

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

17TH JUNE 2015 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), H. J. Jones (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, S. R. Colella, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, C.A. Hotham, R. E. Jenkins, R. J. Laight, P. Lammas, L. C. R. Mallett, K.J. May, C. M. McDonald, P. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, R. D. Smith, C. B. Taylor, P.L. Thomas, M. Thompson, L. J. Turner, S. A. Webb and P. J. Whittaker

14\15 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M. T. Buxton and B. T. Cooper.

15\15 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

16\15 **MINUTES**

The minutes of the Annual Meeting of the Council held on 20th May 2015 were submitted. In presenting the minutes the Chairman drew attention to appendix 1 and that the names of the Councillors who had been appointed to the various Committees had been included for noting.

With reference to Minute 11/15 Councillor C. A. Hotham requested that additional wording be included to reflect advice given at the meeting by the Monitoring Officer about the use of delegated powers to reduce the number of Councillors from 39 to 31 in the Constitution. The Monitoring Officer responded that if agreed, the amendment would state that she had confirmed that in using delegated powers to amend the Constitution she had implemented the decision of the Council to seek a review of the ward boundaries in the District and the consequential changes resulting from the Boundary Commission decision.

RESOLVED that subject to the above, the minutes of the Annual meeting of the Council be approved as a correct record.

17\15 **ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

The Chairman invited all Members to attend the Civic service which would take place at All Saints Church on Sunday, 20th September at 3.00pm.

18\15 **ANNOUNCEMENTS FROM THE LEADER**

The Leader referred to the delay in completion of the Parkside project. This had in part been due to the requirements under Conservation Legislation including the particular plaster to be used. There had also been some issues with the Contractors. The Leader confirmed that regular meetings including County Council Officers were taking place to closely monitor progress and that she would update members if there should be any further delays anticipated.

The Leader referred to the recent announcement from Sainsbury's that they were not going ahead with the development of the Bromsgrove store. Discussions were on going with Sainsbury's regarding possible options for the Birmingham Road site.

The Leader also reported on the selection of the preferred developer for the Market Street Car Park/George House site.

Councillor L. C. R. Mallett requested clarification on when the Leader was aware of delays in relation to conservation work at Parkside and the Leader confirmed that it had been within the past two to three weeks.

In response to a question from Councillor Mallett in relation to Sainsbury's and the funding of associated road junction improvements, the Leader responded that this was largely a matter for the Highway Authority and she could not give an answer at this stage.

19\15 **RECOMMENDATION FROM THE CABINET**

Finance Monitoring Report – Quarter 3 2014/15

Councillor G. N. Denaro proposed the recommendation from the Cabinet relating to the increase in the Capital Programme 2015/16 by £40,000 in respect of the use of Section 106 monies (from land off Regent Road, the Oakalls) for the improvement of the quality of parks and open spaces in and around the Oakalls.

Members expressed concern that there appeared to be a lack of detail in respect of the proposed use of the funding. It was also suggested that possible other uses of the funding should have been considered, such as the improvement of the Slideslow traffic island.

Councillor Denaro undertook to investigate the terms of the S106 agreement and following discussion it was

RESOLVED that consideration of the recommendation be deferred to enable further consideration to be given to the terms and utilisation of the Section 106 funding.

20\15

MINUTES OF THE MEETINGS OF THE CABINET HELD ON 4TH MARCH 2015, 1ST APRIL 2015 AND 3RD JUNE 2015

The minutes of the meeting of the Cabinet held on 4th March 2015, 1st April 2015 and 3rd June 2015 were received for information.

4th March 2015

Further to Minute No. 93/14 (Bromsgrove Townscape Heritage Initiative), Members requested further information on the use of Lottery Heritage Funding for the improvement of privately owned properties. It was queried whether property owners were also making a financial contribution to the cost of the improvements.

Councillor Denaro undertook to ensure Members received additional information on this matter.

1st April 2015

Further to Minute No. 102/14 (Bromsgrove Outdoor Market), Members expressed concern that the Shared Service in respect of North Worcestershire Economic Development and Regeneration, may not be managing the Market in the future. The process of inviting informal expressions of interest was also queried.

