

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 18TH JANUARY 2012 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), R. J. Laight (Vice-Chairman), C. J. Bloore, Mrs. J. M. Boswell, J. S. Brogan, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, P. Lammas, B. Lewis F.CMI, L. C. R. 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, C. B. Taylor, C. J. Tidmarsh, L. J. Turner (present during Minutes Nos. 84/11 to 91/11 only) and M. J. A. Webb

84/11 **PRAYER**

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

85/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth JP, J. R. Boulter, M. A. Bullivant, C. R. Scurrall, Mrs. C. J. Spencer, P. J. Whittaker and C. J. K. Wilson.

86/11 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Item 11 Motion – Freedom of Information Requests

Councillor L. C. R. Mallet declared a personal interest as he knew at least one person who had been misinformed by the Council under the Freedom of Information Act.

Item 12 Motion – Free Parking for Blue Badge Holders

Councillors R. Hollingworth, C. J. Tidmarsh, Mrs. J. M. L. A. Griffiths, Mrs. R. L. Dent, R. J. Deeming, Mrs H. J. Jones and C. B. Taylor each declared a personal interest as they had a close relative(s) who were blue badge holders.

87/11 **MINUTES**

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

In response to comments made by Councillor P. M. McDonald with reference to Minute No.74/11, the Chairman indicated that she had spoken to the Leader and to himself who had both listened to the tape recordings of the relevant meeting of the Council and that she now wished to draw a line under the matter.

RESOLVED that minutes be approved as a correct record.

88/11 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD OR THE HEAD OF PAID SERVICE**

The Chairman referred to the following events on behalf of the Civic Head who was unable to attend the meeting:

- (a) Black Country Night on 20th January 2012
- (b) Holocaust Memorial Day on 27th January 2012

89/11 **ANNOUNCEMENTS FROM THE LEADER**

- (a) The Leader informed Members that the High Speed 2 rail link had been approved and that as a consequence there would be electrification of the line from Barnt Green to Bromsgrove. In addition, the funding for the new Bromsgrove railway station was about 95% certain.
- (b) The Leader stated that it had been brought to his notice that some members of the Labour Group had come to the Council expecting to work together which he had also expected to do. He was happy to work with the Labour Group to improve things for the people of Bromsgrove but not to promote the Labour Group. He also referred to some proposed training to help people work better together and would provide a further update on this in due course.
- (c) The Leader referred to Councillor P. J. Whittaker who had been found guilty of not providing a breath test. He had offered his resignation from the various committees but he had not offered to resign from the Council as he did not have to do so. The only time he could not stand as a councillor was if he had a custodial sentence. He had the Leader's support in continuing to serve as councillor. As Councillor Whittaker was currently on holiday the Leader would sort matters out with him upon his return.

90/11 **RECOMMENDATIONS FROM THE CABINET ON 7TH DECEMBER 2011 AND 4TH JANUARY 2012**

(i) **CORPORATE DELEGATIONS IN RELATION TO CONSULTATIONS**

RESOLVED that the proposed changes to the Constitution with regard to Corporate Delegations in respect of consultations be approved; and accordingly the wording be amended to read as follows:

“1.1 Where the Council is asked to respond to a consultation on a matter for which the local authority has a responsibility or where it affects the District of Bromsgrove and where the time scales for responding permit then they shall be a matter for the full Council to consider.

1.2 In any event all consultations will pass automatically upon receipt to the Chief Executive's Department and will either be managed in accordance with 1.1 above or where 1.1 does not apply will be passed to the Leader of the Council for comment and the relevant Head of Service or Director to provide a response as appropriate.

For the purposes of this delegation a consultation shall not be regarded as affecting the District of Bromsgrove if it relates to a national issue and would have no more effect on the District of Bromsgrove than it would on any other area; or

If it relates to actions taken by or statements made by a body or individual connected with the District, but those actions or statements are not specifically related to the District of Bromsgrove.”

(ii) TREASURY MANAGEMENT

RESOLVED that as set out in Minute 21/11 of the meeting of the Audit Board held on 15th December 2011, the maximum level of investment to be held within a single organisation (bank or building society), as detailed in the report be set at £3 million, subject to market conditions.

(iii) HOMES INSULATION FUNDING

The recommendations from the Cabinet were moved by Councillor C. B. Taylor and seconded by Councillor R. Hollingworth.

Councillor L. C. R. Mallett moved an amendment, seconded by Councillor P. M. McDonald that with regard to the use of funding remaining at 1st April 2012, priority should be given to extending the insulation offer to people on benefits or with disabilities (the Cabinet had agreed that it be extended to any District resident irrespective of age or status).

