



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend the ANNUAL MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at The Council House, Burcot Lane, Bromsgrove at 6.00 p.m. on Wednesday 14th May 2014, when the business referred to below will be brought under consideration:-

The formal business will be preceded by a prayer.

1. Election of Chairman for the Ensuing Year

Following election the Chairman will make a Declaration of Acceptance of Office.

2. Election of Vice-Chairman for the Ensuing Year

Following election, the Vice-Chairman will make a Declaration of Acceptance of Office.

3. Election of Leader of the Council

Councillor Hollingworth has resigned as Leader of the Council with effect from this meeting. To elect a Leader for the Council for the remainder of the term of office, until the Annual meeting in 2015.

4. Vote of thanks to the Retiring Leader

5. Election of Civic Head for the Ensuing Year

Following election, the Civic Head will make a Declaration of Acceptance of Office.

6. Vote of thanks to the Retiring Civic Head

7. Election of Deputy Civic Head for the ensuing year

8. To receive apologies for absence

9. **Declarations of Interest**

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

10. **To confirm the accuracy of the minutes of the meeting of the Council held on 16th April 2014** (Pages 1 - 10)

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

12. **To receive any announcements from the Leader including Appointment of Deputy Leader and membership of the Cabinet**

13. **Appointment of Committees 2014-15 (To follow)**

To consider the report of the Head of Legal, Equalities and Democratic Services.

14. **Scheme of Delegation**

To approve the extension of the current scheme of delegation pending consideration of a report at the next meeting of the Council to be held on 16th July 2014.

15. **Appointments to Outside Bodies** (Pages 11 - 16)

To consider the enclosed report seeking approval to the appointment to those Outside Bodies where appointments are usually made by office. The report also seeks approval to extend existing appointments to other Outside Bodies pending consideration of a report to the next meeting of the Council to be held on 16th July 2014.

K. DICKS
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

WEDNESDAY, 16TH APRIL 2014 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. S. Brogan, M. A. Bullivant, M. T. Buxton, R. A. Clarke, S. R. Colella, B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pearce, R. Hollingworth, H. J. Jones, P. Lammas, B. Lewis, L. C. R. Mallett, C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrall, R. J. 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

Invitees: Mr. P. Rowbottom.

70/13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D.W. P. Booth, J. R. Boulter, R. L. Dent, P. A. Harrison, E. M. Shannon and S. P. Shannon.

71/13 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Item 11 – Report on an urgent decision – S106 Contribution to Bromsgrove Cricket, Tennis and Hockey Club

Councillor C. B. Taylor declared an other disclosable interest as his daughters were members of Bromsgrove Hockey Club.

Item 14 – Notice of Motion – Bromsgrove Leisure Centre

Councillor L. C. R. Mallett declared an other disclosable interest as he was employed by the British Heart Foundation. He reported that he had been granted a dispensation by the Standards Committee (Minute 23/13) to allow participation in debates or decisions regarding health improvement or public health and well-being generally.

72/13 **MINUTES**

The minutes of the meeting of the Council held on 26th February 2014 were submitted.

RESOLVED that the minutes of the meeting of the Council held on 26th February 2014 be approved as a correct record.

73/13 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD AND THE HEAD OF PAID SERVICE**

There were no announcements on this occasion.

74/13 **ANNOUNCEMENTS FROM THE LEADER**

Councillor R. Hollingworth referred to his previously stated decision to stand down as Leader of the Council with effect from the Annual Meeting of the Council to be held on 14th May 2014.

Councillor Hollingworth thanked all Councillors for their help and support during his time as Leader and in particular he thanked the former Leader of the opposition, Councillor P. McDonald for his assistance during the Council's period in Voluntary Engagement. Councillor Hollingworth also thanked all the officers for their hard work in ensuring the Council had improved and progressed from a very difficult position.

75/13 **PETITION - NEW HOMES BONUS SCHEME**

The Chairman referred to the receipt of a petition, submitted under the Council's petition scheme, relating to the New Homes Bonus Scheme.

The Chairman invited the Lead Petitioner Mr P. Rowbottom to present the petition and to address the Council on the contents of the petition.

