

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 20TH NOVEMBER 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, J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, B. T. Cooper, R. J. Deeming, R. L. Dent, P. A. Harrison, H. J. Jones, P. Lammas, B. Lewis, L. C. R. Mallett, E. J. Murray, J. A. Ruck, C. R. Scurrrell, E. M. Shannon, R. J. Shannon, S. P. Shannon, M. A. Sherrey, C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

41/13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D. W. P. Booth, M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, R. Hollingworth, C. M. McDonald and P. M. McDonald.

42/13 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

43/13 **MINUTES**

The minutes of the meeting of the Council on 25th September 2013 were submitted.

Councillor E. J. Murray referred to the typographical error within minute 31/13 (e) which should refer to 2030 rather than 2013.

Councillor L. C. R. Mallett referred to minute 40/13 relating to Payday Lenders and queried the statement made by the Leader of the Council that the actions referred to in the motion had been implemented as he understood this was not the case. The Chairman stated this was not an inaccuracy in the minutes but should be followed up with the Leader of the Council.

**RESOLVED** that the minutes of the meeting of the Council held on 25th September 2013 be approved as a correct record subject to the amendment of minute 31/13 (e) to refer to the year 2030.

44/13 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD AND/OR HEAD OF PAID SERVICE**

The Chairman stated that at the previous Council meeting she had implied that officers had not followed agreed procedure in relation to consultation on the acceptance of a Notice of Motion. The Chairman was now aware that this was not in fact the case and apologised for her previous comment.

The Chairman referred to the forthcoming "White Ribbon" campaign to raise awareness of and tackle domestic and sexual abuse. Information was available at the back of the Council Chamber including leaflets and white ribbon badges.

The Civic Head referred to the following forthcoming civic events and invited all Members to attend:

- Saturday, 23rd November 2013 - Bromsgrove Christmas Lights Switch on event;
- Saturday, 30th November 2013 - Rubery Lights Switch on event;
- Wednesday, 18th December 2013 – Community Carol Service in the Spadesbourne Suite

The Deputy Civic Head referred to an event he had recently attended at the Artrix to celebrate the award of Fair Trade Town Status to Bromsgrove. A commemorative certificate was presented for display in the Council House.

45/13 **ANNOUNCEMENTS FROM THE LEADER**

There were no announcements from the Deputy Leader on behalf of the Leader.

46/13 **RECOMMENDATIONS FROM THE CABINET ON 2ND OCTOBER 2013 AND 6TH NOVEMBER 2013**

**(i) Toilets in Bromsgrove Cemetery and Sanders Park**

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

In proposing the recommendations Councillor Webb expressed regret that the Cabinet had not been able to recommend that the refurbishment or rebuilding of the toilets in Bromsgrove Cemetery go ahead as originally agreed in January 2012. In view of the increased costs which had become apparent since the original decision was made and the other factors which were referred to in the Cabinet minutes, the Cabinet had reviewed the position and were unable to support the necessary increased funding. The proposal to utilise the balance of the funding of £18,000 to improve the toilets in Sanders Park had been taken in view of the need to improve those facilities which were in greater use than within the Cemetery. The decision was to be taken

against the background of many Local Authorities reducing the expenditure on public toilet provision.

During the subsequent debate on the recommendations Members raised concerns in respect of the delay in proceeding with the project and at the processes which had led to the budget appearing to be insufficient to enable the project to go ahead. There was concern that visitors to Bromsgrove Cemetery, including elderly or disabled people would need to make use of alternative facilities within Sanders Park or the Town Centre.

The Portfolio Holder acknowledged that the decision had been very difficult but felt it was correct in the circumstances and that it was important to make the best use of public funds. He was satisfied that the tendering process had been transparent

**RESOLVED:**

- (a) that the toilets within Bromsgrove Cemetery be closed and demolished at a cost of approximately £5,000 ; and
- (b) that the uncommitted balance of the capital budget previously allocated to the refurbishment of the Cemetery toilets (approximately £18,000) be transferred to fund the improvements of the toilets in Sanders Park.

**(ii) Membership of Improvement and Efficiency Social Enterprise**

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

Councillor L. C. R. Mallett expressed concern with regard to potential expenditure which would arise from membership of Improvement and Efficiency Social Enterprise (iESE). Whilst there was no direct cost in joining the organisation Councillor Mallett referred to the level of expenditure incurred over the past few years in relation to similar organisations and consultants providing support to the Authority which he felt had not achieved subsequent improvements in performance.

It was proposed by Councillor Mallett and seconded by Councillor C. R. Bloore that consideration of the recommendation be deferred in the absence of the Leader.

