

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**20TH APRIL 2016 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, M. T. Buxton, S. R. Colella, B. T. Cooper, 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 and P. J. Whittaker

113\15 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor S. A. Webb.

114\15 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

115\15 **MINUTES**

The minutes of the meeting of the Council held on 24th February 2016 were submitted.

Councillor G. N. Denaro referred to Minute 107/15 relating to the New Homes Bonus Scheme and stated that this would now be considered in June, as there were still outstanding information required regarding the final Government Settlement.

It was noted that the words in brackets following Minute 107/15 should read as follows:

“Councillors S. R. Colella and K. J. May each declared an other disclosable interest as the Chairman of Hagley Parish Council and Bournheath Parish Council respectively.”

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

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**ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman invited all Members to attend the following events:

Lighting of the official beacon to mark the 90th birthday of the Queen and associated concert by Blackwell Wind and Concert Band in the Event Space in Bromsgrove High Street on 21st April;

St George's Day celebrations and parade in Bromsgrove High Street on 23rd April.

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**ANNOUNCEMENTS FROM THE LEADER**

The Leader reported on the meeting which had taken place the previous day with Greg Clarke MP, Secretary of State for Communities and Local Government. The Minister had agreed to look at the details raised in respect of the settlement and outcomes would be reported back..

The Leader also reported that the recently appointed Centres Manager had recently commenced in her new post.

During the debate some Members expressed disappointment that the representation from this Council at the meeting with the Minister had not been on a cross party basis. Information was requested on the discussions and their outcome and clarification of the position taken by the Local MP.

The Leader responded that she could not comment on behalf of the MP.

118\15

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman announced that two public questions had been received in relation to the alternative provision to be made when the Dolphin Centre Sports Hall was no longer available. Councillor R. J. Laight as Portfolio Holder for Leisure would respond to these questions.

From Mr C. Barnett

"Bromsgrove District Council have already informed us that the new Leisure Centre scheme will displace a number of daytime users due to the closure of the Sports Hall.

If BDC also fail to negotiate a contract with BAM to use the hall at North Bromsgrove High School then it is apparent that evening and weekend users will also be displaced.

What exactly will this Cabinet do to assist the adults and children displaced by this scheme in finding alternative facilities, and will this

Cabinet be providing financial compensation to the businesses disrupted by this scheme in order to offset their loss of earnings?"

From Ethan Humphreys and Fletcher Howard

"We love playing football every Saturday morning in the sports hall at the Dolphin Centre at the Footiebugs Group. We love it because it's helped our confidence, keeps us fit, we've met lots of new friends and it's fun.

Can you guarantee that Footiebugs will have a venue to continue after the sports hall at the Dolphin Centre has been demolished? And if so, which sports hall will be able to use?"

Councillor Laight welcomed the questioners to the meeting of Council and in particular thanked Ethan and Fletcher for their interest at such a young age.

In response to the questions, Councillor Laight made the following points:

the Council was working towards its Strategic Purposes in this case "provide me with good things to see, do and visit" it was very important to the Council to achieve this;

the decision to replace the Dolphin Centre, largely due to structural issues, had not been taken lightly;

the issues of viability and the reasoning behind the mix of facilities had been discussed many times and he did not propose to repeat these arguments;

in relation to the question on Footiebugs sessions, there were a number of sports halls and gyms potentially available throughout the District including at North Bromsgrove High School. The venue to be used was a matter for whoever was managing the Footiebugs bookings but if there were difficulties the Sports Development Team and himself as Portfolio Holder would do their best to assist;

in relation to the question from Mr Barnett, again the Sports and Leisure Team would offer all assistance to various groups in finding alternative venues as from April 2017 and programmes were being developed to offer suitable levels of support. It was not the role of the Council however to provide state funding to private businesses so financial compensation would not be paid .

119\15

**RECOMMENDATION FROM THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE - TREASURY MANAGEMENT STATEMENT**

The recommendations from the Audit, Standards and Governance Committee were proposed by Councillor R. D. Smith and seconded by Councillor P. L. Thomas.

In proposing the recommendations Councillor Smith referred to the need for the Council to set the Treasury Management Statement and Prudential Indicators each financial year.

Councillor L. C. R. Mallett stated that whilst he would be supporting these recommendations, he had concerns in respect of the financial management, including controls and processes of the Council. The net movement of reserves over the previous 10 years had led to the need to fund projects such as the move to Parkside and the replacement Leisure Centre by way of borrowing.