The Monitoring Officer advised that the above amendment related to a decision which had been taken by the Cabinet but that the Leader was happy for officers to be tasked to explore and negotiate with the County Council as to whether the above matter could be addressed. On this basis it was

RESOLVED that that the funding of £40,000 from Worcestershire County Council be incorporated into this Council's "Energy Efficiency Grants Home Insulation Projects" budget and that the Capital Programme be amended accordingly.

(iv) ANTI-BRIBERY POLICY AND OFFICERS' CODE OF CONDUCT

During consideration of this item Councillor P. M. McDonald expressed the need for an open public register of officers' declared interests. The Monitoring Officer undertook to take on board his comments and to report back to him in due course.

RESOLVED:

- (a) that the Anti-Bribery Policy attached at appendix 1 to the report be approved, and
- (b) that that the Officers' Code of Conduct attached at appendix 2 to the report be approved and included in the Council's Constitution.

91/11 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 7TH DECEMBER 2011 AND 4TH JANUARY 2012**

The minutes of the meetings of the Cabinet held on 7th December 2011 and 4th January 2012 were received.

With reference to Minute No. 97/11 (Medium Term Financial Plan 2012/13 – 2014/15), the Leader referred to the Capital bid for toilets in Bromsgrove Cemetery which the Cabinet had resolved to take out of the budget process at this stage pending a further report. In order to progress matters quickly he now wished to propose to the Chamber that the necessary funds (£25,000) be released. The Monitoring Officer advised that whilst a report would normally be submitted to the Cabinet, if Members were comfortable with making a decision that evening they could so, as the Cabinet would have had to make a recommendation to the full Council.

The proposal was seconded by Councillor C. J. Bloore.

Councillor M. J. A. Webb as the relevant Portfolio Holder provided Members with further details of the proposal.

RESOLVED that £25,000 be released from balances to be added to the Capital Programme for 2011/12 to fund the cost of new toilets for Bromsgrove Cemetery.

92/11 **REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WORCESTERSHIRE DISTRICT COUNCILS ON MEMBERS' ALLOWANCES FOR 2012/13**

Members received a report of the Independent Remuneration Panel for Worcestershire District Councils setting out its recommendations to

Bromsgrove District Council arising from its review of Members' Allowances for 2012/13.

The Panel's report recommended that, in view of the continuing exceptional economic circumstances the Basic Allowance should remain unchanged at £3,676 and that Special Responsibility Allowances should also remain unchanged with the exception of reduced Allowances for the Leader of the Council and the Chairmen of the Planning and Licensing Committees for the reasons set out in the report.

The report emphasised that, had it not been for the economic situation, the Panel would have recommended that Basic Allowance be increased to £4,200. The report also illustrated, for information, the levels of Special Responsibility Allowances if these had been based on this higher level of Basic Allowance and the Panel's 'standard' multipliers that it considered were appropriate for the various positions.

At the request of Councillor P. M. McDonald, the Chairman agreed that the meeting be adjourned to allow Members to consider the document which had been tabled setting out the Leader's proposals on the matters.

The meeting stood adjourned from 6.45 p.m. to 6.55 p.m.

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

1. That Basic Allowance be increased to £4,200.
2. That Special Responsibility Allowances be based on a Basic Allowance of £4,200 and current Bromsgrove District Council multipliers.
3. That the recommendations set out in (iii) to (v) of the Panel's report be approved.

Councillor Hollingworth stated that it would be for each individual councillor to decide if they wished to take increased allowances and that he would not take his increase.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor L. C. R. Mallett that the Basic Allowance be increased to £4,200 and that Special Responsibility Allowances be based on the multipliers recommended by the Panel including its recommended reductions for the Leader and the Chairmen of the Planning and Licensing Committees. Having been put to the vote the Chairman declared the amendment to be lost.

Prior to the motion (as proposed by Councillor R. Hollingworth) having been put to the vote, Councillor P. M. McDonald indicated that the Labour Group would abstain from the vote. Having been put to the vote, it was

RESOLVED:

- (a) that Basic Allowance be increased to £4,200;
- (b) that Special Responsibility Allowances be based on a Basic Allowance of £4,200 and current BDC multipliers, as shown below;