Mr Rowbottom gave the terms of the petition "to request the reallocation of New Homes Bonus Money to communities directly affected by new housing developments following full public consultation"

Mr Rowbottom stated that this was the first petition to meet the requirements of the Council's Petition Scheme in that it contained over 1400 signatures of people from across the District who felt strongly over the matter, and the petition could therefore be presented at Council.

Reference was made by the Lead Petitioner to a quotation from the Minister for Housing and Local Government, Grant Shapps MP at the launch of the New Homes Bonus Scheme in 2010 "the New Homes Bonus will ensure that those communities that go for growth reap the benefits of development" It was felt that a range of communities across the District would benefit from the use of the New Homes Bonus within their areas.

Members were urged to give full consideration to the issue and to support a change in Council Policy so that local communities could benefit from the scheme.

The Chairman thanked Mr Rowbottom for the petition and stated that the Council had already made a decision in relation to the New Homes Bonus which now formed part of the Authority's agreed budget for 2014/2015. However she considered the subject should be investigated further and

the Chairman therefore proposed the following:

That the petition be referred to a cross party working group comprising the Leader and the Deputy Leader of the Council, the Finance Portfolio Holder, the Labour Group Leader and the Leader of the Independent Alliance;

That the Group undertake a more evidenced based and in-depth investigation into the options that might be considered in relation to the New Homes Bonus;

That when the Group meet to set up their terms of reference they consider favourably giving the opportunity for the public to feed into the process; and

That the Group aims to submit a report back to the appropriate decision making forum by September 2014.

This was seconded by Councillor R. Hollingworth and on being put to the vote the Chairman declared it to be carried.

76/13 **ALLOCATION POLICY REGARDING GRANT FUNDING TO WARD MEMBERS**

The Chairman stated that consideration of this item was deferred.

Members queried the reason for the deferral and it was reported that officers would be putting forward options for consideration by the Cabinet and Council in relation to the Grant Funding to Ward Members.

77/13 **RECOMMENDATION FROM THE CABINET MEETING HELD ON 5TH MARCH 2014**

(i) **Finance Monitoring – Quarter 3 2013/2014**

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

In proposing recommendation (a) Councillor Webb referred to the added flexibility which would result from the ability for Heads of Service to vire salary costs. Members raised concerns regarding the proposed virement of salary costs. Reference was made to issues which it was felt had arisen previously in relation to expenditure on consultants together with the “inflation” of budgeted salary expenditure which had subsequently been reduced and then calculated as savings.

In response it was suggested that vacancy savings could be used to fund additional training for existing staff to undertake the work. In addition internal accountancy procedures would be in place to ensure that appropriate procedures were followed.

In relation to recommendation (b) Councillor Webb stated that the allocation of £34,000 to fund an improvement scheme at Sanders Park

Tennis Courts was recommended for inclusion in the Capital Programme for 2014/2015 and not in the Programme for 2013/2014. .

RESOLVED:

- (a) that authority be delegated to Heads of Service and Directors to vire funding from salary budgets to other expenditure within their service with a view to providing greater flexibility in managing the demand and financial position of the Council; and
- (b) that the 2014/2015 Capital Programme be increased by £34,000 to include a Section 106 funded scheme at Sanders Park Tennis Courts.

78/13 **RECOMMENDATION FROM THE CABINET MEETING HELD ON 2ND APRIL 2014**

(i) **Capital Bids 2014/2015 - 2016/2017**

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

Councillor Mallett requested that consideration be given to providing all Members with additional background information on the Capital bids to enable Members to have a better understanding of the projects being put forward. Councillor Webb stated that in future it was intended that more details would be included as part of the reports. This would include the Capital bid of £80k in respect of the Hagley – teenage provision which had been deferred by Cabinet for further information.

Members queried the proposed re-profiling of the Capital bid in respect of the replacement Leisure Centre which would result in the reduction of the bid by £1.5m to £11.5m. Information was sought on which areas within the project the savings were anticipated to be achieved. Councillor Webb referred to the forthcoming report to Cabinet which would contain full details of the options for the Leisure Centre.

