

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

20TH JULY 2016 AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Glass (Vice-Chairman), C. Allen-Jones, M. T. Buxton, S. R. Colella, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, J. M. L. A. Griffiths, C.A. Hotham, R. J. Laight, P. Lamma, L. C. R. Mallett, 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

24\16 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. J. Baxter, C. B. Bloore, R. E. Jenkins, K. J. May and C. J. Spencer.

25\16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

26\16 **ELECTION OF LEADER OF THE COUNCIL**

The following Councillors were proposed as Leader of the Council:

Councillor G. N. Denaro – proposed by Councillor C. B. Taylor and seconded by Councillor M. A. Sherrey

Councillor S. J. Baxter - proposed by Councillor S. R. Colella and seconded by Councillor L. C. R. Mallett

Following a show of hands it was

RESOLVED that Councillor G. N. Denaro be elected as Leader of the Council.

27\16 **THANKS TO THE RETIRING LEADER**

Councillor C. B. Taylor paid tribute to the work Councillor M. A. Sherrey had undertaken as Leader and thanked her for her efforts on behalf of the Council. Councillor Taylor also referred to the respect in which

Councillor Sherrey was held by the Leaders and senior officers at other Authorities.

Councillor G. N. Denaro fully supported the comments of Councillor Taylor and commented on the dedication of Councillor Sherrey to her role as Leader together with the significant amount of strategic work which she had initiated.

Councillor L. C. R. Mallett stated that whilst there were obviously political differences between himself and Councillor Sherrey he wanted to pay tribute to her honesty and diligence and thanked her for her work on behalf of the Council.

28\16

MINUTES

The minutes of the meeting of the Council held on 9th June 2016 were submitted.

In relation to Minute 18/16 (The government's Devolution Agenda – West Midland Combined Authority Potential Membership) Councillor L. C. R. Mallett requested that it be recorded that the Chief Executive had made a formal apology in respect of part of the contents of the report which had been submitted to Council.

In relation to Minute 22/16 (Question relating to Parkside) Councillor C. A. Hotham queried whether it was correct that the District Council would acquire 50% of the freehold of the building at the point of completion of the project or whether this should be at the start of the project. Councillor Denaro undertook to check the position and update Councillor Hotham.

RESOLVED that subject to the amendments referred to above, the minutes of the meeting of Council held on 9th June 2016 be approved as a correct record.

29\16

ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman referred to the Annual Civic Service which would take place at St John's Church on 11th September 2016 at 3.00pm and invited all Members to attend.

30\16

ANNOUNCEMENTS FROM THE LEADER

The Leader referred to the following matters:

- He was in the process of reviewing the membership and roles of Cabinet and would announce details as soon as possible; in response to queries he confirmed that Councillor Taylor remained as Deputy Leader and that Councillor Whittaker had taken on

responsibility for economic development, in addition to the leisure portfolio, on a temporary basis.

- A report that the number of business start ups in Bromsgrove was the highest outside London;
- The completion of phase 1 of the development of the former Market Hall site. The Leader expressed thanks to the Legal team for their work on this. There would be a press release shortly regarding temporary changes to the use of the car park;
- The Leader reported increased foot fall figures and increased use of the Library and the Customer Service Centre at Parkside. In addition informal discussions with staff appeared to show a greater level of satisfaction with the building.

Councillor L. C. R. Mallett congratulated Councillor Denaro on his election as Leader.

Councillor Mallett commented that many of the Business start ups were likely to be underpinned by European Union funding and this may be adversely impacted in future following the recent referendum result that the UK should leave the European Union. The Leader responded that he understood that the District did not receive EU grant funding.

In relation to Parkside, Councillor Mallett commented that the success of the Library was to the benefit of the County Council and that the investment made by the District Council in the building could have been better spent elsewhere.

Councillor C. A. Hotham queried the staffing levels at Parkside and questioned the methodology behind the decision to move from Burcot Lane. Councillor Denaro referred to the reduction in costs.

