



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in The Council House, Burcot Lane, Bromsgrove at 6.00 pm on Tuesday, 27th February, 2007, when the business referred to below will be brought under consideration:-

1. **Minutes** (Pages 1 - 8)

To confirm the minutes of the meeting of the Council held on 16th January 2007

2. **To receive apologies for absence**

3. **Declarations of Interest**

4. **To receive any announcements from the Chairman and/or Head of Paid Service**

5. **To receive any announcements from the Leader**

6. **Recommendations from the Executive Cabinet**

To receive the recommendations made by the Executive Cabinet at it's meeting held on 21st February 2007 (To follow)

7. **Recommendations of the Standards Committee**

To consider the recommendations, if any from the meeting of the Standards Committee held on 21st February 2007 (to follow)

8. **Questions on Notice**

To deal with any questions on notice from members of the Council, in the order in which they have been received.

9. **Car Parking Penalty Charge System**

To consider the report of the Head of Planning and Environment arising from the motion submitted by Councillor Shannon at the last meeting of the Council. (To follow)

10. **Appointments Committee** (Pages 9 - 10)

To consider the report of the Head of Legal and Democratic Services

11. **Appointment of Chief Executive** (Pages 11 - 14)

To consider the report of the Leader of the Council

12. **Election Fees** (Pages 15 - 16)

To consider the report of the Head of Legal and Democratic Services

13. **Delegation** (Pages 17 - 18)

To consider the report of the Head of Legal and Democratic Services

K. DICKS
Acting Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

Tuesday 16th January 2007 at 6.00 p.m.

PRESENT: Councillors C. B. Lanham (Chairman), Mrs. J. M. Boswell (Vice Chairman), Mrs. S. J. Baxter, A. N. Blagg, Miss D. H. Campbell, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., B. L. Fuller, C.B.E., Q.F.S.M., Mrs. K. M. Gall, M. H. Gill, Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, G. H. R. Hulett, Mrs. J. D. Luck, Ms. J. A. Marshall, P. M. McDonald, D. McGrath, S. R. Peters, N. Psirides, J. A. Ruck, G. G. Selway, C. R. Scurrall, S. P. Shannon, Mrs. M. A. Sherrey, Mrs. C. J. Spencer, Mrs. M. M. T. Taylor, C. J. Tidmarsh P. J. Whittaker and C. J. K. Wilson.

72/06 **PRAYER**

At the request of the Chairman, the Reverend Wendy Moore opened the meeting with a prayer.

73/06 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss S. L. Bushby, A. L. Deakin, A. J. Dent, D. C. Norton, and E. C. Tibby.

74/06 **MINUTES**

RESOLVED that the Minutes of the meeting of the Council held on 11th November 2006 be confirmed as a correct record and signed by the Chairman.

75/06 **DECLARATIONS OF INTEREST**

Mr K Dicks declared a personal interest in agenda item 7 Recommendations By The Executive Cabinet (Viii) Performance & Development Processes – Chief Executive/Acting Chief Executive

76/06 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:-

(i) Mrs Margaret Lord

The Chairman informed members of the recent death of Mrs. Margaret Lord.

(ii) Holocaust Memorial day

The Chairman informed members of details of the Holocaust Memorial day service which would be held on 27th January at South Bromsgrove High School.

(iii) Charity Concert

On behalf of the Chairman, Councillor Fuller informed members of a concert which would be held at the Artrix on 24th March in aid of the Chairman's Charities.

(iv) Communications Manager

The Chairman welcomed Anna- Marie Dangerfield the Council's new Communications Manager to the meeting.

77/06 **LEADER'S ANNOUNCEMENTS**

(i) Performance Improvement

The Leader informed Members that the Council's performance had significantly improved during the previous year and that improvement had been due to the work undertaken by officers. On behalf of the members of the Council the Leader expressed his thanks to the officers.

(ii) Shared Services

The Leader reported his disappointment at the attitude of some of the other authorities in the county towards this Council as a result of the decision taken on the shared services issue.

(iii) Highways Partnership Unit

The Leader informed Members that he had attended a recent meeting with officers and a member from the county Council regarding the performance of the Highways Partnership Unit. He also informed members of a new process for reporting potholes.

