutiny into the standards of care given to patients; and

- 3) Worcestershire Acute Hospital NHS Trust undertake scrutiny on their failures and report back the measures they have put in place to reassure the public.”

The motion was moved by Councillor P. Lammas and seconded by Councillor P. M. McDonald.

An alteration to the motion was proposed by Councillor Dr. B. T. Cooper. Following advice from the Chief Executive and with the consent of the proposer and seconder, the following was added to the above motion:

- “4) Council Officers be tasked to investigate the feasibility of setting up a body equivalent to a former Community Health Council to interact with local NHS Trusts on behalf of the citizens of Bromsgrove and report back to the Chamber in the near future.”

Having been put to the vote, the Chairman declared the motion (as altered) to be CARRIED.

25/11 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 1ST JUNE 2011**

(i) **ENFORCEMENT AND FIXED PENALTY NOTICES FOR ENVIRONMENTAL SERVICES**

RESOLVED:

- (a) that the Environmental Strategy set out in Appendix A to the report be approved in accordance with the powers for adoption as set out in Appendix A (i) to the report, together with the statutory powers to enable Fixed Penalty Notices to be issued as set out in Appendix B to the report;
- (b) that the delegations to officers set out in Appendix C to the report be approved and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make any consequential amendments to the Constitution;
- (c) that the recommended levels for Fixed Penalty Notices as set out in Appendix B to the report be approved on the basis that these amounts form part of the Council’s fees and charges and will therefore be subject to future amendment by the Cabinet as part of the annual review of fees and charges.

(ii) **AIR QUALITY MANAGEMENT AREA DECLARATION – WORCESTER ROAD, BROMSGROVE**

RESOLVED:

- (a) that the area at Worcester Road, Bromsgrove shown in red on the plan attached as Appendix 1 to the report be formally designated as an Air Quality Management Area by the making of an Order under section 83(1) of the Environment Act 1995;
- (b) that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to

- prepare and sign the Air Quality Management Area Order for Worcester Road, Bromsgrove;
- (c) that it be noted that in accordance with the relevant provisions of the Environment Act 1995, a provisional Air Quality Action Plan will be completed within 18 months of the making of the Order and that prior to the production of this Action Plan a timeline will be produced setting out in outline the actions to be taken.

26/11 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 22ND JUNE 2011**

(i) **FINANCIAL OUTTURN REPORT – 2010/2011**

The recommendations were moved by Councillor R. Hollingworth and seconded by Councillor M. A. Sherrey JP. Members were informed that it was intended to use the funds released from balances following the abolition of Lickey End Parish Council to purchase computer equipment for Lickey End First School.

RESOLVED:

- (a) that the increase in the Capital Programme for 2011/2012 of £2.479m in relation to the carry forward requests as set out in Appendix 1 to the report be approved;
- (b) that £5,587 be released from balances following the abolition of Lickey End Parish Council;
- (c) that the Annual Governance Statement as set out in Appendix 2 to the report be approved; and
- (d) that the Capital Programme for 2011/2012 be increased by £68,000 to meet the cost of solar panels to be installed at the Council's Depot to be funded by Capital receipts.

(ii) **FINANCIAL RESERVES STATEMENT - 2010/2011**

The recommendations were moved by Councillor R. Hollingworth and seconded by Councillor M. A. Sherrey JP.

RESOLVED:

- (a) that the establishment of new reserves of £474,000 as set out in Appendix 1 to the report be approved;
- (b) that the release of reserves of £419,000 which reflects the approval required for January – March 2011 as set out in Appendix 2 to the report be approved; and
- (c) that the addition to existing reserves of £289,000 which reflects the approval required for January – March 2011 as set out in Appendix 2 to the report be approved.

27/11 **MINUTES OF THE MEETING OF THE CABINET HELD ON 1ST JUNE 2011**

The minutes of the meeting of the Cabinet held on 1st June 2011 were received for information.

28/11 **WRITE-OFF POLICY**

Members considered a report of the Head of Finance & Resources which presented a revised policy in relation to the write off of debts due to the Council.

The policy introduced a requirement for information on the level of write offs to be reported to the Cabinet on a quarterly basis. In response to a request from Councillor P. M. McDonald, the Leader agreed that such information also be a regular item on the agenda of the Overview and Scrutiny Board. In response to a further comment, the Leader also undertook to consider the potential of using a factoring company for recovery of debts.

The Leader referred to an alteration he wished to make to the report recommendations with regard to delegation of authority to the Section 151 Officer. Having been moved by Councillor R. Hollingworth and seconded by Councillor M. A. Sherrey JP, it was

RESOLVED:

- (a) that approval be given to the revised write-off policy set out at Appendix 1 to the report;
- (b) that authority be delegated to the Section 151 Officer to write off debts below £2,500 but that any action on debts over £2,500 be agreed with the Leader before being taken.

29/11 **APPOINTMENTS TO OUTSIDE BODIES**

Members considered a report of the Head of Legal, Equalities and Democratic Services on a number of appointments which needed to be made to outside bodies.

It was clarified that the appointments to Bromsgrove Sporting Board would be observers not Directors. No appointment needed to be made to the Leader's Board Strategy Advisory Panel as this body had ceased to exist.

The Leader updated Members with regard to the following ex-officio appointments.

Greater Birmingham and Solihull Local Enterprise Partnership (LEP)

The Leader represented Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council. A named substitute was required (who was appointed at a later stage during this item of business).

Worcestershire Local Enterprise Partnership (LEP)

The Leader of Redditch Borough Council represented that Council, Bromsgrove and Wyre Forest District Councils.