31\16

QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman announced that a question had been received from a member of the public.

Question from Ms Louise Humphreys

There has been no official news on the negotiations with BAM and whether the Council has agreed on a contract to hire the sports hall at North Bromsgrove High School for public use on the weekends and evenings.

However, we have heard unofficially that the Council have managed to secure weekend usage of North Bromsgrove High School sports hall but

that there will be no public access to the hall in the evening. We have also heard that the link that was planned to be built connecting the new leisure centre to North Bromsgrove High School sports hall will no longer be built.

Obviously this is very concerning as it now seems that the sports hall access Bromsgrove residents were promised after the Dolphin Centre sports hall has been knocked down is not going to be delivered. If there is going to be no access in the evenings, there will be nowhere for the badminton, gymnastics, football, martial arts clubs and other groups who currently use the sports hall in the evenings to go.

We know that something has been agreed with BAM as there are groups that have been offered use of North Bromsgrove High School sports hall on the weekend once the Dolphin Centre has been demolished.

Can you clear up any confusion and update us on whether the negotiations with BAM have been completed and if so what has been agreed? If the contracts haven't been completed can you update us on the current situation?

Councillor P. J. Whittaker commented that he as Portfolio Holder and the lead officer on this issue, Mr J. Godwin, had the most up to date information and were always available to answer any queries from members of the public.

Councillor Whittaker confirmed that contractors would be starting on the new site on 15th August. Whilst the design of the link which would allow access between the new Leisure Centre and the North Bromsgrove High School site had been amended slightly, there would still be access to all facilities.

Whilst some preliminary work had been undertaken, at present no-one had been offered any bookings. Some key bookings had been identified in the Contracts documentation and these would be protected. Discussions were still on going with BAM.

32\16

RECOMMENDATIONS FROM THE CABINET

Bromsgrove District Plan 2011-2030 Proposed Main Modifications

The recommendation from the Cabinet was proposed by Councillor C. B. Taylor and seconded by Councillor G. N. Denaro.

In proposing the recommendation Councillor Taylor reminded Members that this was the next stage in putting in place the Bromsgrove District Local Plan. The recommendation related to a public consultation on the modifications proposed by the Inspector. The public consultation had been extended to run for 8 weeks but would relate only to the modifications.

Points of concern expressed by Members included:

- many of the modifications to go out to consultation were those put forward by officers and were technical in nature:
- the modifications did not address the main concerns with the Local Plan which related mainly to the road network within Bromsgrove which was congested and inadequate even at present;
- suggestions for a western bypass which had been included in the 2004 Local Plan had not been included this time;
- there was a lack of transport infrastructure on the western side of Bromsgrove which was where much of the proposed housing development was to be located.

As an amendment it was proposed by Councillor L. C. R. Mallett and seconded by Councillor M. Thompson that no public consultation should commence at present, and that the Head of Planning Services and the Portfolio Holder for Planning write to the Planning Inspectorate expressing severe concerns in relation to the transport infrastructure within Bromsgrove and urging additional modifications to the Plan to address these concerns.

During the debate on the amendment, some Members expressed concern that there was not sufficient understanding at Worcestershire County Council about the traffic difficulties in Bromsgrove District. Also the view was expressed that further housing development would lead to additional pressure on schools and health services.

Councillor Taylor commented that the Draft Plan had already been through two public inquiries and that the Planning Inspectorate were fully aware of the highways issues within the District.

Some Members felt that at present the consultation would not give the public the opportunity to comment on the issues which were most important to them and that there was a danger that the Local Plan would be undeliverable.

On a requisition under Council Procedure Rule 18.3 the following details of the voting on the amendment were recorded:

For the Amendment: Councillors M. T. Buxton, S. R. Colella, C. A. Hotham, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. P. Shannon, M. Thompson and L. J. Turner (9)

Against the Amendment: Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, R. L.

