

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 20TH JULY 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. R. Boulter, J. S. Brogan, M. A. Bullivant, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, P. Lammas, L. C. R. 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. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

34/11 **PRAYER**

At the request of the Chairman, Councillor Mrs. C. J. Spencer opened the meeting with a prayer.

35/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. R. L. Dent, C. B. Taylor and B. Lewis F.CMI.

The Chairman asked that the Council's condolences be conveyed to Councillor Mrs. Dent on her recent bereavement.

36/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

37/11 **MINUTES**

The minutes of the Extraordinary Meeting of the Council held on 22nd June 2011 were submitted.

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

38/11 **ANNOUNCEMENTS FROM THE CHAIRMAN**

There were no announcements from the Chairman or the Civic Head.

39/11 **ANNOUNCEMENTS FROM THE LEADER**

(a) Greater Birmingham and Solihull Local Enterprise Partnership (LEP)

The Leader advised that it had now been agreed that Councillor J. Champion, Leader of Wyre Forest District Council would be the named substitute on this body and not Mr. G. N. Denaro. The Leader indicated that action would be taken in due course to remedy the appointment of non-councillors to other outside bodies.

(b) Marlbrook Tip

The Leader referred to the excess spoil tipped at the site contrary to planning permission conditions and that the Planning Committee should not have imposed conditions which could not be monitored/measured properly. His update included comments to the effect that:

- he had heard that residents had complained but he had not received any complaints;
- the Head of Planning and Regeneration had now put an investigation in place;
- complaints to the local MP should be routed to local politicians not officers;
- the situation could have been managed better and he would apologise to residents for mistakes made; and
- he would like the Overview and Scrutiny Board to undertake a proper scrutiny exercise into what had happened, why and what could be done to ensure that this did not happen again.

(c) Economic Development Theme Group

The Leader referred to the above Theme Group, set up as part of the Local Strategic Partnership, which included business representatives, a representative of a marketing agency, relevant officers and Members, including himself and Councillor R. J. Laight. The Group intended to take action as quickly as possible to attract new businesses into the District.

(d) Localism Bill

The Leader advised that he was now on the executive of the District Councils' Network and they would fight to ensure the Localism Bill became localism in practice and not just in name.

(e) Overview and Scrutiny / Planning Committee

The Leader expressed objections to politics being brought into the Overview and Scrutiny Board and Planning Committee. This had to stop and politics/political debate was for the Council Chamber. He referred to a political speech made during the Planning Committee that week which appeared to suggest pre-determination. He was now investigating the matter with legal officers and the Section 151 Officer.

Members then raised questions/comments to which the Leader responded, as summarised below.

Councillor P. M. McDonald referred to the Marlbrook Brook Tip site, damage to the site and consequences for the future arising from such. He asked whether an Enforcement Officer had been called in. The Leader responded that if the Overview and Scrutiny Board investigated the matter, it could pick up issues/consequences for the future. If the Board decided not to investigate, he would set up a separate group to do so. He believed that the residents' group had asked for the excess spoil to be re-spread over the site and not removed. With regard to enforcement, he believed that the reports received from the firm doing the statistical analysis of the spoil tipped were 'wrong' and that the situation may not be as bad as it looked on the surface but he did not know until the matter was examined properly. He reiterated that he had not received any direct complaints from residents and he would like to see any that had come in. As soon as the Head of Planning and Regeneration had found out about the excess tipping she had taken necessary actions to stop this.

Councillor P. M. McDonald asked whether the Leader had had discussions about an ex-Cabinet Member on the Planning Committee getting involved in decisions made during the time he was a Cabinet Member. The Leader responded that he would take care of this matter in the near future.

Councillor P. M. McDonald asked whether the Leader could confirm what he had said at the last Council meeting with regard to the Polymer Latex site and that there had been no discussions with the local councillor, Chief Executive or potential developers. The Leader responded that he believed the owners had spoken with the ward councillor but had not spoken to him. The Chief Executive advised that the ward councillor had asked for officers to facilitate discussions but none had taken place as yet.

Councillor R. J. Shannon commented that he had been informed by a senior source from within the Co-operative supermarket group that Sainsbury's had pulled out of the deal with regard to the proposed development in Bromsgrove and asked the Leader whether this was true. The Leader responded by referring to the Member having gone to the local press without asking the question first and that Sainsbury's had told the press that they were not pulling out of the deal and he could say no more than that.

Councillor J. A. Ruck referred to the Marlbrook Tip site as the local ward Member and advised that he had been dealing with this for over seven years. He provided a brief history of the site over the past eight years and commented that the Planning Officer had recently invited the owner to submit a retrospective planning application for the excess spoil tipped; that the site was now safe with no flooding; and that local residents had been in contact with ward councillors on a regular basis and there had been meetings with local residents over the past six months. He welcomed the suggested Overview and Scrutiny investigation but expressed concern that if the Council tried to take action against the owner of the site he might walk away and the Council would be left with a site to maintain at high cost.

The Leader responded by reiterating that there were no complaints on file other than those which had been referred on by the local MP and that a proper investigation would find out exactly what had happened and recommend courses of action.

Councillor C. J. Tidmarsh referred to the Polymer Latex site and stated that he had been in close contact as ward councillor. The factory had been mothballed for two years then sold to new owners who had concentrated on making the site safe and were now looking to sell it to a property developer. He had drawn this to the attention of the Leader and the Chief Executive.