Some Members suggested that the borrowing limit of £15m was excessive and that there were long term implications should borrowing increase to these levels. Attention was also drawn to the requirement for the Treasury Management Statement to be agreed prior to the start of the Financial Year.

Councillor G. Denaro commented that the borrowing limit had not been changed since the previous year and did not mean that the Council would be borrowing up to that limit. The Strategy would allow for a prudential way of managing the Council's investments.

Councillor Smith reminded Members that this recommendation was not part of the budget but was a strategy for managing the budget going forward and that the Audit, Standards and Governance Committee would be monitoring this throughout the year.

**RESOLVED:**

- (1) that the Strategy and Prudential Indicators shown at Appendix 1 to the report be approved;
- (2) that the Authorised Limit for borrowing, should borrowing be required be set at £15 million;
- (3) that the maximum level of investment to be held within each organisation (i.e. bank or building society) be as detailed at £2.5 million, subject to market conditions; and
- (4) that the updated Treasury Management Policy as shown at Appendix 2 to the report be approved.

120\15      **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 24TH FEBRUARY 2016, 2ND MARCH 2016 AND 6TH APRIL 2016**

The minutes of the meetings of the Cabinet held on 24th February 2016, 2nd March 2016 and 6th April 2016 were received for information.

121\15      **REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENTAL SERVICES AND REGULATORY SERVICES**

As the Portfolio Holder for Environment and Worcestershire Regulatory Services, Councillor P. J. Whittaker presented a report on the areas covered by his Portfolio which he felt were wide ranging.

Members considered the report and there was discussion on a number of issues, including the following:

- the benefits of the Council working together with a number of organisations and Parish Councils to alleviate and prevent flooding issues;
- the benefits of working via “Place Teams” ;
- the omission of any reference to Air Quality Management Areas within the report although the Portfolio Holder updated the Council on action being taken to address air quality at specific points in the District;
- the free Evening Car Parking Trials and the changing remit of the associated Task Group in view of the difficulty of measuring the success of the trial;
- the need to ensure that Council Car Parks were kept in good repair and vandalism prevented;
- ways in which the problem of fly tipping could be addressed including prosecutions and better education to reduce incidences occurring;
- the choice of the new waste collection vehicles and the work undertaken to improve the performance of the service including route optimisation and working on a cross boundary basis where appropriate;
- it was recognised that the closures of the M5 were causing problems to residents and that work needed to continue to address Highways issues within the District including acknowledging the A38 as a Strategic Route.

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## **QUESTIONS ON NOTICE**

### **Question submitted by Councillor M Buxton**

Several residents have noticed that, since its refurbishment, the condition of the High Street has deteriorated - I speak particularly of litter and chewing gum on the ground.

I acknowledge that Councillor Dent has recently been photographed in the High Street "cleaning for the queen" but long term, can Councillor Dent or the Leader confirm what strategies are in place to ensure the High Street does not continue to deteriorate. Particularly can the Leader or Portfolio Holder confirm, since the re-opening of the High Street, how many people have been fined for litter and chewing gum offences?

Councillor P. J. Whittaker responded that there was a regime of cleaning covering the High Street which included pressure washing and removal of chewing gum. There had been no prosecutions for litter and chewing gum offences.

### **Question submitted by Councillor M. Thompson**

Would the Leader agree with me that the term "unqualified", in relation to accounts as brought up at the last full Council meeting, is a term used to describe accounts that are unquestionably correct and, therefore, that the Labour Group, who had four years of unqualified accounts – not achieved by this Council – should be congratulated?

Councillor M. A. Sherrey responded that he agreed the accounts for the 4 years up to 1999 had been unqualified. The accounts had also been unqualified for the last 6 years.

### **Question submitted by Councillor P. McDonald (asked at the meeting by Councillor L. Mallett)**

Does the Chairman agree with me that it is wrong not to have an Ethical Policy regarding the awarding of contracts relating to organisations that use islands as advertisement boards?

Councillor R. J. Laight responded that the question of ethical guidelines within sponsorship arrangements would be reviewed to ensure consistency in policies.

### **From Councillor C. McDonald (asked at the meeting by Councillor L. Mallett)**

Would the Chairman please inform me whether action is going to be taken against this Council for fly-posting at road junctions or is the Council a special case?

Councillor Taylor responded that this Council did have a fly posting policy in place and that the new operators of the Market had been advised regarding the correct procedures to be followed in this regard.