Laight, P. Lammas, S. R. Peters, M. A. Sherrey, R. D. Smith, C. B. Taylor P. L. Thomas, S. A. Webb and P. J. Whittaker (16)

The amendment was declared lost.

During the debate on the substantive motion Councillor Taylor offered to arrange a meeting to discuss the highways issues with the Chief Executive of Worcestershire County Council if this was requested.

RESOLVED that the recommended Main Modifications of the Inspector as set out in Appendix 1 of the report be noted and that officers be authorised to proceed with an 8 week consultation on the Main Modifications to run from 27th July 2016 to 21st September 2016. Details of the method of consultation are as set out in paragraphs 3.47 to 3.50 of the report.

Statement of Community Involvement and Local Development Scheme

The recommendations from the Cabinet were proposed by Councillor C. B. Taylor and seconded by Councillor G. N. Denaro.

In proposing the recommendations Councillor Taylor reminded Members that the Council was required to maintain a number of documents in relation to the Local Plan including the Statement of Community Involvement and the Local Development Scheme.

During the debate on this item the following points were raised:

- Neighbourhood Plans and the budget provision for these - Councillor Taylor undertook to give a written answer on this;
- The incorrect address had been included for Wythall Library which had relocated;
- In the list of statutory consultees there was a need for clarification regarding Highways Authority and Highways England;
- Concern regarding the lack of a decision whether or not to introduce a Community Infrastructure Levy;
- A request for a paper copy of documentation to be made available for public inspection at Barnt Green Parish Office.

Councillor Taylor undertook to follow up these matters.

RESOLVED:

- (a) that the revised LDS as set out in Appendix 1 to the report be adopted as the Council's LDS;

- (b) that delegated authority be granted to the Head of Planning and Regeneration services in conjunction with the relevant Portfolio Holder to review and publish amended LDS timetables for the publication of the Development Plan Documents;
- (c) that the draft SCI as set out in Appendix 2 to the report be approved for publication as part of a six week period of public consultation during September/October 2016; and
- (d) that delegated authority be granted to the Head of Planning and Regeneration services in conjunction with the relevant Portfolio Holder to consider the response to the public consultation and, subject to no significant issues arising, to amend and adopt the SCI.

Finance Monitoring Report 2015/16

The recommendations from the Cabinet were proposed by Councillor G. N. Denaro and seconded by Councillor C. B. Taylor.

In proposing the recommendations Councillor Denaro referred to the proposal to make amendments to the reserves.

During the debate on this matter Members raised concerns over the Council's financial management which had led to the transfer of £330k to balances. Some Members felt that the funding could have been utilised for the provision of services, or that the need for an increase in Council Tax may have been avoided, had budgetary control been more effective.

There was a query in relation to Capital Expenditure underspends. Councillor Denaro responded that the delay in implementing the vehicle replacement programme was due to the need to for the decisions to be taken in the light of outcomes from the Place Teams. This would ensure the most effective use was made of the budget available.

Councillor Denaro accepted that there was an underspend of £330k and that this was of some concern, however this was a considerable improvement over previous years and he would be continuing to work with officers in order to address issues Members had raised and to further improve budgetary control.

RESOLVED:

- (a) that the movements of £63k in existing reserves as included in Appendix 2 to the report which reflects the approval required for April-March 2016 be approved; and
- (b) that the addition of new reserves of £197k as included in Appendix 2 to the report which reflects the approval required for April-March 2016 be approved.

33\16

MINUTES OF THE MEETING OF THE CABINET HELD ON 6TH JULY 2016

The minutes of the meeting of the Cabinet held on 6th July 2016 were received for information.

34\16

CHANGES TO THE CONSTITUTION - STATEMENT OF ACCOUNTS

Council considered a report of the Head of Legal, Equalities and Democratic Services regarding proposed arrangements for dealing with the Statement of Accounts and Audit Findings.

