

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

26TH APRIL 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, B. T. Cooper, 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, P.L. Thomas, M. Thompson, L. J. Turner, M. J. A. Webb, S. A. Webb and P. J. Whittaker

103\16 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. J. Baxter and C. B. Taylor.

104\16 **DECLARATIONS OF INTEREST**

Item 7 - Recommendation from the Cabinet on ICT Infrastructure proposals

Councillors P. L. Thomas and M. J. A. Webb each declared an Other Disclosable Interest and indicated they would withdraw from the Meeting during consideration of this item.

105\16 **MINUTES**

The minutes of the meeting of the Council held on 28th February 2017 were submitted.

Councillor C. M. McDonald referred to minute 91/16 relating to her question on Planning Enforcement matters and stated that she had still not received any detailed written information from the Portfolio Holder Councillor C. B. Taylor. Councillor McDonald requested that the Chairman of the Council ensure that what had been recorded in the Minutes was carried out. The Chairman undertook to ensure that Councillor McDonald received the information referred to.

Councillor L. C. R. Mallett referred to minute 102/16 and suggested that the minutes should be amended to reflect that the ICT infrastructure proposal was deferred not only to allow for further consideration of the item and enable further tenders to be sought, but also to clarify any uncertainty regarding potential interests which Members of the Leading

Group may have had in the item through their potential relationship with the owner of the Company concerned.

(The Chairman agreed to a short adjournment to enable this matter to be discussed).

RESOLVED:

- (a) that the minutes be amended to reflect the second reason for deferral of the item at the meeting on 28th February 2017 as set out in the preamble above; and
- (b) that subject to the above the minutes of the meeting of the Council held on 28th February 2017 be approved.

106\16

ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman thanked all those Members who had attended her recent Civic Dinner at Bromsgrove School and those who had been unable to attend but who had kindly contributed donations. This had resulted in over £2,000 being raised for her Charity, through the event.

107\16

ANNOUNCEMENTS FROM THE LEADER

The Leader referred to the resignation from the Council of Councillor R. D. Smith and expressed his thanks for the work Councillor Smith had undertaken.

The Leader also congratulated Bromsgrove Sporting Football Club on their recent achievement in gaining promotion to the Midland Football Premier League.

A number of Members expressed concern regarding the cost of a by election arising from the resignation of Councillor Smith.

108\16

COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC

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

109\16

RECOMMENDATIONS FROM THE CABINET

Council Response to Local Transport Plan No 4 Consultation

The recommendations from the Cabinet in relation to this Council's response to the Worcestershire County Council's Local Transport Plan No 4 (LTP4) were proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

In proposing the recommendations Councillor Denaro referred to a number of recent meetings and workshops which had taken place involving Members and officers from this Council and from the County Council. It had been made clear at these sessions that this Council felt

very strongly there was much more to be done to address the very serious transport issues within Bromsgrove.

Councillor Denaro referred specifically to the Council's response to the LTP4 consultation which focused on the lack of long term vision and strategy for the District. Whilst a series of ad hoc schemes were proposed these did not in themselves provide a coherent transport strategy. Policy BR1 (Bromsgrove Transport Strategy) was felt to be too limited in what it was trying to achieve. Indications had been received from WCC that there could be an alteration in the wording of BR1 to allow for the production of a more overarching and longer term strategy which would consider all modes of transport and would clearly be a key element in the future development of the District.

Councillor Denaro also referred to the opportunity for the Strategy to be seen as an opportunity for transport considerations to more strongly influence the decisions on where all future forms of development should take place. The Strategy should play a positive role in addressing the deficiencies in infrastructure rather than merely mitigating the impact of future development.

Councillor Denaro raised the need for the development of an evidenced based investment strategy which could be used to secure the necessary infrastructure funding. This strategy needed to be robust and flexible so that it could meet the requirements of a range of central and local government funding regimes over the lifetime of the Plan. The Strategy needed to be fully integrated with other similar strategies being developed in neighbouring areas.

Councillor Denaro referred to the work being undertaken by this Council's Consultants Mott Macdonald in relation to Highways matters, in particular it had been concluded that the existing Barham model was not fit to determine detailed traffic implications. A new approach had been agreed using established methods of traffic assessment. Following the forthcoming elections it was intended to hold early discussions with WCC in order to determine a more permanent way forward.

During the debate the actions which had been taken in engaging Mott MacDonald and in responding to LTP4 issues were welcomed by Members as good examples of addressing problems which were recognised as being crucial to the future of the District and of great concern to residents.

The view was expressed that whilst it was clear that the Barham model was not fit for purpose, this also applied to LTP4 and Policy BR1 as a whole and that as a stakeholder in the Plan this Council had the opportunity to halt the progress of LTP4 and should do so.

Some Members expressed the view that the series of works proposed along the A38 would not address the real issues and would simply result in traffic problems being transferred from one location to another. In addition LTP4 was not in accordance with the Bromsgrove District Plan

and it would be expedient to urge the abandonment by WCC of the process in relation to the current LTP4 and to begin again.

