

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 25TH SEPTEMBER 2013 AT 6.00 P.M.

PRESENT: Councillors J. M. L. A. Griffiths (Chairman), R. J. Laight (Vice-Chairman), S. J. Baxter, C. J. Bloore, D. W. P. Booth, J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, M. T. Buxton, S. R. Colella, R. J. Deeming, R. L. Dent, R. Hollingworth, H. J. Jones, P. Lammas, B. Lewis, C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrall, R. J. Shannon, C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner and M. J. A. Webb

27/13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. A. Clarke, B. T. Cooper, S. J. Dudley, K. Grant-Pearce, P. A. Harrison, L. C. R. Mallett, E. M. Shannon, S. P. Shannon, M. A. Sherrey, C. J. K. Wilson and P. J. Whittaker.

28/13 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Item 10 - Restructure – Enabling Heads of Service

Councillors C. J. Bloore, M. T. Buxton and R. J. Shannon each declared an other disclosable interest as members of UNISON and left the room during the consideration of the item.

29/13 **MINUTES**

The minutes of the meeting of the Council on 17th July 2013 were submitted.

Councillor C. J. Bloore referred to Minute 26/13 relating to Chinese Style Lanterns and commented that Councillor Mallett had not yet signed a letter. The Leader replied that he had the letter for signature.

Councillor R. J. Shannon referred to Minute 24/13 relating to Hanging Baskets in the High Street and queried whether the Portfolio Holder had raised the issue with officers.

The Chairman reminded Members that this part of the agenda was to consider the accuracy of the Minutes only.

RESOLVED that the minutes of the meeting of the Council held on 17th July 2013 be approved as a correct record.

30/13 **ANNOUNCEMENTS FROM THE CHAIRMAN, CIVIC HEAD AND/OR HEAD OF PAID SERVICE**

There were no announcements from the Chairman, the Civic Head or the Head of paid Service on this occasion.

31/13 **ANNOUNCEMENTS FROM THE LEADER**

- (a) the Leader reported briefly on the latest situation regarding the Joint Services Review of Acute Health Services and the two options which were currently being independently assessed. It was anticipated a report regarding the two options would be received in early November.
- (b) the Leader referred to the "Draft Prospectus for Local Acute Hospital Services 2014/15" which had been produced by the Redditch and Bromsgrove Clinical Commissioning Group. This had been produced to inform the on going review of acute hospital services as part of the "Future of Acute Hospital Services in Worcestershire" programme. Information leaflets had been produced and were available if any Members wished to distribute them within their ward.
- (c) the Leader reported that Planning Permission had now been granted by Worcestershire County Council for the new Bromsgrove Railway Station .
- (d) the Leader referred briefly to the Notice of Motion relating to Pay Day Lenders. The issues had been addressed in line with the proposals contained within the Motion.
- (e) The Leader referred to a letter received from the Head of Planning at Birmingham City Council in relation to that Council's housing needs. The position was that Birmingham's target was 80,000 homes by 2013 but that they would only be able to accommodate approximately 45,000 of these within Birmingham, with the remainder to be located within other Local Authority areas within the Greater Birmingham and Solihull and the Warwickshire Local Enterprise Partnerships (LEP).

In relation to the Bromsgrove District Plan and the Duty to Co-operate with Redditch Borough Council under the Localism Act, clarification had been sought following comments attributed to the Under Secretary of State for Planning Nick Boles which appeared to have raised some doubts as to whether Bromsgrove District Council was required to accept cross border growth. A meeting had therefore been arranged with Mr Boles which would also be attended by the Chief Executive and the Head of Planning and Regeneration.

Councillor P. McDonald queried whether "secret" discussions had taken place with Birmingham City Council regarding the possible need to

accommodate Birmingham housing within the Bromsgrove District which would need to be within the Green Belt. The Leader stated that discussions were on going between all Councils in the Greater Birmingham and Solihull LEP in relation to how the requirements of Birmingham could be met.

Councillor C. J. Bloore queried the timing of the letter from Birmingham City Council and stated that he felt the discussions should be transparent. Councillor Bloore recalled the Leader stating some twelve months ago that discussions were taking place with the LEP on this issue.

The Leader re-iterated that the letter he had referred to earlier had been received very recently. Discussions would need to take place between all relevant Councils but there would need to be a review of the greenbelt prior to these discussions.

32/13 **RECOMMENDATIONS FROM THE CABINET ON 4TH SEPTEMBER 2013 AND 25TH SEPTEMBER 2013**

(i) Bromsgrove District Plan 2011 – 2013

The recommendations from the Cabinet were proposed by Councillor C. B. Taylor and seconded by Councillor D. P. Booth. In proposing the recommendations Councillor Taylor outlined the work undertaken on the Plan to date by officers, the input from Members and the many representations received from residents and organisations. Reference was made to the changes in the legislative background and government guidance which had taken place during the production of the Plan and its progression to this stage.