Position	Current Bromsgrove multipliers of Basic Allowance	SRA for 2012/13 using Basic Allowance of £4,200 and current Bromsgrove multipliers
Leader	3.0	12,600
Deputy Leader (<i>incl SRA as Portfolio Holder</i>)	2.0	8,400
Executive Members (Cabinet Portfolio Holders)	1.3	5,460
Chairman of Overview and Scrutiny Board	1.3	5,460
Chairman of Planning Committee	1.3	5,460
Chairman of Standards Committee	0.50	2,100
Chairman of Licensing Committee	1.3	5,460
Chairman of Audit Board	0.29	1,218
Chairmen of Overview and Scrutiny Task Groups – payment on completion of task	0.06	252
Members of Overview and Scrutiny Task Groups – payment on completion of task	0.03	126
Chairmen of Appointments Committee – per meeting	0.03	126
Chairman of Electoral Matters Committee – per meeting	0.03	126
Chairman of Appeals Committee – per meeting	0.03	126
Chairman of Standards Sub-Committee – per meeting	0.03	126
Leader of the Largest Opposition Political Party (elected at ballot box)	0.29	1,218

(c) that the recommendations set out in (iii) to (v) of the Panel's report be approved, namely:

- that travel allowances for 2012/13 continue to be paid in accordance with the HMRC rate (currently 45p per mile);
- that subsistence allowances for 2012/13 remain unchanged;
- that the Childcare and Dependent Carer's Allowance remain unchanged.

93/11 **QUESTIONS ON NOTICE**

There were no questions on notice.

94/11 **MOTION - CCTV**

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

"That this Council no longer monitors CCTV coverage outside of Bromsgrove and Redditch and gives due notice of this to those it may concern."

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

An amendment was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey that the motion be referred to the Cabinet for consideration as part of the budget process so that relevant facts and figures could be reported and taken into account.

Having been put to the vote, the Chairman declared the amendment to be carried, whereupon it became the substantive motion.

An amendment to the substantive motion was moved by Councillor P. M. McDonald and seconded by Councillor C. J. Bloore that the matter be referred to the Overview and Scrutiny Board to scrutinise. Having been put to the vote, the Chairman declared the amendment to be lost.

The substantive motion (as moved by Councillor R. Hollingworth) was put to the vote by the Chairman and declared to be CARRIED.

95/11 **MOTION - FREEDOM OF INFORMATION REQUESTS**

Members considered the following motion submitted by Councillor E. J. Murray.

"In light of this Council having not given the correct response(s) to a request(s) under the Freedom of Information Act: that this Council has no confidence in the manner such requests are processed."

The motion was moved by Councillor E. J. Murray and seconded by Councillor P. M. McDonald.

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

96/11 **MOTION - FREE PARKING FOR BLUE BADGE HOLDERS**

Members considered the following motion submitted by Councillor L. C. R. Mallet.

“Noting the increasing pressure being placed upon disabled people as a result of cuts to benefits and services as well as the forthcoming rise in charges for blue badges, Council resolves to reintroduce free parking in Bromsgrove District Council car parks for blue badge holders with effect from April 2012.”

The motion was moved by Councillor L. C. R. Mallet and seconded by Councillor C. J. Bloore.

An amendment was moved by Councillor M. J. A. Webb and seconded by Councillor R. Hollingworth that the motion be referred to the Cabinet for consideration in the context of an officer report currently being prepared.

Having been put to the vote, the Chairman declared the amendment to be carried whereupon it became the substantive motion.

An amendment to the substantive motion was moved by Councillor L. C. R. Mallett and seconded by Councillor C. J. Bloore that the matter be referred to the Cabinet with the instruction that it identifies the funds within the budget process to provide free disabled parking.

Following further discussion, a procedural motion was moved by Councillor L. C. R. Mallet and seconded by Councillor C. J. Bloore that, as the Chamber was in mid-debate on a very important issue, the time limit for motions as set out in the Council Procedure Rules be extended by up to twenty minutes. The Chairman advised that she had already allowed an extra ten minutes. Having put the procedural motion to the vote, the Chairman declared it to be lost.

Following the right of reply by Councillor L. C. R. Mallet as the mover of the amendment to the substantive motion, on a requisition under Council Procedure Rule 17.5 the following details of voting on the amendment were recorded.

For the amendment: Councillors C. J. Bloore, Ms. M. T. Buxton, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, R. J. Shannon and S. P. Shannon (9);

Against the amendment: Councillors Mrs. J. M. Boswell, J. S. Brogan, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent, 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, Mrs. M. A. Sherrey, C. B. Taylor, C. J. Tidmarsh and M. J. A. Webb (20);

Abstentions: 0

Accordingly, the Chairman declared the amendment to the substantive motion to be lost.

The substantive motion as moved by Councillor M. J. A. Webb, that the motion on notice submitted by Councillor L. C. R. Mallett be referred to the Cabinet for consideration in the context of an officer report currently being prepared, was put to the vote by the Chairman and declared to be CARRIED.

The meeting closed at 8.40 p.m.

Chairman