123\15

**MOTION ON NOTICE - ANIMAL WELFARE**

The Council considered the following motion submitted by Councillor M. Thompson which had been brought back to Council for consideration:

“Whilst humans and animals often enjoy a harmonious and mutually beneficial relationship, there are numerous examples of animals suffering extreme and unnecessary cruelty at the hands of humans; sadly and often , in the name of entertainment. Bromsgrove District Council should be a Council that promotes animal welfare and as such be a compassionate beacon to other Districts. This motion, therefore, proposes that on its land and premises the Council:

- (i) Does not allow circuses that use wild or domestic animals;
- (ii) Does not allow the use of animals as prizes (for example: goldfish in fairs)
- (iii) Uses only environmentally friendly cleaning products and products that have not been tested on animals.”

Councillor B. T Cooper expressed his broad agreement to the Notice of Motion subject to minor amendments. Councillor Thompson accepted the amendments and it was

**RESOLVED:**

That the Council

- (i) Does not allow circuses that use performing animals;
- (ii) Does not allow the use of animals as prizes (for example: goldfish in fairs)
- (iii) Uses only environmentally safe cleaning products and products that have not been tested on animals, wherever possible, being guided by information from product data sheets or COSSH (Control of Substances Harmful to Health) data sheets.

That having regard to the wishes of the Council, Cabinet be requested to prepare an appropriate policy for Council’s consideration.

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**MOTION ON NOTICE - URGENT MANAGEMENT RESTRUCTURE AND SAVINGS**

The Council considered the following Notice of Motion submitted by Councillor L. C. R. Mallett:

“Council notes the perilous financial position of the Council imposed by cuts from central Government and past decisions to spend vital financial reserves. It is vital that change is implemented now to protect vital front line Council services.

Council calls on the Leader and Cabinet to work with unions and senior management to commence a review of senior management (Heads of Service and Directors) at the Council with a view to save up to £200,000 of current management costs in future years against the current top management cost of over £1.1m annually across the two Councils.

Council further calls on the Leader and Cabinet to review external consultancy, legal, agency and IT costs to identify at least a further minimum of £200,000 of annual savings.”

The motion was proposed by Councillor L. C. R. Mallett and seconded by Councillor C. J. Bloore.

In proposing the motion, Councillor Mallett referred to the discussion at the previous meeting including the commitment to cross party working which had not subsequently been pursued.

Councillor Mallett expressed the view that fiscal incompetence had led to the present very difficult financial situation which it appeared there was no political will to resolve . He suggested that the costs of Senior Management were disproportionate as the overall budget reduced and he referred to specific costs relating to IT, Legal and Consultants.

The Leader referred to the significant cost savings to Bromsgrove District Council of £2.6 million which had been achieved through shared services, this included the reduction of 3 senior posts. The level of staff needed to meet the needs of the Council was continually assessed.

Some Members suggested that Members were constantly working with Officers to achieve savings to bridge the financial gap. This included looking at Management structures. In addition the use of agency staff would continue to be reviewed on a regular basis.

During the debate some Members expressed the view that more could be achieved if constructive cross party working was undertaken.

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

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**NOTICE OF MOTION - AUDIT COMMISSION ACT 1988**

The Council considered the following motion submitted by Councillor C. A. Hotham:

“The Council has been reported under Section 11 of the Audit Commission Act 1998 and is required to follow a legally defined protocol. The failure to alert the public through a newspaper advert as required by the official sanctioning of the financial management of the Council is unfortunate. However, now that this error has been highlighted the Council must be legally bound to follow the proscribed route and re-hold



the public meeting to discuss what actions the Council proposes to take to improve its performance.

The Motion is:

Bromsgrove District Council recognises its shortcomings in dealing with it's designation under Section 11 of the Audit Commission Act 1998 and will use every endeavour to act in a legal manner in order to discharge its obligations."

The motion was proposed by Councillor Hotham and seconded by Councillor S. J. Baxter.

During the debate on the motion it was accepted that the failure to publish a Notice required under Section 12 (1) of the Audit Commission Act in relation to the Section 11 recommendations meant that this element of the Council's process for receiving the Auditor's recommendations had been flawed. This did not affect the accounts themselves or their validity or the action plan which was being implemented. It was reported that the External Auditors had formally advised they did not intend to challenge the process and that their primary concern was that the issues raised in their recommendations were addressed.

Councillor Hotham also drew attention to the requirement to discuss the Auditor's recommendations at Council rather than at a Committee.

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

The meeting closed at 8.20 p.m.

Chairman