(iv) Neighbourhood Management Forums

The Leader reported that the first two Neighbourhood Management Forums had begun meeting.

(v) Parish Councils

The Leader reported on a recent meeting of the Parish Forum and on new arrangements regarding payments for concurrent functions.

(vi) CPA Inspection

The Leader reminded members that the CPA inspection would be taking place in the week commencing 26th February

(vii) Visit To Meet the Minister

The Leader informed members that the next visit to London to meet the Minister regarding the Council's voluntary intervention status would be on 7th February 2007

(viii) Member behaviour

The Leader reminded members of the need to maintain high standards of behaviour especially when addressing officers and of the need to dress appropriately when attending council meetings.

(ix) Briefing on the White Paper and Member Development

The Leader made reference to a recent presentation on the Local Government White Paper. He stressed the importance of members attending such sessions. He also stressed the importance of members taking an active part in the new member development programme.

78/06

PRESENTATION FROM LGIU AND INLOGOV ON THE MODERN COUNCILLOR PROGRAMME

Dennis Reed from the Local Government Information Unit gave a presentation on the Member Development Programme. Following the presentation members asked some questions. The Chairman thanked Mr. Reed for the presentation.

79/06

**RECOMMENDATIONS BY THE EXECUTIVE CABINET
MEETING ON 6TH DECEMBER 2006 AND 3RD JANUARY 2007**

**(i) Local Government (Early Termination Of Employment)
(Discretionary Compensation) (England And Wales)
Regulations 2006**

RESOLVED, that discretionary powers be delegated to the Chief Executive in consultation with the Head of Financial Services and the relevant Portfolio Holder to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with the criteria set out in the report.

(ii) Code Of Practice Relating To Licensing Matters

RESOLVED that the revised code of practice in relation to licensing matters, as set out in the appendix to the report, be approved.

(iii) Scheme Of Delegation – Gambling Act 2005

RESOLVED that the table of delegations set out in the appendix to the report be approved.

**(iv) Submission Of Comprehensive Performance
Assessment Self ASSESSMENT**

RESOLVED that the Acting Chief Executive be authorised, in consultation with group leaders, to agree the CPA self assessment.

(v) Local Protocol On Relations Between Members

RESOLVED that the Local Protocol on Relations between Members, as now amended and set out in the attached appendix, be approved and adopted subject to the first sentence in paragraph 4.3 being amended to read as follows:

“Members’ integrity should not be questioned in public in any media nor should they be subject to any name-calling or abuse.”

(vi) Committee Timetable 2007/08

RESOLVED that the Committee Timetable for 2007/08, as set out in the appendix to the report, be approved.

(vii) Longbridge – Approval For Joint Development Plan Document

RESOLVED that Bromsgrove District Council and Birmingham City Council work jointly to prepare a Development Plan Document in relation to the Longbridge Area Action Plan.

(viii) Performance & Development Processes – Chief Executive/Acting Chief Executive

RESOLVED

- (a) that the proposed Performance Development and Review (PDR) process for the Chief Executive as outlined in the report be approved;
- (b) that the proposed PDR process for the Acting Chief Executive as outlined in the report be approved and that responsibility be delegated to the Head of Human Resources and Organisational Development in consultation with the Leader of the Council to ensure that agreement to vary the Acting Chief Executive's current contract of employment is reached through a proper process of consultation with him;

Having declared an interest Mr. K Dicks left the meeting and took no part in the consideration of the above matter.

80/06 **QUESTIONS ON NOTICE**

No questions had been submitted.

81/06 **MOTION SUBMITTED UNDER NOTICE**

Members considered the motion submitted by Councillor P. McDonald.

“That this Council recognizes the strong and compassionate pleas of Bromsgrove residents in their wish to see senior citizens and disabled parking charges introduced in May 2006 withdrawn and that the pre May 2006 charging policy be reintroduced. Therefore, we call upon the Council to adjust to budget for 2007/8 to reflect this.”

RESOLVED that consideration of the motion be deferred until the budget meeting to be held on 27th February 2007.