During the debate on the amendment Members expressed concerns that the Authority would be committed to iESE as the sole provider of support for Transformation without going through the usual procurement procedures.

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

**RESOLVED** that the Leader of the Council be nominated as a Member and/or Voting Delegate of iESE Limited.

**(iii) Bromsgrove Town Centre – Public Realm Improvements**

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

In proposing the recommendations Councillor Webb referred to the Council's commitment to the Town Centre regeneration project and to the amended arrangements for funding in respect of the increased scope of the project.

During the debate on the recommendations Members raised concerns over a perceived lack of progress with the project and an increase in costs. In addition it was felt there was a lack of opportunity for consultation with Members or for effective scrutiny.

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

For the recommendations: Councillors J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, B. T. Cooper, R. J. Deeming, R. L. Dent, P. A. Harrison, H. J. Jones, R. J. Laight, P. Lammas, B. Lewis, J. A. Ruck, C. R. Scurrrell, M. A. Sherrey, C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22)

Against the recommendations (0)

Abstentions Councillors S. J. Baxter, C. J. Bloore, L. C. R. Mallett, E. J. Murray, E. M. Shannon, S. P. Shannon, R. J. Shannon, L. J. Turner and C. J. K. Wilson (9)

**RESOLVED:**

- (a) that the Capital programme 2013/2014 be revised to £1,150,000 to reflect the element of the project to be funded by Bromsgrove District Council from current capital receipts available; and
- (b) that £350,000 be included in the Capital Programme 2014/2015 to reflect the cost to the District Council of the works to the Public Realm in Worcester Road to be funded from future capital receipts.

47/13 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 2ND OCTOBER 2013 AND 6TH NOVEMBER 2013**

The minutes of the meetings of the Cabinet held on 2nd October 2013 and 6th November 2013 were received for information.

With reference to Minute 47/13 (County Air Quality Action Plan) in response to a comment it was confirmed the Council remained committed to the County Air Quality Action Plan

With reference to Minute 60/13 (List of Local Heritage Assets) in response to a comment the Portfolio Holder confirmed the process would be going ahead in accordance with the agreed timescales and selection criteria.

48/13 **AUDIT BOARD ANNUAL REPORT 2012/2013**

Members received the first Annual Report of the Audit Board for 2012/13.

The Audit Board Members were thanked for the work which had been undertaken by the Board during the year

Having been moved by Councillor L. C. R. Mallett and seconded by Councillor J. S. Brogan it was

**RESOLVED** that the Annual Report of the Audit Board for 2012/13 be noted and endorsed.

49/13 **QUESTIONS ON NOTICE**

**Question submitted by Councillor R. J. Shannon**

“After last Wednesday’s article in the Guardian with regards to Sainsbury’s Chief Executive’s plans to write off 15 new town centre supermarkets in favour of “out of town developments”, can the Leader confirm that the planned store on Birmingham Road has now been scrapped?”

Councillor C. B. Taylor responded that Sainsbury’s had confirmed they would be going ahead with the proposed store in Bromsgrove. Councillor Taylor made reference to the recent item in the local press in which this had also been confirmed.

**Question submitted by Councillor S. P. Shannon**

“In the light of a damning report from the Chief Inspector of Prisons concerning HMP Hewell and the comment “this is a damning report into a dirty, dangerous and drug ridden prison where cleaning materials are difficult to get hold of, but alcohol is readily available” from Andrew Neilson Director from Howard League for Penal Reform. Can this Council instigate or request the removal of “Partnership” status of HMP Hewell from North Worcestershire Community Safety Partnership?”

Councillor Sherrey responded that she would bring the matter to the attention of the Partnership and would request an explanation.

50/13 **MOTION - SMALL BUSINESS SATURDAY**

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

"Council notes the imminent Small Business Saturday, to be held on 7th December at the heart of the Christmas shopping season. Council believes that this is an excellent opportunity to showcase small businesses in Bromsgrove and to celebrate the contribution of smaller businesses to our town.

Council further notes that Small Business Saturday could play a key role in supporting the fortune of local businesses and our town centre as a whole. Council notes the concerns of many local residents and traders as to the impact of car parking charges on the town centre economy.

Council resolves:

- (a) to ask the Chief Executive and Heads of Service to ensure that the Council participates fully in Small Business Saturday on 7th December 2013.
- (b) to request that officers work closely with local business organisations and smaller enterprises across the District to make them aware of the day and to help them to participate.
- (c) to request that officers ensure the Council promotes Small Business Saturday via the Council website, social media channels and other external communications.
- (d) to extend the Christmas free parking provision to offer free parking in Bromsgrove town centre car parks on Small Business Saturday to help boost trade."