Councillor Taylor reminded Members of the period during which representations could be made to an Independent Inspector on the soundness of the Plan (30th September to 11th November 2013). Officers from Strategic Planning would be available at both the Council House and the Customer Service Centre to give advice to those who wished to make representations.

It was anticipated that the Plan would be the subject of an Examination in Public in the middle of 2014.

Councillor C. J. Bloore commented that in view of the importance of the contents of the Plan and the potential ramifications for the District he felt that he was not in a position to vote for the recommendations and that more time was needed to consider the Plan and therefore the decision should be deferred. In particular changes had not been made following Member briefings and there was a lack of clarity around necessary infrastructure improvements such as the road network. In addition he did not support the delegations to officers to review

representations made and to make minor changes to the Plan but felt this should be for Members to decide.

Councillor M. T. Buxton also referred to existing and potential issues relating to the highway network and air quality and felt that there was insufficient detail on how these would be addressed within the Plan.

An amendment was moved by Councillor Bloore and seconded by Councillor Buxton that consideration of the recommendations be deferred.

During the debate on the amendment, points raised included the policies relating to affordable housing within the Plan and it was suggested that housing developments should include the provision of 40 percent affordable housing rather than up to 40 percent which led to varying levels of affordable housing. In addition the Rural Exception Sites Policy was referred to which required applicants for affordable housing to have a local connection with the village.

It was suggested that the outcome of the meeting to be held with the Minister in October would be helpful in clarifying the issue of the Duty to Co-operate and Members queried whether it was necessary to take the decision on the Local Plan at this point or whether it could be delayed until the outcome of the meeting was known. It was suggested more detail was needed about regeneration of the Bromsgrove Town Centre.

Councillor Taylor responded to these comments and expressed disappointment that some Members felt that their views had not been taken into account. A number of Member Briefings had taken place and Members had been encouraged to submit views to officers and a number of Members had done so..

On being put to the meeting the Chairman declared the amendment to be lost.

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

For the recommendations: Councillors S. J. Baxter, D. W. P. Booth, J. M. Boswell, J. R. Boulter, J.S. Brogan, M. A. Bullivant, S. R. Colella, R. J. Deeming, R. L. Dent, R. Hollingworth, H. J. Jones, R. J. Laight, P. Lammas, B. Lewis, J. A. Ruck, C. R. Scurrall, C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner M. J. A. Webb (21)

Against the recommendations: Councillors C. J. Bloore, M. T. Buxton, C. M. McDonald, P. M. McDonald, E. J. Murray and R. J. Shannon (6)

On being put to the vote the substantive motion was declared carried.

RESOLVED:

- (a) that the officer responses to consultation held on Redditch Housing Growth set out in updated Appendix A be endorsed;
- (b) that the Proposed Submission Bromsgrove District Plan 2011-2030 (Appendix B), Policies Map (Appendix C) and Sustainability Appraisal (Appendix D) be approved for representations to be made by all interested parties during the representation period commencing 30th September 2013 until 11th November 2013, in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (c) that the Head of Service /Director and the Strategic Planning Manager, in consultation with the Portfolio Holder for Planning, be authorised to review the representations made at the close of the representation period and that subject to no significant matters or weaknesses being raised to bring into doubt the soundness of the proposed submission plan, the Bromsgrove District Plan be submitted to the Secretary of State for examination in December 2013 in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (d) that the Head of Service/Director and the Strategic Planning Manager, in consultation with the Portfolio Holder for Planning, be authorised to prepare and submit the necessary documents to support the submission of the Local Plan; and
- (e) that the Head of Service/ Director and the Strategic Planning Manager, in consultation with the Portfolio Holder for Planning, be authorised to undertake such further revisions, technical corrections and editorial changes deemed necessary in preparing the Local Plan for publication and subsequent submission to the Secretary of State and to agree any further changes where appropriate during the examination.

(ii) Finance Monitoring Report – Quarter 1

The recommendations from the Cabinet were proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

Councillor C. J. Bloore referred to the variation in the Capital Programme and queried the position regarding the Cemetery toilets. Councillor Hollingworth commented that there was a variation in the Capital Programme due to the timing of some of the projects and that there would be a report submitted to Cabinet shortly in respect of options for the Cemetery toilets as the project's costs had risen.

Councillor L. J. Turner queried when work would be undertaken on Wythall Park. Councillor M. A. Bullivant stated this would be at the end of the season.

Councillor Bloore requested clarification on the Civil Enforcement set up costs. Councillor Webb offered to provide a more detailed breakdown of costs to Councillor Bloore.

