

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**25TH JANUARY 2017 AT 6.00 P.M.**

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

72\16 **FORMER COUNCILLOR MS J. A. MARSHALL**

Members and officers stood in silence in memory of the late former Councillor Ms Judy Marshall.

Councillor S. P. Shannon paid tribute to the work Ms Marshall had undertaken over many years on behalf of the Council and its residents.

Councillors C. J. Spencer, J. M. L. A. Griffiths and M. A. Sherrey also spoke of their fond memories of Ms Marshall and of working with her as Governors of Chadsgrove School in Catshill and on the Amphlett Hall Management Committee.

73\16 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. J. Baxter and B. T. Cooper.

Apologies for late arrival were received from Councillor R. E. Jenkins and from R. D. Smith (subsequently an apology for absence was received from Councillor Smith).

74\16 **DECLARATIONS OF INTEREST**

The following Members each declared an Other Disclosable Interest in agenda item 7 Recommendation regarding the New Homes Bonus Scheme:

- Councillor S. R. Colella
- Councillor P. J. Whittaker

- Councillor C. Allen-Jones
- Councillor C. A. Hotham

75\16

**MINUTES**

The minutes of the meeting of the Council held on 23rd November 2016 were submitted.

Attention was drawn to a typographical error within the resolution relating to the Council Plan minute 65/16 which would be corrected.

There was discussion in relation to the wording of minute 70/16 and it was agreed that a sentence be added to reflect that a number of Members of the Controlling Group had left the meeting at the point the final amendment and the substantive motion were agreed.

**RESOLVED** that that the minutes of the meeting of the Council held on 23rd November 2016 be approved subject to the amendments referred to above.

76\16

**TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman reminded Members that the Holocaust Memorial Event would take place at Parkside at 11.00am on Thursday, 26th January.

77\16

**ANNOUNCEMENTS FROM THE LEADER**

The Leader referred to the commencement of the consultation on the Future of Acute Hospital Services in Worcestershire. All Members were urged to read the relevant consultation documents, to respond and to also encourage residents to do so.

The Leader reported that he had requested the Portfolio Holder Councillor K. J. May to work with the Chief Executive Officer to draft a response to the consultation and that he would be asking the other Group Leaders to nominate one of their Group Members to become involved and to agree the final response.

78\16

**COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no public comments, questions or petitions on this occasion.

79\16

**COUNCILLOR M. J. WEBB**

Members welcomed Councillor M. J. A. Webb back to the Council following his recent election as the Member for the Norton Ward.

80\16

**RECOMMENDATIONS FROM THE CABINET - 7TH DECEMBER 2016**

**Report of the New Homes Bonus Community Grants Panel**

The recommendation from Cabinet was proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

In proposing the recommendation Councillor Denaro thanked the Members of the NHB Panel for their work in considering the applications and making recommendations to the Cabinet in respect of the payment of grants.

Councillor Denaro also referred to the intention to undertake a review of the operation of the NHB scheme for the next year to improve the process where possible. In response to a query, he confirmed this would include considering additional safeguards to ensure that any invalid or unacceptable applications were identified and excluded at an early stage.

Councillor Denaro indicated that whilst he did not wish to pre-judge the review, he felt it was likely that areas which had not received development in 2016/17 would have the opportunity at a second stage in the process to bid for the earmarked reserve.

**RESOLVED** that the remaining balance of £27,157, which equates to the balance of the funds unallocated in 2016/17 be carried forward to 2017/18 as an earmarked reserve.

**Review of the Car Park Order (including urgent report)**

The recommendation from Cabinet in relation to the proposed changes to car parking fees following the review of the Car Park Order was proposed by Councillor K. J. May and seconded by Councillor G. N. Denaro. In proposing the recommendation Councillor May drew attention to a typographical error on page 73 of the Agenda pack. In relation to the Aston Fields Car Park, the wording in the comments section should read 2 hours "maximum" waiting rather than "minimum".

Further to the decision on the amendment of the Car Park Order and the recommendation on fees from Cabinet on 7th December, Councillor May also referred to the submission of a further urgent report required in respect of the proposed 2017 Order to include the Car Park at the former Market Hall Site (to be called the St John Street Car Park). The report also included a revised schedule of fees and charges to come into effect from the date of adoption of the new Car Parking Order.

In response to queries from Members, Councillor May referred to the work undertaken by the cross party Overview and Scrutiny Task Group which had considered Car Parking as whole. This work was being built on as part of a comprehensive review and the importance of car parking as part of the Council's overall Economic Development Strategy was acknowledged.

During discussion on the recommendations some Members expressed the view that the proposed fees for the St John Street Car Park were excessive in comparison with the fees charged for other town centre car parks and would disadvantage the smaller independent traders in that part of the town centre.