RESOLVED:

- (a) that consideration of the Capital bid in respect of Hagley – teenage provision be deferred pending further information on the proposal from officers;
- (b) that the remainder of the Capital bids as contained in Appendix 1 to the report and totalling £940,000 for 2014/15, £78,000 for 2015/16 and £1.003m 2016/17 be approved;
- (c) that the reduction in the Capital bid in respect of the replacement Leisure Centre by £1.5m be approved and re-profiled as contained in Appendix 1 to the report ; and
- (d) that the re-profiling of the Vehicle Replacement Programme including the reduction of the 2014/15 budget by £80,000 and the increase to the 2015/16 budget by £80,000 as contained in Appendix 1 to the report be approved.

79/13 **RECOMMENDATION FROM THE LICENSING COMMITTEE**

Consideration was given to the recommendation from the Licensing Committee in respect of a revised Statement of Licensing Policy.

RESOLVED:

- (a) that the revised Statement of Licensing Policy as set out in the Appendix to the report be approved; and
- (b) that the revised Statement of Licensing Policy be published with effect from 1st May 2014.

80/13 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 26TH FEBRUARY 2014, 5TH MARCH 2014, 27TH MARCH 2014 AND 2ND APRIL 2014**

The minutes of the meetings of the Cabinet held on 26th February 2014, 5th March 2014, 27th March 2014 and 2nd April 2014 were received for information.

27th March 2014

Further to a query on minute 102/13 from Councillor C. J. Bloore in respect of when an application was made to the Worcestershire Local Enterprise Partnership for funding, Councillor R. Hollingworth undertook to provide additional information to Councillor Bloore.

81/13 **REPORT OF URGENT DECISION - S106 CONTRIBUTION TO BROMSGROVE CRICKET, TENNIS AND HOCKEY CLUB**

Members considered a report of a decision made under emergency provisions, relating to a contribution of funding towards an astro turf pitch at Bromsgrove Cricket, Tennis and Hockey Club.

Members supported the contribution of £50,000 from Section 106 funding. It was noted that the funding would enable the Club to apply to Sport England for additional "match" funding and that application timescales had resulted in the need for an urgent decision to be made. Re-assurance was sought that the facilities would also be available for use by the community as a whole on a fair and transparent basis. The Leader confirmed that this would be the case.

RESOLVED that the urgent decision in respect of the contribution of £50,000 from Section 106 funding towards an astro turf pitch at Bromsgrove Cricket, Tennis and Hockey Club, be noted.

82/13 **MEMBERSHIP OF COMMITTEES**

It was noted that as a result of the recent changes to the political balance of the Council, Councillor Cooper was no longer a member of the Overview and Scrutiny Board and that Councillor Rory Shannon had been appointed to the Overview and Scrutiny Board to take up the additional place allocated to the Labour Group.

83/13 **QUESTIONS ON NOTICE**

Question submitted by Councillor S. J. Baxter

“Given the fact that the Inspector (Mr Hetherington) took less than 2 weeks to raise serious concerns with the Bromsgrove Development Plan that has taken this Council over 3 years to submit, how confident is the Leader that the Bromsgrove Development Plan will be approved in its current form?”

The Leader responded that officers had been aware that the Inspector would be likely to request a further explanation of the housing numbers.

A response and additional evidence had been sent to the Inspector and this had been noted. The Inspector had indicated that the Plan could now proceed directly to formal Hearing Sessions. The Inspector had also given notice of 3 additional areas requiring early consideration which would be discussed in September, none of which were unexpected.

The Leader stated that as far as he could quantify, he was therefore confident that the Plan would receive approval and not be referred back as had been the outcome with a number other Authorities.

Question submitted by Councillor B. Lewis

“How much has the process from Draft Core Strategy to submission of the Bromsgrove Development Plan cost the Bromsgrove tax payer and does the Leader intend to claim that money back from the Department for Communities and Local Government?”

The Leader responded that the production of a Core Strategy was a statutory duty and therefore he did not intend to request officers to calculate the cost of the process. There was no provision to claim back any funding from central government.

Question submitted by Councillor R. J. Shannon

“Can the Leader of the Council outline purpose, membership and any successful outcomes of the secret “Shenstone Group” of which it is believed he leads?”

The Leader responded that full details of the membership and purposes of the Shenstone Group were readily available online. The Membership consisted of representatives of a variety of public and private sector organisations from across Worcestershire. The Leader stated that briefly the Group’s role was to act as a “think tank” on issues affecting Worcestershire and to enhance partnership working across the County.

(Note: A question originally submitted by Councillor S. R. Colella was subsequently withdrawn.)