82/06 **MOTION SUBMITTED UNDER NOTICE**

Members considered the motion submitted by Councillor S.P. Shannon.

“Bromsgrove District Council, through its economic development department promote and encourage private land owners to participate in 'The Penalty Charge System' method of parking enforcement. This system can provide an alternative to the controversial practice of wheel clamping/vehicle seizures that is currently bringing Bromsgrove's reputation as a nice place to visit or shop into disrepute.”

The Chairman announced that, in accordance with Council Procedure Rule 10.4, consideration of the motion would be deferred until the following meeting to allow the submission of an officers report.

83/06 **PETITION**

Councillor P. McDonald submitted a petition relating to senior citizens and disabled parking charges.

The Chairman, in accordance with the Council Procedure Rule 20, received the petition and referred the petition to the Executive Cabinet for consideration.

84/06 **PARISH COUNCILS REVIEW**

RESOLVED that the Head of Legal and Democratic Services be given delegated powers to make Orders under Section 17 of the Local Government and Rating Act 1997.

85/06 **RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL**

RESOLVED that the Acting Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition, be authorised to accept and implement the recommendations of the Independent Remuneration Panel on the review of Members' Allowances for 2007/08 subject to the Panel being asked to

- i) Reconsider the proposed increase in the allowance for the Chairman of the Standards Committee in light of the fact that the Chairman of the Committee is not an elected member and the Committee does not meet frequently; and
- ii) Consider making a payment to all group leaders based on the size of their respective groups and making a separate payment for the roles of Leader of the Council and Leader of the Opposition.

86/06 **APPOINTMENTS TO OUTSIDE BODIES**

RESOLVED that

- i) Councillor Mrs. J. M. L. A. Griffiths be appointed to serve on the Bromsgrove Youth Strategy Group; and
- ii) The Leader of the Council and the Portfolio Holder for Spatial Strategy and Customer Care be appointed to serve on the Board of the Worcestershire Hub

The meeting closed at 7.20 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

27th FEBRUARY 2007

APPOINTMENTS COMMITTEE

Responsible Portfolio Holder	Mrs C Spencer
Responsible Head of Service	Claire Felton

1. SUMMARY

- 1.1 To consider reconstituting the Appointments Committee.

2. RECOMMENDATION

- 2.1 That the Appointments Committee be reconstituted with a membership of five members.

3. BACKGROUND

- 3.1 In May 2006 the Council reconstituted its' Committees and Boards for the forthcoming year. It was decided at that time not to reconstitute the Appointments Committee because it was felt, at that time, that it was unlikely to meet during the forthcoming year.
- 3.2 There is now a need for the Committee to meet subject of a report elsewhere on the agenda for this meeting in order to consider the appointment of the post of Chief Executive, and also to appoint an Independent Member of the Standards Committee.
- 3.3 When it last met the Committee had a membership of five. Seats on the Committee would be allocated in accordance with the rules on political proportionality and would therefore give a membership of three members of the Conservative group, one Labour group member and one Independent group member.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

- 5.1 The Council is required to act in accordance with its Constitution.
- 5.2 Sections 15 -17 of the Local Government and Housing Act 1989 places a duty on Councils to allocate the seats on each of it's committees in proportion to the size of the political groups on the Council.

6. CORPORATE OBJECTIVES

6.1 Improvement – Reputation and Performance

7. RISK MANAGEMENT

7.1 If the Committee is not reconstituted appointments to posts important to the future operation of the Council cannot proceed.

8. CUSTOMER IMPLICATIONS

8.1 None.

9. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications If the committee is not reconstituted appointment to the post of Chief Executive cannot proceed
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None
Equalities and Diversity None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Author
Head of Financial Services	No
Head of Legal & Democratic Services	Author
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

11. APPENDICES

None

12. BACKGROUND PAPERS

None

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BROMSGROVE DISTRICT COUNCIL

27TH FEBRUARY 2007

APPOINTMENT OF CHIEF EXECUTIVE

Responsible Portfolio Holder	Councillor Roger Hollingworth Leader of the Council
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1. SUMMARY

- 1.1 This report seeks the Council's views on the timing and approach to the appointment of a permanent Chief Executive/Head of Paid Service of the Council.