The Leader responded that at this point informal expressions of interest had been sought and that a report would be submitted to the Cabinet in July.

21\15

OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT

Councillor L. C. R. Mallett presented the Annual report of the Overview and Scrutiny Board.

In presenting the report Councillor Mallett thanked all those Members and officers who had supported the work of the Board during the past year which had been extremely busy.

A range of projects and investigations had been undertaken by the Board and by Task Groups including considering Town Centre Projects, Leisure provision and joint working with other Worcestershire Authorities in respect of Worcestershire Regulatory Services.

Councillor Mallett also responded to questions from Members on the report.

The Leader thanked Councillor Mallett and other Members and officers for the work undertaken by the Board.

22\15

COUNCIL CONSTITUTION - REVIEW

Councillor G. N. Denaro presented a report on proposed changes to the Constitution arising from recommendations of a Constitution Working Group which had met over a number of months preceding the elections.

Councillor Denaro thanked the Group Leaders and the officers for the detailed work which had been undertaken. This was echoed by Councillor L. C. R. Mallett and Councillor S. J. Baxter.

Councillor Denaro in particular drew attention to the proposals to merge the Audit Board and the Standards Committee and to the proposals to allow other Members to speak at meetings of the Cabinet.

The recommendations 2.1 to 2.12 within the report were proposed by Councillor Denaro and seconded by Councillor C. B. Taylor.

Councillor Mallett stated that he would be supporting the recommendations within the report and proposed as an amendment the following additional changes to the Constitution. The amendment was seconded by Councillor C. J. Bloore.

- (a) that the Chairman of the challenge committees i.e. the Overview and Scrutiny Board and the Audit and Standards Board should not be a Member of the controlling group;
- (b) that in respect of Questions on Notice, one supplementary question be permitted from the original questioner ; and
- (c) that the Chairman and Vice Chairman of the Council should not be permitted to sit on the Council's Regulatory Committees i.e. Licensing Committee and Planning Committee.

Councillor Mallett explained his reasons for putting forward the amendments in each case.

Councillor Baxter expressed support for the amendments as she felt they were best practice.

During the debate Members expressed the view that in the past, supplementary questions had often been very long and unstructured whilst being unrelated to the answer which had been given to the original question. Other Members suggested that supplementary questions were allowed in other authorities and worked well.

On being put to the vote the Chairman declared the amendments to be lost.

RESOLVED:

- (a) that the work of the Standards Committee be merged with that of the Audit Board with immediate effect and is called the Audit, Standards and Governance Committee;

- (b) that the terms of reference of the Audit, Standards and Governance Committee be agreed as attached as appendix 1 to the report;
- (c) that the decision-making structure, size and quorum of committees be as set out in appendix 2 to the report;
- (d) that the terms of reference for the Appointments and Appeals panel and the officer Employment Procedure rules as set out in appendix 3 to the report be approved;
- (e) that the Council procedure rules as set out in appendix 4 to the report be approved for implementation from the next meeting of the Council whether Ordinary or Extraordinary;
- (f) that the Cabinet procedure rules as set out in appendix 5 to the report be approved for implementation from the next meeting of the Cabinet;
- (g) that the Civic Head and Deputy Civic head roles be removed from the Council's constitution and the responsibilities for civic duties be included within the role description for the Chairman and Vice Chairman of the Council as set out in appendix 6 to the report;
- (h) that the political balance of committees arising from the implementation of the changes and set out in appendix 7 to the report be approved and group leaders appoint to places on each committee accordingly;
- (i) that following the introduction of public speaking and the ability for members of the public to present petitions at meetings of the Council, the petition scheme be removed from the constitution with immediate effect, to be replaced by a protocol for the handling of petitions;
- (j) that the Head of legal, Equalities and Democratic services be authorised to make any consequential changes to the Council's constitution arising from this report;
- (k) that the principle of substitute members on the Planning and Licensing Committees undertaking the same training as the full members of the Committees be approved; and
- (l) that in view of further proposals for changes to the constitution being raised, a working group consisting of the leader and Deputy Leader of the Council and leaders of the other political groups be established to review the constitution and to report back to the Council at future meetings.