84/13 **NOTICE OF MOTION - LEISURE CENTRE FACILITIES IN BROMSGROVE**

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

“Council notes that the Dolphin Centre is approaching the end of its life.

Council recognises the importance of the leisure centre and the facilities it offers to the health and wellbeing of the local community.

Council further notes the important role of public leisure services within our District in engaging communities in physical activity.

Council supports the principle of a replacement leisure centre including pool and fitness facilities to be provided within the town.

Council further resolves to ask officers to prepare costed proposals for a free swimming scheme for under 16s during school holidays and for residents aged over 60.”

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

In moving the motion Councillor Mallett requested a clear commitment from the controlling group to both the provision of an improved Leisure Centre and to the wellbeing of the community by encouraging physical activity. This would involve requesting officers to investigate the costs of a scheme for free swimming for under 16's during the school holidays and for the over 60's.

Councillor Mallett referred to the reduction in the Capital cost of the new Leisure Centre from £13m to £11.5m but expressed concern that Members did not have sufficient understanding of what changes had been made to the original scheme in order to achieve this level of savings. The cost of the borrowing required was still significant because of the reduction in the level of the Authority's Capital reserves over a number of years and therefore there would be a requirement for the Council to be servicing the debt for a number of years.

Members responded that there was a strong commitment to the provision of a new Leisure Centre and the forthcoming report to the Cabinet would contain full details of the proposals including a timescale for the Centre becoming self-funding. Whilst an initial sum of £13m had been included in budgets at an earlier stage, it had become apparent as further preparatory work on the project was undertaken and discussions progressed, that this sum could be reduced.

The Motion was put to the vote and the Chairman declared it to be lost.

85/13 **NOTICE OF MOTION - HOUSING BENEFIT CHANGES**

Members considered the following Notice of Motion submitted by Councillor C. J. Bloore:

“Council Notes

The benefits changes introduced on 1st April 2013 meant social housing tenants deemed to have one spare bedroom have had their housing benefit reduced by 14%. Those with two or more spare bedrooms had reductions of 25%.

Bromsgrove District Council has in recent years changed its planning policy on building affordable homes removing the need for new building developments to build at least 40% affordable homes.

A discretionary payment system for those affected has been administered by the District Council staff.

Council Believes

That the national data available and statements from BDHT on the effects of the spare room subsidy commonly known as the bedroom tax suggests that residents in Bromsgrove may have fallen into debt because of the bedroom tax.

When Bromsgrove residents cannot pay their rent and end up in emergency accommodation it costs the District Council a significant amount of money through stays in bed and breakfast.

Council Resolves

To investigate all costs to the Council in lost council tax and other revenues of residents being forced into emergency accommodation.

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

In proposing the motion Councillor Bloore referred to the numbers of people within the District who had been affected adversely by the changes to housing benefit legislation with many falling into housing benefit arrears for the first time. The impact had been increased as there was generally a shortage of smaller properties within the District and this reduced the opportunity to “downsize”.

Councillor Bloore also referred to the reduction in the percentages of affordable homes required within new housing schemes which he considered was contributing to the problem.

Councillor M. A. Sherrey stated that no-one had been evicted as a result of the changes and that at present Bromsgrove District Housing Trust were carrying the arrears. No families were being accommodated in Bed and Breakfast whilst two were in Hostel accommodation. Reference was made to the Council's policy of requiring up to 40% affordable houses in new developments in order to allow for flexibility of tenure to meet local needs. In addition the Council was working with BDHT on the identification of potential housing sites such as former garage sites.

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

For the motion: Councillors C. J. Bloore, M. T. Buxton, L. C. R. Mallett, C. M. McDonald, P. M. McDonald, E. J. Murray, R. J. Shannon and C. J. K. Wilson (8)

Against the motion: Councillors J. M. Boswell, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pearce, R. Hollingworth, 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)

Abstentions: Councillors S. J. Baxter and L. J. Turner (2)

The meeting closed at 7.50 p.m.

Chairman

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APPOINTMENTS TO OUTSIDE BODIES

Relevant Portfolio Holder	Cllr Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council makes appointments and nominations to a number of Outside Bodies each year. This report sets out primarily the details of the appointments which usually are made from Councillors who are office-holders.