2. RECOMMENDATION

- 2.1 The Council is asked to support the proposal that rather than applying its formal recruitment and selection process that:
- a) The Appointments Committee be requested to interview Mr K. Dicks for the permanent position as the Council's Chief Executive and Head of Paid Service, and
 - b) The Committee report back its recommendation to the Council in March 2007.

3. BACKGROUND

- 3.1 The Council currently has Mr Kevin Dicks acting as its Chief Executive following the resignation of Ms Sue Nixon. Mr Dicks has held this position since 1st May 2006.
- 3.2 It is now an opportune time to make arrangements to appoint a permanent Chief Executive. This is because of the CPA process underway; the good progress made in dealing with the most pressing issues that existed at the time of Mr Dicks' acting appointment and the benefits that will accrue to the organisation from a permanent appointment.
- 3.3 The outcome of the CPA process will not be known until May/June 2007 but the Council will need to prepare an updated Improvement Plan to respond to the issues raised. Clear officer leadership will be needed to take the Council forward, with some change in focus likely, which will be best achieved with appointment of a permanent Chief Executive.

4. OPTIONS

4.1 There are basically two main options open to the Council, namely:

- a). Undertake a national recruitment exercise with or without the use of recruitment consultants, or
- b). Recognise the strengths, qualities and achievements of Mr Dicks and adopt a significantly curtailed process.

4.2 By undertaking a national recruitment campaign the Council would be able to demonstrate that it had considered the suitability of the widest pool of best candidates that apply. It would make the recruitment process open and thus transparent and comply with the Council's Equal Opportunities policy and practice and its recruitment and selection policy. It would be the normal way to proceed and be consistent with the Council's usual practice. It could cost in excess of £40,000 if recruitment consultants were engaged and would add a minimum of two months to the timescale to announce a decision.

4.3 However, the Council does have in Mr Dicks an excellent candidate who has clearly demonstrated both his ability and his commitment to Bromsgrove and has the support of senior staff. If members agree, I propose that the Appointments Committee, in accordance with the Council's constitution, interview Mr Dicks. Subject to his performing well at the interview the Committee would be authorised to make an offer, subject to formal Council approval, to Mr Dicks as the Council's permanent Chief Executive and Head of Paid Service. Such an approach would cost significantly less than a national process, save time and recognise the likelihood that the strength of Mr Dicks' candidacy would reduce the field of applicants in any event. I therefore seek the Council's agreement to this course of action. Failing this a further report will be submitted to commence a national recruitment campaign.

4.4 A separate report on the agenda deals with the setting up of the Appointments Committee.

5. FINANCIAL IMPLICATIONS

5.1 The terms and conditions of the Chief Executive's post are set out in Appendix 1 and the appropriate provision exists in the Council's budget to meet the costs involved. No specific provision exists should the Council wish to embark on a national recruitment campaign.

6. LEGAL IMPLICATIONS

6.1 There are no specific legal reasons why the Council can not proceed as recommended.

7. CORPORATE OBJECTIVES

7.1 The appointment of a permanent Chief Executive will aid the Council in meeting its Corporate Objectives and bring certainty to the officer leadership.

8. RISK MANAGEMENT

8.1 Clearly by adopting the curtailed recruitment process some might argue that the Council could not demonstrate beyond all doubt that it had definitely appointed the best candidate. However I consider this to be unrealistic for the reasons set out above.

9. CUSTOMER IMPLICATIONS

9.1 The appointment of a permanent Chief Executive will have a positive impact on the Council's service delivery and customer perceptions.

10.0 OTHER IMPLICATIONS

10.1 The Appointments Committee should review as part of this process the Job Description, Person Specification and precise terms and conditions to apply to the post. It will wish to engage an HR advisor to assist to this end and also with the interview process to ensure that the competences required for the Chief Executive's position are tested at interview.

11. OTHERS CONSULTED ON THE REPORT

Head of Legal & Democratic Services	Yes
Head of Financial Services	Yes
Head of Organisational Development & HR	Yes

12. APPENDICES

Appendix 1-- Terms and conditions of the post of Chief Executive.