As an amendment it was proposed by Councillor C. A. Hotham and seconded by Councillor S. R. Colella that in order to assist local traders, the fees for the St John Street Car Park be set at 30p for 30 minutes, 60p for one hour, £1.20 for 2 hours and £1.80 for three hours.

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

It was

**RESOLVED:**

- (a) that the version of the proposed Bromsgrove District Council (off Street Parking Places) order 2017 as approved by Cabinet on 7th December 2016 be amended in accordance with Appendix 1 to the Supplementary Report ; and
- (b) that the revised schedule of fees and charges for car parking as attached at Appendix 2 to the Supplementary report be approved, with the revised fees to come into effect from the date of adoption of the new Car Parking Order.

**Fees and Charges 2017/18**

The recommendation from Cabinet in relation to those fees and charges to be increased above 3% was proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

In proposing the recommendation Councillor Denaro referred to the work undertaken by the Finance and Budget Work Group which had looked in detail at the fees and charges and had discussed with Officers the reasons for the proposed increases. The notes from the Group had been released to Cabinet and had informed the decision making process.

**RESOLVED** that the fees and charges contained in Appendix 1 which are proposed to be increased over the currently agreed budget assumption of 3% be approved.

## **Business Waste Recycling Service**

As it was possible that discussion of this item may have required the exclusion of the Public from the meeting, the Chairman deferred the item to the end of the agenda.

In the event consideration of the item was deferred as the Portfolio Holder was not present.

81\16

## **RECOMMENDATIONS FROM THE CABINET - 11TH JANUARY 2017**

### **Bromsgrove District Plan 2011-2030 Adoption**

The recommendations from Cabinet in relation to the Bromsgrove District Plan were proposed by Councillor C. B. Taylor and seconded by Councillor G. N. Denaro. In addition to the five recommendations from the Cabinet proposing adoption of the Plan, Councillor Taylor also proposed an additional recommendation relating to the establishment of a cross party Working Group to monitor the implementation and subsequent review of the Plan.

In proposing the recommendations Councillor Taylor referred to the importance of the Council having an adopted District Plan. Without the protection of the planning policies contained within the Plan, there was a danger that applicants may gain planning approvals on an ad hoc basis through planning appeals. There would be a lack of control by the Council over development within the District.

Councillor Taylor also referred to the benefits of having a current District Plan when working with partners such as the County Council on highways and of the infrastructure issues. There was an opportunity to develop a Community Infrastructure Levy on this basis. The Plan also gave the Council the ability to move forward with meeting some of its priorities such as delivery of affordable housing and economic development and employment opportunities.

Councillor Taylor acknowledged that whilst some Members may not agree with all of the contents of the Plan, it had been the subject of very detailed public consultation and Member consideration over a very long period. The Planning Inspector had undertaken an Examination in Public and modifications had again been the subject of public consultation over an extended period. After careful consideration of all the evidence the Inspector had been satisfied that the proposed sites for housing were correct. Clearly the responsibility of determining specific applications was the responsibility of the Planning Committee.

During the discussion on the proposals Members raised a number of points of concern:

- that the very lengthy and costly process had resulted in a Plan which was not the best solution for Bromsgrove and indeed was fundamentally flawed ;
- Central Government policy was supporting a process which would result in loss of Green Belt land;
- much of the data on which policies had been based was now out of date;
- there was a disconnect between the location for housing growth in the Plan and the location of proposed highways infrastructure;
- there had been the opportunity to make changes to the Plan in line with the views of Members but these amendments had not been made;
- the Plan did not adequately address the imbalance in the housing supply in Bromsgrove in terms of increasing the affordable/social housing provision;
- the potential impact on traffic, air quality, school provision and health had not been sufficiently addressed;
- it was likely that Bromsgrove District would be required to accept housing from Birmingham, Solihull and Dudley as well as from Redditch;
- the Plan failed to recognise problems and mistakes which had occurred in the past and to learn from them;
- the Redditch cross border housing development was not in the correct location and would led to the loss of prime agricultural land;
- there were concerns that the current Infrastructure Delivery Plan was not fit for purpose.

During the debate a number of Members sought to balance the many benefits of having the protection of an adopted Plan against some of their misgivings and concerns regarding some of the Policies within the Plan. Members welcomed the opportunity which the prospective cross party Working Group would provide to monitor and review policies within the Plan.

Councillor Taylor acknowledged the concerns of some Members but stressed that throughout the process the Inspector had been provided with updated information upon which to base his recommendations. Whilst there were issues which required to be addressed such as the Infrastructure Delivery Plan, Councillor Taylor felt that the benefits of adopting the Bromsgrove District Plan greatly outweighed any disadvantages.

On a requisition under Council Procedure Rule 18.3 the following details of the voting on the recommendations relating to the adoption of the Local Plan were recorded:

For the recommendations: Councillors C. Allen-Jones, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, R. J. Laight, K.