RESOLVED:

- (a) that the amendments to the Capital Programme as set out in Appendix 3 to the report be approved as follows:

2013/2014 – reduction of £115,000
2014/2015 – increase of £276,000
2015/2016 – increase of £1,000,008

- (b) that £28,000 be utilised from earmarked reserves in respect of Civil Parking Enforcement set up costs.

(iii) Greater Birmingham and Solihull Local Enterprise Partnership – Supervisory Board

The recommendations from the Cabinet were proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

RESOLVED:

- a) that the Leader of the Council be appointed on an Ex Officio basis as the representative of Bromsgrove District Council on the Joint Committee;
- (b) that the Deputy Leader of the Council be appointed as the substitute Bromsgrove District Council Representative on the Joint Committee;
- (c) that the need to create a Joint Scrutiny Committee to review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Supervisory Board be noted; and
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with group leaders to agree the Terms of Reference and the Council's representative for the Scrutiny Committee and to make the necessary consequential changes to the Council Constitution.

(iv) Operating Arrangements for the Local Transport Board

The recommendation from the Cabinet was proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

In response to queries from Members Councillor Hollingworth stated that Councillors J. Champion and P. Mould both had relevant experience and knowledge and he felt they would represent North Worcestershire well on the Local Transport Board.

RESOLVED that Councillor J. P. Champion (Wyre Forest District Council) be appointed to the Local Transport Board as a representative of Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council, with Councillor P. Mould (Redditch Borough Council) as the substitute Member.

(v) **Audit Findings Report 2012/2013**

The recommendation from the Cabinet was proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

In proposing the recommendations Councillor Hollingworth stated that the recommendations within the report had been accepted and implemented.

RESOLVED:

- (a) that the Audit Findings Report 2012/2013 be noted; and
- (b) that the draft letter of representation , as included in the Audit Findings Report be approved.

(vi) **Statement of Accounts 2012/2013**

The recommendation from the Cabinet was proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

RESOLVED that the Statement of Accounts 2012/2013 be approved.

33/13 **MINUTES OF THE MEETING OF THE CABINET HELD ON 4TH SEPTEMBER 2013**

The minutes of the meeting of the Cabinet held on 4th September 2013 were received for information.

Councillor R. J. Shannon referred to Cabinet Minute no. 30/13 relating to the Review of Service Provision at Bromsgrove Customer Service Centre and under 12 (d) of the Council Procedure Rules, moved a procedural motion that this issue be referred back to the Cabinet. This was seconded by Councillor C. J. Bloore.

On being put to the vote the Chairman declared the procedural motion to be lost.

34/13 **RECOMMENDATION FROM THE STANDARDS COMMITTEE**

LOCALISM ACT 2011 – UPDATED ARRANGEMENTS FOR HANDLING STANDARDS COMPLAINTS AGAINST MEMBERS

The recommendation was moved by Councillor M. A. Bullivant and seconded by Councillor D. W. P. Booth.

RESOLVED that the Arrangements for managing standards complaints under the Localism Act 2011 (version 2) as attached to the report be adopted.

35/13 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY BOARD**

Members received the Annual Overview and Scrutiny Report for 2012/13.

Having been moved by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb, it was

RESOLVED that the Annual Overview and Scrutiny Report for 2012/2013 be noted and endorsed.

36/13 **RESTRUCTURE - ENABLING HEADS OF SERVICE**

Councillors C. J. Bloore, M. T. Buxton and R. J. Shannon declared other disclosable interests in this item and left the room during its consideration and determination.

The recommendation from the Cabinet meeting held on 5th June 2013 was proposed by Councillor R. Hollingworth and seconded by Councillor M. J. A. Webb.

In proposing the recommendation Councillor Hollingworth referred to the work which was being undertaken by officers to reduce the Council's expenditure and to the on-going transformation of the Council's services. This structure review was part of that work.

Councillor P. M. McDonald questioned the value of the restructure and queried whether it would in fact result in any real savings. Councillor McDonald felt that the representations received from UNISON were worthy of further consideration by officers as the alternative proposals would still deliver some savings.

Councillor Hollingworth referred to savings which had been made and to the need to respond to reductions in funding from Central Government which had been the case since 2004.

As an amendment it was proposed by Councillor P. M. McDonald and seconded by Councillor E. J. Murray that further consideration of the recommendation be deferred to enable officers to consider further the representations from UNISON.

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

For the amendment: Councillors E. J. Murray, C. M. McDonald and P. M. McDonald (3)

Against the amendment: Councillors S. J. Baxter, D. W. P. Booth, J. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, S. R. Colella, R. J. Deeming, R. L. Dent, R. Hollingworth, H. J. Jones, R. J. Laight, P. Lammas, B. Lewis, J. A. Ruck, C. R. Scurrill, C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb (21)

On being put to the vote, the substantive motion was declared carried.