13. BACKGROUND PAPERS

13.1 None.

CONTACT - Leader of the Council

Terms and Conditions

The Post of Chief Executive and Head of Paid service is subject to the terms and conditions of the Joint Negotiating Committee for Chief Executives of Local Authorities.

The current salary range as from 1st April 2006 for a post in a District Council of Bromsgrove's size is £91009 to £98010.

The post attracts returning officer's fees.

BROMSGROVE DISTRICT COUNCIL

27th FEBRUARY 2007

FEES FOR ELECTION DUTIES

Responsible Portfolio Holder	Mrs C Spencer
Responsible Head of Service	Claire Felton

1. SUMMARY

- 1.1 To consider granting delegated powers for the setting of fees for election duties.

2. RECOMMENDATION

- 2.1 That the Returning Officer be given delegated powers to set, within the approved budget, the fees for various election duties and to make payments to those employed by the Returning Officer to carryout the duties related to an election.

3. BACKGROUND

- 3.1 Section 36 (4) of the Representation of the People Act 1983 requires that all expenditure properly incurred by a Returning Officer for the election of a Councillor shall be paid by that Council. Each year this Council allocates appropriate budgets to allow elections to take place. Part of the costs of running elections is the payments of fees to various people employed by the returning officer to carryout specific election duties e.g Presiding Officer, Count Supervisor. At present no specific delegation exists to enable the Returning Officer to make such payments or to set the levels of payments for each of the duties required to carryout an election. In setting the payment fees the Returning Officer needs to be aware of fees set by neighbouring Councils as well as taking in to account the need to attract people to take up those duties. Therefore in order to facilitate clear and open decision making delegated authority is sought.

4. FINANCIAL IMPLICATIONS

- 4.1 Specific budgets are allocated for election duties and this report relates to expenditure of those budgets

5. LEGAL IMPLICATIONS

- 5.1 The funding of election expenses is covered by the Representation of the People Act 1983

6. **CORPORATE OBJECTIVES**

6.1 Improvement – Reputation and Performance

7. **RISK MANAGEMENT**

7.1 This report seeks to ensure that the Council can recruit the required number of staff to carry out the duties associated with elections. If the Council is unable to remain competitive with adjoining authorities it risks not being able to achieve this. The lack of delegations may result in the delay of setting fees and thus attracting suitable staff.

8. **CUSTOMER IMPLICATIONS**

8.1 None.

9. **OTHER IMPLICATIONS**

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None
Equalities and Diversity None

10. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Author
Head of Financial Services	No
Head of Legal & Democratic Services	Author
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

None

12. **BACKGROUND PAPERS**

None

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

27 FEBRUARY 2007

DELEGATION

Responsible Portfolio Holder	Councillor Mrs Spencer
Responsible Head of Service	Claire Felton

1. SUMMARY

- 1.1 To consider approving the proposed delegated power detailed in the report.

2. RECOMMENDATION

- 2.1 That the Head of Legal and Democratic Services be given delegated powers to select and authorise officers to prosecute or defend on the Council's behalf and to select and authorised officers to appear on the Council's behalf in proceedings before a Magistrates' court.

3. BACKGROUND

- 3.1 Following the restructuring of the legal half of the Legal and democratic services department it has become apparent that the Head of Legal and Democratic Services requires greater flexibility to be able to select appropriate officers to attend court on behalf of the Council. At present the moment only solicitors holding a practicing certificate have a right to appear on the Council's behalf in prosecution cases. This restricts the number of officers who are able to represent the Council and consequently cases which could be prosecuted on behalf of the Council may be delayed.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

- 5.1 Section 223 of the Local Government Act 1972 relates to who may represent a local authority in legal proceedings.

6. CORPORATE OBJECTIVES

- 6.1 Improvement- Customer Service.

7. RISK MANAGEMENT

7.1 If the delegation is not approved there is a risk that the Council may not be able to prosecute all necessary cases in court in a timely manner.

8. CUSTOMER IMPLICATIONS

8.1 None.

9. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None
Equalities and Diversity None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Author
Head of Financial Services	No
Head of Legal & Democratic Services	Author
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. APPENDICES

None

12. BACKGROUND PAPERS

None

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