J. May, S. R. Peters, M. A. Sherrey, C. J. Spencer, C. B. Taylor, P. L. Thomas, M. J. A. Webb and S. A. Webb (15)

Against the recommendations: Councillors C. J. Bloore, M. T. Buxton, R. E. Jenkins, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. P. Shannon, M. Thompson and L. J. Turner (9)

Abstentions: Councillors S. R. Colella, C. A. Hotham and P. J. Whittaker (3)

Councillors then voted on the proposal to establish the cross party Working Group. In addition to the proposal it was agreed that the Working Group would be open to all Councillors to attend and would be open to the public. This was agreed unanimously.

**RESOLVED:**

1.
  - (a) that the content of the Bromsgrove District Plan Planning Inspectorate's Report (Appendix 1) and the associated Schedule of Main Modifications (Appendix 2) be noted;
  - (b) that the Bromsgrove District Plan 2011-2030 as submitted and subsequently amended by the modifications set out in Appendix 2 and Appendix 3 to the report be adopted;
  - (c) that the Policies Map which accompanied the submission version of the Bromsgrove District Plan and remains unchanged as a result of the examination process, be adopted;
  - (d) that the Bromsgrove District Plan Adoption Statement and Strategic Environmental Assessment and Sustainability Appraisal Adoption Statement which form Appendix 4 and 5 of the report be noted; and
  - (e) that authority be delegated to the Head of Planning and Regeneration to undertake further minor editorial changes deemed necessary in preparing the adopted District Plan for publication, following consultation with the Portfolio Holder for Planning.
2. That officers establish a cross party working group in consultation with group leaders, that will monitor the implementation and subsequent review of the Bromsgrove Development Plan, with particular attention to the green belt review, future growth and infrastructure; in addition the group will oversee and monitor the progress of the policies identified within the Bromsgrove District Plan; all members of the Council will be able to attend and participate in meetings of the group and meetings will be held in public.

82\16      **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 7TH DECEMBER 2016 AND 11TH JANUARY 2017**

The minutes of the meetings of the Cabinet held on 7th December 2016 and 11th January 2017 were received for information.

83\16      **URGENT REPORT ON AMENDMENTS TO BROMSGROVE DC (OFF-STREET PARKING PLACES) ORDER 2017**

This item had been dealt with under minute 80/16.

84\16      **RECOMMENDATION FROM THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE**

The recommendation from the meeting of the Audit, Standards and Governance Committee held on 8th December 2016 was proposed by Councillor S. R. Colella and seconded by Councillor R. L. Dent.

In proposing the recommendation Councillor Colella referred to the requirement for the Council to appoint external auditors for the 2018/19 accounts and beyond as the current arrangement with Grant Thornton would only cover up to and including the 2017/18 audits.

Councillor Colella explained that the Audit, Standards and Governance Committee had considered there were significant benefits to the Council in opting in to the national scheme for appointing auditors to be operated by the Public Sector Audit Appointments. These were listed in the report and included economies of scale and therefore the likelihood of lower fees.

**RESOLVED** that the Council accepts Public Sector Audit Appointments invitation to “opt in” to the sector led option for the appointment of external auditors for five financial years commencing 1st April 2018.

85\16      **REPORT AND RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL**

Councillor G. Denaro introduced the report and recommendations of the Independent Remuneration Panel for 2017-18. He drew attention to this being the first report reflecting the reduction in the number of Councillors from 39 to 31. The total of basic and special responsibility allowance as a percentage of the net general revenue fund expenditure had reduced from 1.88% to 1.65% between 2014-15 and 2015-16.

Councillor Denaro further expressed the view that the Panel had not provided sufficient evidence to justify acceptance of the recommendations in their report to increase the multipliers of some



Special Responsibility Allowances. Councillor Denaro proposed, Councillor K. May seconded and it was

**RESOLVED**

1. That the recommendations from the Independent Remuneration Panel (IRP) for the basic and special responsibility allowances for 2017-18 are not accepted and the allowances in the Council's Members Allowances Scheme for 2016-17 continue for 2017 - 18;
2. That the recommendations from the IRP for travel, subsistence and dependent carers' allowance be accepted;
3. That the recommendations from the IRP for Parish Councils in the District be noted.

86\16

**REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENT AND WORCESTERSHIRE REGULATORY SERVICES**

In the absence of the Portfolio Holder Councillor R. D. Smith, consideration of this item was postponed until the next meeting of the Council.

87\16

**QUESTIONS ON NOTICE**

**Question submitted by Councillor M. Thompson**

"This question refers to the "Alvechurch Morris Dancers" who featured recently in the local and national press.

The Morris dancers representing our District caused racial offence to some members of the public in Birmingham by blacking out their faces. I have looked into the origins of this practice and found there is divided opinion upon the subject. Whilst some argue that this tradition started as a form of disguise whilst begging, others believe that it began as a mockery of African tribal war dancers.