2. RECOMMENDATIONS

It is recommended that

- 2.1 That the Council notes the appointments made by office in the appendix;
- 2.2 That the Council nominates to the other bodies listed in the appendix to the report.
- 2.3 That appointments to the remainder of the outside bodies be extended until the meeting of the Council in July.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies.
- 3.3 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies.

Service / Operational Implications

- 3.4 A number of bodies ask the Council to make appointments to them for terms of office which vary from one year upwards.
- 3.5 The Council has previously agreed that a number of such appointments, usually to national or regional bodies, should be made by office. In previous years the Council has deferred appointments to outside bodies until the first Ordinary meeting of the Council, which will be in July. However, some bodies will meet before then so will require details of the Council's nominees.
- 3.6 The bodies to which appointments are made by office are listed in the appendix and are unchanged from last year with the following exceptions:
 - (a) The Supervisory Board of the Greater Birmingham and Solihull Local Enterprise Partnership was agreed by the Council and added in September 2013;
 - (b) The Local Transport Board for Greater Birmingham and Solihull Local Enterprise Partnership was also agreed in September
 - (c) The Worcestershire Customer Strategic Board was disbanded in August 2013.
- 3.7 There are a couple of "other" bodies where appointments are required at the Annual meeting, as there are meetings of the bodies planned before the July Council meeting. These are also listed in the Appendix.

Customer / Equalities and Diversity Implications

- 3.11 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

- 4.1 There would be risks arising if the Council failed to make appointments to the Outside Bodies listed in this report; the nature of the risk would vary depending on the type of body in question. The Council needs to participate in certain Outside Bodies to ensure that existing governance arrangements can be complied with. On other bodies the risk would be less severe but non-participation would detract from the Council's ability to shape and influence policies and activities which affect the residents of Bromsgrove.

5. APPENDICES

Appendix 1 - list of appointments to outside bodies

6. BACKGROUND PAPERS

None

7. KEY

LEP – Local Enterprise Partnership

AUTHOR OF REPORT

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Appendix 1

Outside Bodies to be Appointed to by Office – to note

Organisation	Representative (s)
Age Concern	Portfolio Holder with responsibility for Older People
Greater Birmingham and Solihull Local Enterprise Partnership (LEP)	Leader Substitute - Leader of Redditch Borough Council
Local Transport Board for Greater Birmingham and Solihull Local Enterprise Partnership	One Councillor to represent North Worcestershire Districts, plus one substitute. Suggest <u>defer</u> until after the 2014 local elections in Redditch and Wyre Forest Councils.
Greater Birmingham and Solihull LEP Supervisory Board	Leader Substitute – Deputy Leader
Bromsgrove Local Strategic Partnership	Leader Substitute - Deputy Leader
Bromsgrove Youth Homelessness Forum	Portfolio Holder with responsibility for Young People
District Councils Network Assembly	Leader Substitute - Deputy Leader
Improvement and Efficiency Social Enterprise	Leader
Local Government Association General Assembly	Leader Substitute - Deputy Leader
PATROL	Portfolio Holder for Leisure, Cultural Services and Environmental Services
Shared Services Members Board	Leader Deputy Leader (2 further representatives – see below)
West Midlands Employers (previously West Midlands Councils)	Portfolio Holder for Human Resources

Worcestershire Local Strategic Partnership	Leader (with nominated substitute of the Deputy Leader)
Worcestershire Partnership – Place Shaping Board	One Councillor to represent the three Councils in the north of Worcestershire. Suggest <u>defer</u> until after the 2014 local elections in Redditch and Wyre Forest Councils.

Other Bodies

Organisation	Number of Representatives	Term of office	Current representatives
Greater Birmingham and Solihull LEP – Joint Overview and Scrutiny Committee for the Supervisory Board. (New)	1	1 year	
Shared Services Members Board (2 representatives also by office) Meets on 8 th July	2 plus a substitute	1 year	Councillors Colella Webb Bullivant (substitute)
Worcestershire County Council Health O&S Cttee Due to meets on 28 th May and 17 th June	1	1 year	Councillor Cooper
Worcestershire Shared Services Joint Committee Meets on 26 th June	2 To include relevant Portfolio holder and one other member of the controlling group and one substitute	1 year	Councillors Taylor Bullivant Sherrey (named substitute)

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