Councillor G. N. Denaro stated that the report related to the mechanism for bringing the Statement of Accounts and Audit Findings to the Council. The Constitution Working Group had recommended that the Statement of Accounts and Audit Findings be considered by the Audit, Standards and Governance Committee in future rather than by the Cabinet. That Committee would then make recommendations to Council.

The Chairman of the Audit, Standards and Governance Committee, Councillor R. D. Smith reminded Council that all Members had the opportunity to attend the Audit Standards and Governance Committee on 15th September 2016 and to put questions to the Council's external auditors.

RESOLVED:

- (a) that the Statement of Accounts and Audit Findings reports be considered each year by the Audit, Standards and Governance Committee with the recommendations being made to the Council;
- (b) that when considering these reports the Committee invites all Councillors to attend;
- (c) that the Cabinet meeting scheduled for 21st September 2016 (immediately before the Council meeting) be cancelled;
- (d) that the Head of Legal, Equalities and Democratic Services be authorised to update the constitution accordingly.

35\16

OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT

As Chairman of the Overview and Scrutiny Board, Councillor L. C. R. Mallett presented the Board's Annual Report for 2015/16.

In presenting the report Councillor Mallett drew attention to the work of the Board and of various Task Groups during the year. Councillor Mallett thanked Members of the Board and the then Vice-Chairman Councillor K. J. May for their support and thanked officers, in particular Amanda Scarce and Jess Bayley, for their hard work in supporting the Board.

It was noted that a Finance and Budget Scrutiny Working Group and a Working Group to review the Corporate Measures Dashboard were to be established.

36\16

REPORT FROM THE PORTFOLIO HOLDER FOR FINANCE, ICT, HR AND ENABLING SERVICES

Councillor Denaro reported on his recent attendance at the Local Government Association Conference. A number of issues of interest had arisen as part of the Conference activities:

The Minister had now announced there was to be a consultation on Business rates so therefore any clarification on what was to be proposed in respect of the Business Rates system would be delayed. It was clear however that any reform would need to be financially neutral and any increase in Business Rates would be used to fund a range of new responsibilities.

Additional information on the impact of the Business Rates retention scheme would be submitted to the Overview and Scrutiny Finance and Budget Working Group for discussion.

In relation to Asset Realisation and Joint Venture arrangements it was reported that it may be possible to work in tandem with developers on the future of the Burcot Lane site. This may provide additional income rather than just a capital receipt, but may also address some of the shortfall in Social Housing provision figures.

Diversification for Councils had also been a theme at the Conference. Councillor Denaro reported that evaluation was on going regarding the possibility of this Council in conjunction with Redditch Borough Council, creating a non profit company to act as an energy provider which would enable local residents on pre-payment meters to take advantage of lower energy tariffs.

37\16

QUESTIONS ON NOTICE

Question submitted by Councillor M. Thompson

“What actions have been taken since the referendum to assess the impact, on Bromsgrove, of the UK leaving the European Union and what has been identified as the key risks to the District?”

The Leader responded that officers had undertaken a preliminary assessment of the impact on the Council of the referendum decision to leave the European Union. No EU funding attributable to Council Services was included within the Medium Term Financial Plan and there was no direct impact on funding streams.

There had been a discussion with the Council's External Auditors Grant Thornton and information on the types of agreement which may be put in place nationally would be forwarded direct to Members.

It was noted that the impact of the change would not be fully known until the final arrangements had been agreed but in the meantime officers would continue to review issues such as employee arrangements and impact on customers and businesses so that the Council could address any risks associated with the exit plans in the future.

Question submitted by Councillor M. T. Buxton

“Can the Leader or Portfolio Holder for Planning tell me what arrangements have been made to liaise with the Worcestershire Highways about long term road safety improvements in the Churchfields/Recreation Road area, while building work is being done on the Extra Care Village site, for the safety of the current users and the increased elderly population when they take up residence?”