Place Shaping Group

The Leader of Wyre Forest District Council represented that Council, Bromsgrove District Council and Redditch Borough Council.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the appointment of a named substitute for the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) were recorded.

For the appointment of Mr. G. N. Denaro: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, S. J. Dudley, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, B. Lewis, J. A. Ruck, C. R. Scurrill, Mrs M. A. Sherrey JP, Mrs C. J. Spencer, C. B. Taylor, C. J. Tidmarsh and M. J. A. Webb (22);

Against the appointment of Mr. G. N. Denaro: Councillors Mrs. S. J. Baxter, C. J. Bloore, L. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, S. P. Shannon, R. J. Shannon and C. J. K. Wilson.(10);

Abstentions: 0

RESOLVED:

- (a) that representatives be appointed to the bodies as listed in appendix 1 to these minutes;
- (b) that the current list of ex-officio appointments set out at appendix 3 to the report, including the additional appointments detailed at in 4.3 of the report and the updated information set out above, be noted.

30/11 **RECOMMENDATION FROM THE STANDARDS COMMITTEE HELD ON 8TH JUNE 2011**

EXTENSION TO CURRENT TERM OF OFFICE OF INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

Having been moved by Councillor Mrs M. A. Sherrey JP and seconded by Councillor R. Hollingworth, it was

RESOLVED that the current term of office of Mr. Noel Burke, Independent Member Chairman of the Standards Committee, be extended until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill.

31/11 **APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE**

Having been moved by Councillor Mrs M. A. Sherrey JP and seconded by Councillor R. Hollingworth, it was

RESOLVED:

- (a) that Mr. J. Cypher and Mr I. Hodgetts be appointed to serve as the Parish Council Representatives on the Standards Committee for a period of one year until July 2012;
- (b) that Ms. K. May be appointed to serve as the Deputy Parish Council Representative on the Standards Committee for a period of one year until July 2012.

32/11 **RECOMMENDATIONS FROM THE JOINT INDEPENDENT REMUNERATION PANEL**

Members considered recommendations from the Joint Independent Remuneration Panel for Worcestershire District Council which had been agreed at its meeting on 7th June 2011 in response to representations made by the Leader with regard to changes to the levels of Special Responsibility Allowances (SRA) payable for certain position for 2011/12.

In proposing recommendations to the Chamber, the Leader accepted recommendation (a) from the Panel but rejected (b) which recommended that no change be made to the SRA for the Chairman of the Planning Committee. He was of the opinion that, in view of the level of responsibility of the Chairman of this public facing Committee, the SRA payable should match that payable to a Portfolio Holder. In addition, he referred to the levels of responsibility of the Chairman of the Licensing Committee, particularly when chairing hearings and proposed that the level of SRA payable to the Chairman of the Licensing Committee should also match that payable to a Portfolio Holder.

The recommendations as altered above were seconded by Councillor Mrs. M. A. Sherrey JP, whereupon it was

RESOLVED:

- (a) that the SRA payment made to the Chairman of the Overview and Scrutiny Board be increased to £4,796;
- (b) that the SRA payment made to the Chairman of the Planning Committee be increased to £4,796;
- (c) that the SRA payment made to the Chairman of the Licensing Committee be changed to £4,796 (instead of a payment per meeting for chairing that Committee or its Sub-Committees).

With regard to recommendation (c) from the Panel, the Leader proposed that the definition be changed to refer to the "Leader of the largest opposition political party elected at the ballot box". Having been seconded by Councillor Mrs. M. A. Sherrey JP, it was

RESOLVED that an SRA payment of £1,066 be made to the Leader of the largest opposition political party elected at the ballot box.

33/11 **QUORUM FOR CABINET MEETINGS**

Having been moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP, it was

RESOLVED that the quorum for Cabinet meetings be reduced from 4 Cabinet Members to 3.

The meeting closed at 8.30 p.m.

Chairman

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APPOINTMENTS TO OUTSIDE BODIES (NON EX-OFFICIO) WHICH WERE DUE FOR RE-APPOINTMENT 2011/12

Organisation	Representative(s) Appointed	Length of Term	Expiry of Term of Office
Amphlett Hall Management Committee	Councillor Mrs. H. J. Jones Councillor Mrs. J. M. L. A. Griffiths Councillor Mrs. J. M. Boswell Councillor Mrs. M. A. Sherrey JP	1 year	May 2012
Bromsgrove Citizens' Advice Bureau	Councillor Mrs. M. A. Sherrey JP Councillor J. A. Ruck	1 year	May 2012
Bromsgrove Community Engagement Group	Councillor Mrs. H. J. Jones Councillor Mrs C. J. Spencer Councillor C. J. Tidmarsh Councillor L. Mallett	1 year 1 year 1 year 1 year	May 2012 May 2012 May 2012 May 2012
Bromsgrove Local Children's Partnership	Councillor Mrs. J. M. L. A. Griffiths	1 year	May 2012
Bromsgrove Sporting Board (observers)	Councillor M. J. A. Webb Councillor P. Lammas	1 year 1 year	May 2012 May 2012
West Midlands Reserve Forces & Cadets Association – County Committee	Councillor C. J. Tidmarsh	4 years	March 2015
WCC Health Overview & Scrutiny Committee	Councillor Mrs. J. M. L. A. Griffiths	1 year	May 2012
WCC Corporate Parenting Steering Group	Councillor Mrs. J. M. L. A. Griffiths	1 year	May 2012
WCC Highways Partnership (Bromsgrove) Forum	Councillor Mrs. R. L. Dent Councillor S. J. Dudley	1 year 1 year	May 2012 May 2012
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Named Substitute	Mr. G. N. Denaro	1 year	May 2012

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