The motion was moved by Councillor Mallett and seconded by Councillor R. J. Shannon.

In moving the motion Councillor Mallett referred to the importance of Small Business Day in promoting and supporting the small businesses within the District. The idea of Small Business Day was supported by a variety of organisations and representatives including Worcestershire County Council, the Worcestershire Federation of Small Businesses and the local Member of Parliament.

Councillor M. J. A. Webb stated that he supported the majority of the content of the motion but that the implementation of (d) would involve an unbudgeted cost of approximately £5,500 in the current financial year. Reference was made to the existing support provided to small businesses including significant investment in improvements to the High Street, the Small Business Loans Scheme and free car parking on the two weekends prior to Christmas. The

proposal could be considered as part of the Medium Term Financial Plan for future years. Councillor Webb stated that he intended to move an amendment to this effect including the minor alteration of the wording of the second paragraph of the motion.

The Chairman agreed that the meeting be adjourned to allow discussion to take place with the proposer and seconder of the motion to seek agreement to the changes to the motion and the meeting stood adjourned from 7.20 p.m. to 7.25 pm but in the event it was not possible to reach agreement.

An amendment was moved by Councillor Webb and seconded by Councillor M. A. Sherrey that

(i) the wording of the second paragraph of the motion be as follows:

“Council further notes that Small Business Saturday could play a key role in supporting the fortune of local businesses and our town centre as a whole. Council notes the perceived concerns of many local residents and traders as to the possible impact of car parking charges on the town centre economy”

(ii) that the wording of (d) be as follows:

Council resolves “to agree to include as part of the consideration of budget proposals for 2014/15 an increase in the Christmas free parking arrangements to offer free parking on Small Business Saturday to help boost trade in 2014/15”.

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

During the debate it was moved by Councillor R. J. Laight and seconded by Councillor Sherrey that Councillor R. J. Shannon be not heard further. On being put to the vote this was carried.

#### 51/13 **MOTION - FUTURE OF BUS SERVICES IN BROMSGROVE**

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

##### **“Council Notes**

Council notes the current consultation by Worcestershire County Council regarding the future of bus services and subsidies in Worcestershire.

Council notes the previous reduction in the bus subsidies in 2011 and the failure of this Council to respond collectively against those reductions.

##### **Council Believes**

That for Bromsgrove and District to prosper and grow it needs a strong and robust public transport system.

Bus transport is vital in keeping rural communities such as those in Bromsgrove and District connected to vital services.

The removal of bus subsidies and the potential withdrawal of some services will hit those vulnerable and elderly residents the hardest.

That the removal of bus subsidies could lead to some residents being cut off from getting to work, attending college or staying connected with family and friends.

### **Council Resolves**

To send a clear and unequivocal message from the Chamber to Worcestershire County Council that the residents of Bromsgrove and District value and want to keep their bus services. For the Leaders of all parties to sign an open letter to County Council Leader Adrian Hardman urging the retention of local services.

To respond to the public consultation stating the importance of retaining current service provision.

The formation of a cross party working group to start a dialogue with the County Council and bus companies to ensure that services can be retained.”

The motion was moved by Councillor C. J. Bloore and seconded by Councillor S. P. Shannon.

In proposing the motion Councillor Bloore stated that he was aware of serious concerns from residents on this issue and that he hoped that the Council would be able to respond to the threatened cuts to bus subsidies and hence to services in a united manner. Councillor Bloore felt that in respect of the previous consultation in 2011 it was unfortunate that a Council wide response had not been submitted at an early stage but that this had been achieved through the Bus Services Task Group.

The Chairman agreed that the meeting be adjourned to allow discussion to take place with the proposer and seconder of the motion to determine whether agreement could be reached regarding the wording of the motion.

The meeting stood adjourned from 8.15.pm until 8.20pm.

The proposer and seconder of the motion agreed to the removal of the second paragraph under the “Council Notes” section.

On being put to the vote the Chairman declared the motion as re worded to be carried.

### 52/13 **CHAIRMAN**

Councillor L. C. R. Mallett requested Suspension of Council Procedure Rules to state that he had no confidence in the Chairman of the Council in relation to the control of the Council meeting and the good governance of Council.



The Chairman left the Chamber at this stage of the meeting and the Chair was taken by the Vice Chairman.

The Monitoring Officer stated that in accordance with the Council's Constitution, Council Procedure Rules could only be suspended if at least two thirds of number of members of the Council present were in agreement.

Councillor Mallett clarified that he was not requesting a debate and vote on the issue but was requesting that the Chairman and Vice Chairman of the Council consider their positions before the next meeting.

The meeting closed at 8.30 p.m.

Chairman