23\15 **REVIEW OF DELEGATIONS**

Members considered a report on the annual review of the Officer scheme of Delegations.

RESOLVED that the current version of the Officer scheme of Delegations be noted.

24\15 **APPOINTMENT TO OUTSIDE BODIES**

Council considered a report of the Head of Legal, Equalities and Democratic Services on a number of appointments to Outside Bodies. Members' attention was drawn to an amended appendix to the report.

RESOLVED that the appointments to outside bodies as set out in the appendix to these minutes be approved.

25\15

QUESTIONS ON NOTICE

Question submitted by Councillor L. Mallett

Will the Leader please give specifics as to the reasons for the delays, seemingly unforeseen by her administration, to the Parkside project and put on record the likely costs including remaining in the current premises of these delays?

The Leader referred this question (which she had herself partly addressed within the item on her announcements) to the relevant Portfolio Holder, Councillor R. L. Dent.

Councillor Dent responded that costs for remaining in the current building had been budgeted for until the end of the financial year 2015/2016.

Question submitted by Councillor S. J. Baxter

Please can the Leader give assurances that there is no negative financial impact to this Council resulting from the delay in the move to Parkside. In particular: additional loan costs due to the potential delay in the sale of this site and release of capital; operational savings identified in this year's budget not realised due to the prolonged occupation of this site.

The Leader responded that there had been no assumption of Capital Receipts in respect of the Burcot Lane site for 2015/16. In terms of running costs the Facilities Team had worked to consolidate the use of space within the building so there were no additional costs.

Question submitted by Councillor S. R. Peters

The Taxpayers Alliance has recently revealed that Bromsgrove District Council owns a sawmill. Where is this property and why does it own it?

Councillor G. N. Denaro responded that the sawmill was in Hartle Lane, Belbroughton and it formed part of a larger area of land which had been compulsorily purchased by the Council in 1949. Part of the land had been subsequently sold for housing purposes.

Question from Councillor S. R. Colella

The recent press release "calling all expanding businesses in North Worcestershire" issued by BDC on 11th June encouraged businesses who are developing new markets and new products to apply for over £1million of support via the Greenbridge Supply Chain programme before Thursday, 18th June.

Could the Cabinet member for Economic Development give this Chamber details when this scheme first became available, what direct communications were employed to make businesses across Bromsgrove aware of this, when was this done, when were the Members of this Council informed that this was available and what is the take up to date. Can she also confirm that all businesses across the District including those in our outer commercial centres have been made of this opportunity.

Finally can she confirm that this is not the one and only publicity of this fund?

Councillor Dent responded that Greenbridge funding was launched in 2011 by Birmingham City Council and applied to eligible businesses across the West Midlands area. Whilst responsibility for promoting the funding rested with the delivery organisation , Worcestershire Business Central (the County's central point of business support) had helped to promote the funding since October 2012.

In March 2014 NWEDR had sent a leaflet to all businesses registered to pay business rates which set out how to access information about various available grant programmes including Greenbridge funding.

NWEDR has also disseminated information regarding Greenbridge funding to appropriate partners so that relevant organisations were aware of the scheme.

Councillor Dent stated that by December 2014 businesses in Bromsgrove had received £100,000 worth of funding under Greenbridge and confirmed that if another round of funding was to be launched it would be publicised through existing channels. It was not something which Members would normally be advised of directly.

Question submitted by Councillor C. J. Bloore

In recent days the Council has suffered from a catastrophic IT and Communications failure that has left residents unable to contact this Council. Could the Cabinet Member responsible or Leader please give a thorough explanation of why this has happened and what steps are being taken to reassure residents that this will not happen again.

Councillor G. Denaro welcomed the opportunity to inform Members of the details of the incident.

Councillor Denaro gave a detailed statement on difficulties which had occurred on Friday 12th June resulting from power cuts in Redditch. The statement also set out the decisions taken prior to the power cuts and the reasons for these, together with the steps taken as part of the Council's disaster recovery response to get systems up and working as quickly as possible.