Councillor P. M. McDonald asked whether the Leader was satisfied with the way the local ward councillor had got involved with the Polymer Latex site.

The Leader responded that he did not believe the local councillor had done anything wrong and that he had been approached by a business within his ward. The Leader added that a month ago he had said that nothing had happened and that was still the case. If the site owners wished to include the site within the Core Strategy they would need to submit comments accordingly on the draft Core Strategy and if they wished to apply for planning permission, this would need to be considered by the Planning Committee.

Councillor E. J. Murray commented that he had attended the Planning Committee that week and did not recall a political debate.

The Leader responded that it was not a political debate but a Member had read a pre-prepared political statement in which the Council was accused of being incompetent.

Councillor S. P. Shannon referred to the Leader's earlier comments with regard to the Overview and Scrutiny Board and asked him to explain why the Board had a chairman and vice-chairman from the controlling group when this was not common practice across the country or best practice and should not happen.

The Leader replied that when the Overview and Scrutiny Board was previously chaired by the Leader of the Opposition it had been 'politicised' including minority reports. He did not want politics brought into Overview and Scrutiny and so the Constitution had been changed with regard to the chairmanship.

Councillor P. M. McDonald made a comment with regard to a former Member which the Chairman ruled as inappropriate and accordingly proceeded to the next item on the agenda.

40/11 **RECOMMENDATIONS FROM THE CABINET ON 20TH JULY 2011**

**SHARED SERVICES TIMELINE – SINGLE BUSINESS CASE**

The recommendation from the Cabinet was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP

**RESOLVED** that officers be tasked with producing, for the August meeting of the Shared Services Board, a Single Business Case that will identify the benefits and risks associated with moving the remaining services into a shared environment by the end of the financial year, in so far as this is currently achievable, between Bromsgrove District and Redditch Borough Councils.

41/11 **MINUTES OF THE MEETING OF THE CABINET HELD ON 22ND JUNE 2011**

The minutes of the meeting of the Cabinet held on 22nd June 2011 were received for information.

In response to a query raised by Councillor C. J. Bloore, the Leader confirmed that there were no plans to sell Silverdale Play Area.

42/11 **ANNUAL OVERVIEW AND SCRUTINY REPORT 2010/11**

Members received the Annual Overview and Scrutiny Report for 2010/11.

Councillor S. R. Colella, as past Chairman of the Overview and Scrutiny Board, presented the report to Members.

Having been moved by Councillor S. R. Colella and seconded by Councillor M. A .Bullivant, it was

**RESOLVED** that the Annual Overview and Scrutiny Report for 2010/11 be noted and endorsed.

43/11 **QUESTIONS ON NOTICE**

No questions on notice had been received.

44/11 **MOTION - WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST CAR PARKING CHARGES**

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

"That this Council calls upon Worcestershire NHS Acute Trust to immediately review the current car parking charging scheme; its impact on patients and families."

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

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

For the motion: Councillors Mrs. S. J. Baxter, C. J. Bloore, Dr. D. W. P. Booth JP, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, L. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, , Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. J. Tidmarsh. L. J. Turner, M. J. A. Webb and C. J. K. Wilson (32);

Against the motion: Councillors Mrs. J. M. Boswell, C. R. Scurrrell and P. J. Whittaker (3);

Abstentions: 0

Accordingly, the Chairman declared the motion to be CARRIED.

45/11 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 12 (recommendations from the Cabinet on 20th July 2011 on Shared Service Business Cases for Local Land Charges Services and Building Control Serviced) was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP on the grounds that they 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 items of business on the grounds that they involve 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>
46/11	1 and 4

46/11 **RECOMMENDATIONS FROM THE CABINET ON 20TH JULY 2011**

(i) **LOCAL LAND CHARGES SERVICE – SHARED SERVICE BUSINESS CASE**

The recommendation from the Cabinet was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP.

With regard to the financial implications in relation to the Shared Service Business Case, it was reported that approximately £36,000 savings would be realised for Bromsgrove District Council as a result of the proposed Local Land Charges Shared Service.

**RESOLVED** that the delivery of a Shared Local Land Charges Service, provided by a single team hosted by Bromsgrove District Council (Option 4 in the report) be approved.

(ii) **BUILDING CONTROL SERVICE – SHARED SERVICE BUSINESS CASE**

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP.

With regard to the financial implications in relation to the Shared Service Business Case, it was reported that approximately £30,000 savings would be realised for Bromsgrove District Council as a result of the proposed Building Control Shared Service.

**RESOLVED:**

- (a) that in accordance with the agreed Project Initiation Document dated 9th December 2010, the three partner Councils (Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council), proceed with creation of the Shared Service in accordance with recommendation 6 as set out in the report, namely the delivery of Shared Building Control Services, provided by a single team, hosted by Bromsgrove District Council;
- (b) that implementation costs be shared on the same basis as the total revised service costs amongst the three Councils to reflect the percentage of the initial budget allocation into the service (as detailed at Appendix 5 to the report); this to be subject to final financial agreements being in place between the partner Authorities; and
- (c) that the new service be known as “North Worcestershire Building Control” and uses a service specific logo and document templates, the design of which is to be formally agreed before the completion of this project.

The meeting closed at 7.30 p.m.

Chairman