No matter what one believes, it is without doubt that a significant number in our society, a society that champions inclusivity, sensitivity and diversity, are offended by it. Surely, no matter what the origin of this practice, if it causes offence then the sensitive, humble and proper thing to do, is to stop it. When the local MP Sajid Javid was asked about this incident he said "the Morris dancers are as racist as I am." Can the Leader, as a representative of our District say whether he, like the MP, considers himself "as racist as the Morris Dancers?"

Councillor G. N. Denaro responded that he did not consider himself to be racist in any shape or form.

**Question submitted by Councillor S. R. Colella**

“Given the national and international focus on air quality and the impact of the car emissions scandal ; the recent advice given by the National Institute of Clinical Excellence (NICE) on managing traffic congestion and the recent report that indicated that long term exposure to poor air quality risks speeding up the onset of dementia, do the Leader and relevant Portfolio Holder agree with me that this Council has a statutory duty towards its residents who live within this Council’s Air Quality Management Areas and to implement tangible physical changes to return these areas to a recognised safe level of air quality?”

Councillor G. N. Denaro responded that it was recognised that the Council had a statutory duty to deal with air quality issues and the Council was working closely with Worcestershire Regulatory Services to improve air quality figures.

**Question submitted by Councillor C. A. Hotham**

“Please can the Leader tell this Council if any indication has been made to GBSLEP, in respect of the number of houses, either by way of inference or by way of tentative commitment, formally or informally that Bromsgrove District Council will/could take?”

Councillor G. N. Denaro responded that some time ago he had tentatively agreed to take up to 1k dwellings from Birmingham City Council on the basis the need was backed up by evidence. This tentative agreement was now obsolete.

There was a need for further study based on previous work on locations which needed to be evidence based. This would be reported and considered in due course.

**Question submitted by Councillor P. M. McDonald**

“Would the Leader please inform me the total costs of keeping the now vacant building that was once the Council House?”

Councillor G. N. Denaro responded that the cost to date was £126k but that this included Business Rates. Officers were working to ensure the cost was minimal and were exploring all options to maximise the value of the site. This may not necessarily involve obtaining a capital receipt for the site as this may not be the best return.

Other options may mean the site could help to deliver the Council’s strategic purposes of “help me to find somewhere to live in my locality” and could provide a revenue stream. A report would be submitted in the spring.

**Question submitted by Councillor C. McDonald**

“Would the Leader agree with me that the Planning Department have not got the capacity to carry out enforcement matters in a timely manner; in light of how long it took officers to issues enforcement notices to the owners of the Rose and Crown Public House, Rubery. Which led to an unlicensed tip in the heart of Rubery?”

Councillor C. B. Taylor responded that he did not agree with the premise of Councillor McDonald’s question. With regard to the case referred to in particular, Councillor Taylor gave a detailed timeline in respect of the investigations and associated processes required in order for an Enforcement Notice to be validly issued. Councillor Taylor felt that the case had been dealt with in an exemplary manner.

Councillor McDonald disputed the detailed information given by Councillor Taylor and the Chairman requested that the written information be provided to Councillor McDonald outside the Council meeting.

88\16

**MOTIONS ON NOTICE**

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

“Council notes the current consultation on Local Transport Plan 4 (LTP4). Council is concerned about the validity and rigour of this Plan. Council calls on the CEO to formally respond to the consultation on behalf of the Council expressing these concerns.”

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

In moving the motion Councillor Mallett referred to the critical importance of the LTP4 document for the future of Bromsgrove District. There was concern that within LTP4 the proposed infrastructure for Bromsgrove was to the east of the town whilst planned development was to the west. In addition there was no reference to a western distributor road presumably because of the likely cost of such a proposal.

In addition it appeared that the most recent information hadn’t been used for the Barham model and that housing sites did not reflect those in the Local Plan. There was concern therefore that the current flaws and problems within the highways infrastructure would be replicated.

Councillor Mallett also expressed concern that the LTP4 only ran until 2023 and this timescale was too short in terms of future housing growth.

During the discussion on this matter the following points were raised:

- There was a lack of sufficient detail in the document to enable proper public consultation;
- Potential impact of pollution due to traffic congestion had not been considered and this would have an impact on planning decisions as the Local Transport Plan was a material consideration;
- There was concern that businesses would be deterred from locating or expanding in Bromsgrove and that the Local Development Plan would not be implemented unless the highways infrastructure plans were fit for purpose;
- It was important to encourage local residents to respond to the LTP4 consultation

Members felt that in view of the views expressed the current consultation on LTP4 should be suspended in order that the issues specific to the District could be addressed. Members wished to engage with the County Council to agree a more constructive way forward.

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

The meeting closed at 8.30 p.m.

Chairman