Councillor Denaro also reported that a Task Group had been set up to understand how emergency procedures had worked and what lessons could be learned to mitigate risks in the future.

Thanks were expressed to the teams involved in dealing with this problem to ensure systems were up and running by Monday morning.

In response to a request from Councillor Bloore, Councillor Denaro undertook to circulate a detailed statement of events to all Members for information.

26\15

NOTICE OF MOTION - WARD FUNDING AND VAT

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

“In the light of Councillors being charged VAT regarding purchases made from their Ward Funds and also being charged for the labour costs for the use of Bromsgrove Council’s own employees.

This Council calls upon the Audit Board to carry out an investigation into why VAT was charged when purchases were made by this Council whether such practices are widespread. Also to ensure that all VAT regarding purchases by this Council have been refunded. In addition, how labour charges were determined for the installation of apparatus purchased by this Council for its own residents use?”

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

In moving the motion Councillor P. McDonald expressed concern that in his opinion barriers were being created in respect of the imposition of VAT and labour charges for Council employees which disadvantaged Members in the expenditure of their Ward Funding.

Councillor P. McDonald queried whether the Authority had been paying VAT in other instances unnecessarily, if this was the case there may be significant refunds due.

Councillor C. McDonald expressed the view that it was important to discover if there was a flaw in the system and that the only way to address this was through the matter being referred to the Audit, Standards and Governance Committee.

Councillor G. N. Denaro stated that all necessary checks would be undertaken in respect of the position in relation to VAT. Currently he understood that there was one instance where VAT had been incorrectly applied in error. The issue of allocation of labour charges may require additional guidance in order to clarify the position.

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

The meeting closed at 7.45 p.m.

Chairman

Appointments to Outside Bodies – Appendix 1

Organisation	No. of Appts & Length of Office	End of office	Appointee
Amphlett Hall Management Committee	4 1 year	May 2016	H. Jones J. Griffiths S. Webb M. Buxton
Bromsgrove Arts Centre Trust – charitable company (Artrix Operating Trust) Note staggered terms of office from when the Trust was set up. Future terms of office to be 4 years. Appointees do not have to be members of the Council.	5 1. 4 yrs 2. 4 yrs 3. 4yrs 4. 3 yrs 5. 3 yrs	July 2018 July 2018 July 2018 July 2017 July 2017	R. Smith 2018 M. Glass 2018 C. Spencer continues to 18 H. Jones 17 J. Griffiths continues to 17
Bromsgrove Arts Development Trust (Artrix holding Trust) Appointees do not have to be members of the Council. Future terms of office to be 4 years.	6 1. 4yrs 2. 4yrs 3. 3yrs 4. 3yrs 5. 3yrs 6. 4yrs	June 2018 June 2018 June 2019 June 2019 June 2019 June 2018	K. May 18 M. Sherrey 18 C.Allen-Jones 19 R. Laight 19 G. Denaro 19 K. Taylor 18
Bromsgrove Citizens' Advice Bureau	2 1 year	July 2016	B. Cooper S. Webb
Bromsgrove Sporting Board (observers only)	2 1 year	July 2016	P. Lammas P. Whittaker
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Joint Overview and Scrutiny Committee for the Supervisory Board	1 1 year	May 2016	R. Smith

Organisation	No. of Appts & Length of Office	End of office	Appointee
Shared Services Members Board (2 representatives also by office)	2 and a substitute 1 year	May 2016	(M. Sherrey & K. Taylor by office) R. Smith R. Laight Sub:
Midlands Joint Council for Environmental Protection	2 1 year	May 2016	K. May M. Glass
West Mercia Police and Crime Panel	1 rep and 1 substitute 4 years <i>Rep and sub must be from majority political group on the Council</i>	May 2019 May 2019	M. Sherrey K. Taylor
Worcestershire County Council Corporate Parenting Steering Group	1 1 year	May 2016	M. Sherrey
Worcestershire County Council Highways (Bromsgrove) Partnership Forum	2 1 year	May 2016	P. Whittaker S. Baxter
Worcestershire Shared Services Joint Committee	2 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	May 2016	R. Laight P. Whittaker R. Dent (sub)