

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 14TH MARCH 2012 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, 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, C. R. Scurrrell, R. J. Shannon, S. P. Shannon, Mrs. M. A. Sherrey JP, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and C. J. K. Wilson

105/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. E. M. Shannon and Mrs. C. J. Spencer.

106/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

107/11 **MINUTES**

The minutes of the Extraordinary Meeting of the Council held on 22nd February 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

108/11 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD OR THE HEAD OF PAID SERVICE**

There were no announcements.

109/11 **ANNOUNCEMENTS FROM THE LEADER**

There were no announcements.

110/11 **RECOMMENDATIONS FROM THE CABINET**

FINANCIAL MONITORING REPORT - QUARTER 3 2011/12

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey.

RESOLVED:

- (a) that the increase to the 2012/13 Capital Programme of £659,000 in respect of the schemes carried forward from the 2011/12 Capital Programme, as set out in Appendix 3 to the report, be approved; and
- (b) that the increase to the 2012/13 Capital Programme of £12,000 (to be funded from revenue underspend) in respect of GIS software be approved.

111/11 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 1ST FEBRUARY AND 22ND FEBRUARY 2012**

The minutes of the meetings of the Cabinet held on 1st February and 22nd February 2012 were received for information.

112/11 **CONSTITUTION CHANGES**

A report of the Head of Legal, Equalities and Democratic Services on proposed changes to the Council's Constitution had been circulated with the agenda for the meeting.

Subsequent discussions had taken place between Councillor R. Hollingworth, Leader of the Council and Councillor P. M. McDonald, Leader of the Labour Group and, as a consequence, supplementary papers were tabled which included a summary of proposed changes which had been agreed by the two Leaders (Table 1), a summary of proposed changes which had not been agreed (Table 2), together with the relevant sections of the Constitution which showed the proposed agreed changes.

The proposed changes set out in Table 1 were moved by Councillor M. A. Bullivant and seconded by Councillor Dr. D. W. P. Booth.

At the request of Councillor P. M. McDonald and with the consent of Councillor R. Hollingworth, it was agreed that item 4 in Table 1 (Part 4 Council Procedure Rules Para 11.1) be deferred for further consideration. Arising from comments made by Councillor C. B. Taylor with regard to Item 2 in Table 1 (Part 20 Code of Practice – Planning Services), it was agreed that these proposed changes be deferred for further consideration and that both deferred items be reported back to the next meeting of the full Council on 18th April 2012.

Having been put to the vote, it was

RESOLVED that approval be given to the proposed changes to the Constitution as set out in items 1, 3, 5, 6, 7 and 8 of Table 1 and summarised in the Appendix to these minutes.

The proposed changes set out in Table 2 as indicated below were moved by Councillor P. M. McDonald and seconded by Councillor L. C. R. Mallett.

Number	Section of Constitution	Reference in report	Nature of amendment proposed
1	Part 4 Council Procedure Rules Para 11.6	3.10 b (page 24)	Notice of Motions - 11.6 sets out the grounds on which a Notice of Motion may be rejected. Proposal is to remove the reference to rejecting a Notice of Motion if it is not of a "strategic nature".
2	Part 4 Council Procedure Rules Para 11.12	3.10 d (page 24)	The time limit for debating Notices of Motion is currently one hour. Proposal is to extend this to two hours.
3	Part 8 Overview and Scrutiny Procedure Rules Para 6	3.8 (page 23)	Rules re chairing of Overview and Scrutiny Board. Proposal is to add a requirement at para 6 of Part 8 that the Chairman of Overview and Scrutiny must be a member of the largest non - controlling group.

An amendment was moved by Councillor Mrs. S. J. Baxter and seconded by Councillor L. J. Turner that, with regard to item 3, the proposed wording "that the Chairman of Overview and Scrutiny must be a member of the largest non-controlling group" be changed to "that the Chairman of Overview and Scrutiny will wherever possible be a member of the largest non-controlling group."

Having been put to the vote the Chairman declared the amendment to be lost.

The proposed changes set out in Table 2 were then put to the vote, with each of the three items subject to a separate vote. The Chairman declared each vote to be lost.

113/11 **QUESTIONS ON NOTICE**

There were no questions on notice.

114/11 **MOTION - CALL FOR THE LEADER TO RESIGN**

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

"In view of this Council's continuing unsatisfactory performance in the provision of services; the spiralling employee costs; £millions spent on the merger with Redditch Borough Council; the £half a million costs of the heads of service who only work two and a half days a week; the debacle of the Marlbrook Tip that has become an environmental disaster through Council

negligence; and the incompetent management of the ALDI site, the Labour Group calls upon the leader of the Council to resign."

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

Following a response by Councillor R. Hollingworth, a procedural motion was moved by Councillor Mrs. M. A. Sherrey and seconded by Councillor M. A. Bullivant that the matter be now put to the vote. Having put the procedural motion to the vote, the Chairman declared it to be carried.

Following a right of reply by Councillor P. M. McDonald as the mover of the substantive motion, on a requisition under Council Procedure Rule 17.5, the following details of voting on the motion were recorded:

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

Against the motion: Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, 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, C. R. Scurrrell, Mrs. M. A. Sherrey, C. B. Taylor, C. J. Tidmarsh, L. J. Turner and M. J. A. Webb (26);

Abstentions: 0

Accordingly, the Chairman declared the motion to be LOST.

The meeting closed at 7.10 p.m.

Chairman

CONSTITUTION REPORT**TABLE 1: CHANGES AGREED**

Number	Section of Constitution	Reference in report	Nature of amendment proposed
1	Part 10 Planning Procedure Rules Paras 8.1 to 8.9	3.5 (page 22)	Rules around public speaking at Planning Committee. Agreed amendments shown in track changes on updated Appendix 1 tabled at the meeting.
3	Part 8 Overview and Scrutiny Procedure Rules and Part 9 Audit Procedure Rules	3.7 (page 23)	That the ability to have substitutes be introduced to Overview and Scrutiny Board meetings and Audit Board meetings. Each board member will be able to appoint a substitute to attend on his/her behalf limited to no more than two meetings in any municipal year. Agreed wording attached at revised Appendix 3 tabled at the meeting.
5	Part 4 Council Procedure Rules Para 11.8	3.10 c	Referral of Motions – amendment to para 11.8 to clarify that this clause will only be used to allow Notices of Motion to be referred to Cabinet or another committee following a decision made by the relevant parties in advance of a meeting, save that the Chairman retains the discretion to allow a proposal to amend/alter a Notice of a Motion to make such a referral if circumstances warranting referral to another committee or person arise during the course of a meeting when the Motion is debated.
6	Part 4 Council Procedure Rules Para 13.6 (a) (i) and 13.7 (a) (i)	3.10 e	Leading on from number 5 above, amendments to 13.6 (a) (i) and 13.7 (a) (i) to cover the situation where the Chairman use his/her discretion to allow an amendment or alteration to a motion to refer it to another Committee or person.

Number	Section of Constitution	Reference in report	Nature of amendment proposed
7	Part 4 Council Procedure Rules Para 13.10 (d)	3.10 f	Motions which may be moved during the debate – amendment to 13.10 (d) to clarify that a procedural motion that the question be now put to the vote may only be put by a Member who has not already spoken in the debate.
8	Part 20 – Appendix 1 Member Protocol for Involvement in Pre-Application Discussions	Not included in original report	That the pre application protocol currently operating as part of the planning process be suspended by the Council forthwith pending a review thereof by the Leader of the Council and the Leader of the Labour Group in conjunction with officers and the Chairman of the Planning Committee and a report to the Planning Committee on an agreed way forward.