Councillor C. B. Taylor referred to some of the conditions attached to the Planning Consent in respect of the development. A Construction Management Plan and a Traffic Management Plan were in place and he was able to send details to Councillor Buxton if required. If appropriate he was happy to arrange for a discussion on highway safety in the vicinity of the development, with Worcestershire County Council Highways and Councillor Buxton.

Question submitted by Councillor S. P. Shannon

“Discarded hot food takeaway containers and wrappings are a regular unsightly scene on Parkside Car Park. The litter/rubbish is left by large groups of car enthusiasts who gather on the car park regularly throughout the summer evenings. In between driving round their “circuit” of town centre, Worcester Road and the by pass they stop for refreshments on Parkside discarding boxes and wrappings onto the car park.

With the knowledge that WMP officers have handed over responsibility for litter enforcement to local councils as part of the move to decriminalise some offences. Does the Leader agree that it's time that BDC car park enforcement team, with assistance if necessary from BDC CCTV Control Room make an effort to drive the message home to those that choose to spoil our town by dumping their rubbish in public places and start issuing the fixed penalty notices that they are now authorised to issue?”

Councillor P. J. Whittaker responded that he was not aware of any particular issues of this kind in relation to this car park. The Place Team had not reported any increase in such incidents.

This Council did have responsibility under the Environmental Protection Act to deal with litter and could issue Fixed Penalty Notices in some circumstances . Councillor Whittaker urged that any problems also be addressed through better education in schools as all parties had a part to play in tackling the problem of litter.

It would be helpful if any specific instances were brought forward through the Portfolio Holder and the Ward Member.

38\16

MOTIONS ON NOTICE - CONDEMNATION OF HATE CRIMES

Members considered the following motion submitted by Councillor G. N. Denaro:

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We Bromsgrove District Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Councillors and officers of Bromsgrove District Council will continue to work to support local bodies and programmes such as North Worcestershire Hate Incident Partnership, to prevent and tackle racism and xenophobia.

We reassure all people living in Bromsgrove that they are valued members of our community.”

The motion was moved by Councillor Denaro and seconded by Councillor M. Thompson.

In moving the motion Councillor Denaro referred to the work undertaken by the North Worcestershire Community Safety Partnership Team in working with individuals and communities to facilitate the reporting of hate crimes. It was important that all victims of hate crime reported incidents to the Police.

During the debate Members spoke of the importance of addressing hate crimes, and of celebrating diversity.

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

39\16

NOTICE OF MOTION - PERFORMANCE MANAGEMENT

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

“Council is concerned regarding the management of performance at Bromsgrove District Council. Council believes this is impacting negatively on local taxpayers. Council calls on the new administration to

work cross party to review all arrangements for performance management.”

The motion was proposed by Councillor L. C. R. Mallett and seconded by Councillor P. M. McDonald.

In proposing the motion Councillor Mallett spoke about the importance of effective performance management in relation to the delivery of Council services and the subsequent impact on local residents.

It was suggested that the processes of the Council had given rise to failings. Also, at present there was a lack of focus on performance management with the basic elements, including regular appraisals for all staff, not being in place. In addition the Performance Dashboard was not well used.

During the debate the view was expressed that the lack of a Monitoring Board meant there were no structures in place to effectively monitor performance and that it was important that the Council could understand where there were areas of weakness and address them.

In response the Leader confirmed that there was agreement that some processes required revision and that he anticipated working with the Leaders of the opposition groups in relation to this.

The Leader referred to the following specific issues:

- a new dynamic framework would be rolled out for appraisals and assessment of all staff, not just annually but as an on going process. The Chief Executive would be receiving his PDR shortly followed by the Management Team and other staff;
- a skills matrix was being developed to include both generic and specialist skills;
- work was on going on a Corporate Training Plan;
- some Members were trialling access to the performance dashboard via iPads and all staff had access to the dashboard;
- a revised Corporate Performance Strategy and Council Plan would be considered by Members in September.

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

The meeting closed at 8.30 p.m.

Chairman