RESOLVED that the business case in respect of the restructure of the Finance and Resources Directorate be approved.

37/13 **THE SCRAP METAL DEALERS ACT 2012**

The Council considered a report relating to proposals to enable the provisions of the Scrap Metal dealers Act 2013 to be effectively implemented as from 1st October 2013.

The recommendations were moved by Councillor R. L. Dent and seconded by Councillor C. B. Taylor.

RESOLVED:

- (a) that authority be delegated to the Licensing Sub Committee to refuse applications made under paragraph 2 or 3 of Schedule 1 of the Act for the grant or variation of a licence;
- (b) that authority be delegated to the Licensing Sub Committee to revoke or vary a licence under section 4 of the Act;
- (c) that authority be delegated to the Head of Worcestershire Regulatory services to carry out all other functions and exercise all other powers provided under the Scrap Metal dealers Act 2013; and
- (d) that the fees to be charged under the Scrap Metal dealers Act 2013 be set as shown in the table at Appendix 3 to the report.

38/13 **QUESTIONS ON NOTICE**

No Questions on Notice had been received.

39/13 **MOTION - TOWN CENTRE REGENERATION**

Members considered the following motion submitted by Councillor R. J. Shannon.

“This Council is extremely concerned with the lack of clear progress with regards to the Town Centre regeneration.”

The motion was moved by Councillor R. J. Shannon and seconded by Councillor M. T. Buxton.

In moving the motion Councillor Shannon expressed concern regarding a number of aspects of the elements which made up the Town Centre regeneration. These concerns included uncertainty around the proposed Sainsbury’s development, with the redevelopment of the petrol station being no guarantee that the supermarket development would go ahead. Councillor Shannon felt that the Town Centre was floundering with a number of sites earmarked for development showing a lack of progress.

Councillor P. M. McDonald referred to the apparent inability to attract a Developer and any anchor stores. Councillor McDonald felt that Bromsgrove was no longer a thriving market town and did not give a good impression to visitors.

Councillor J. A. Ruck stated that the national economy was having a significant impact on town centres all over the country and many High Streets were suffering. Councillor Ruck stated that in order to attract businesses to the Town Centre there needed to be a well built and attractive environment and this was being addressed with a big improvement expected over the next 18 months.

Councillor D. W. P. Booth responded to the motion and referred to the significant challenges that had to be faced as part of the regeneration programme within a complex environment which included a large number of organisations and partners each with their own timetables and processes.

Councillor Booth referred to the press statement issued by Sainsbury's in which the Company re-iterated their intentions with regard to the Bromsgrove development. In addition work was on-going to improve street lighting and the street surface including drainage, the Care Village in Recreation Road was likely to create up to 100 jobs, the new Blue Light Centre would be complete in approximately 6 months and the relocated Street Market had brought additional people into the High Street. Councillor Booth felt that the motion could be damaging and unhelpful to the Town.

During further debate a number of other Members expressed their views on the Town Centre.

The Chairman announced there would be a short adjournment to allow Members to gather their thoughts and the meeting was therefore adjourned from 8.05pm to 8.10pm.

On the resumption of the Meeting the Motion was put to the vote and the Chairman declared it to be lost.

40/13 **MOTION - PAYDAY LENDERS**

Members considered the following motion submitted by Councillor C. J. Bloore.

"This Council believes that payday loans are potentially detrimental to the health and economic wellbeing of Bromsgrove residents. Council believes there is a need for stricter controls on this form of lending.

Council notes that payday loans are small, short-term, unsecured loans that carry a very high rate of interest. In the UK the payday loan sector of the consumer credit market is a rapidly growing industry. There are no restrictions on the interest rates payday loan companies can charge, although they are required by law to state the effective annual percentage rate or "APR"; and there are no restrictions on companies rolling over loans. Interest rates are high because the lenders reject fewer applicants and face higher rates of default.

Council wishes to protect staff and those accessing our networks from taking out high interest loans from companies that fail to check they can repay the loan, often leading to them becoming trapped in a spiral of increasing debt.

Council resolves to prevent all users of its computer network in Council owned buildings and facilities from accessing payday lender websites unless and until the industry, including its advertising practices, are effectively controlled.

Council further resolves not to accept any payments for advertising or other financial incentives from any payday lending companies until such effective control measures are in place within the industry”.

Councillor R. Hollingworth stated that he was in favour of the motion and that the two actions referred to in the motion had been implemented.

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

The meeting closed at 8.15 p.m.

Chairman