Some Members expressed concern that following the demise of the Barham model, Developers submitting planning applications in Bromsgrove were now free to undertake traffic assessment under an alternative model and to submit the results as part of their planning applications.

Councillor L. C. R. Mallett expressed the view that Council should consider calling for a moratorium on the consideration of major planning applications pending the agreement of a suitable transport assessment framework for Bromsgrove District.

The Chairman agreed to an adjournment to enable a way forward to be discussed.

Following the adjournment and further debate it was

RESOLVED:

- (a) that in respect of LTP4 a letter be sent to WCC on behalf of all the Group Leaders expressing the Council's great concern and requesting that the LTP4 process should not proceed until all outstanding issues have been adequately resolved;
- (b) that the Head of Planning and Regeneration clarifies to Members the current framework for processing planning applications in relation to their transport implications and for this framework to be circulated to Members;
- (c) that developers be required to provide full information on their traffic proposals in their planning applications;
- (d) that Mott MacDonald be requested to advise individually on major planning applications and to include consideration of the wider transport implications relating to any other developments whose applications are before the Council;
- (e) that Mott MacDonald or other similar organisation, undertake appropriate traffic counts as necessary in respect of these developments ;
- (f) that the Head of Legal, Equalities and Democratic Services be instructed to make all efforts to recover the Council's costs associated with (d) an (e) above, including instituting legal proceedings against WCC if necessary.

Council Response to Solihull Local Plan Review

The recommendations from the Cabinet in relation to the Council's response in respect of the Solihull Draft Local Plan Review were proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

In proposing the recommendations Councillor Denaro drew attention to the concerns expressed in the response regarding the need for robust

evidence regarding the justification and proportionality of the 2000 dwellings contribution towards meeting the unmet needs arising in the Greater Birmingham Housing Market Area.

During the debate some Members expressed the view that the Duty to Co-operate with Birmingham City Council may result in Bromsgrove being required to accommodate a significant amount of Birmingham's housing needs. The potential impact of this on any review of the Green Belt was also discussed.

In response to a query Councillor Denaro undertook to update Members in respect of any meetings between this Council's officers and representatives of Solihull MBC as included in the final paragraph of the response to Solihull MBC.

RESOLVED:

- (a) that the contents of the report be noted; and
- (b) that the draft officer response to the Solihull Draft Local Plan Review be approved as the formal consultation response.

Council Response to Worcestershire County Council Minerals Plan

The recommendations from the Cabinet in relation to the Council's response to Worcestershire County Council Minerals Plan were proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

In proposing the recommendations Councillor Denaro drew attention to the concerns expressed in the response regarding any potential impact on development.

During the debate some Members expressed concern that some of the proposals within the Plan were unclear. In particular there were discrepancies within Mineral Safeguarding Areas and Mineral Resource Consultation Area boundaries. The role of the proposed Strategic Corridors also required clarification.

Arising from the debate it was generally agreed that the report be deferred to enable officers to seek further clarification from officers at Worcestershire County Council.

RESOLVED that consideration of the Council's Response to Worcestershire County Council Minerals Plan be deferred and that following the requested clarification, a response be agreed with the Group Leaders.

**ICT Infrastructure Resource Proposals
Customer Access and Financial Support Services – Service Review**

As it was likely that discussion on these items would involve the exclusion of the public from the meeting, the Chairman deferred the items to the end of the agenda.

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MINUTES OF THE MEETINGS OF THE CABINET HELD ON 28TH FEBRUARY 2017, 1ST MARCH 2017, 22ND MARCH 2017 AND 5TH APRIL 2017

The minutes of the meetings of the Cabinet held on 28th February 2017, 1st March 2017, 22nd March 2017 and 5th April 2017 were received for information.

Councillor L. C. R. Mallett referred to Minute No 90/16 relating to the Pay Policy Statement. Councillor Mallett referred to the current cost of the Chief Executive Officer and the Management Team being equally split between Bromsgrove DC and Redditch BC and whether it could be verified that this was a true reflection of the time spent at each Authority by the officers concerned.

Councillor G. N. Denaro confirmed that this was the subject of a review to be undertaken by the Chief Executive Officer and that if appropriate following the review, costs would be recovered.

111\16

REPORT FROM THE PORTFOLIO HOLDER FOR LEISURE AND CULTURAL SERVICES, ENVIRONMENTAL SERVICES AND REGULATORY SERVICES

As Portfolio Holder for Leisure and Cultural Services, Environmental Services and Regulatory Services, Councillor P. J. Whittaker presented a report on the areas covered by his Portfolio.

Councillor Whittaker referred to his report which covered a number of wide ranging and public facing services. Councillor Whittaker also reported good progress on the construction of the new Leisure Centre and offered to arrange a site visit for any interested Member.

During discussion on the report Members highlighted a number of items:

- Crime rates at Rock Hill – this was in the remit of the report of the Portfolio Holder for Health and Well Being and Community Safety;
- The possibility of extending the Garden Waste Collection service to later in the year – Councillor Whittaker undertook to follow up this request;
- An on-going issue regarding a strip of land in Stoke Heath - Councillor Whittaker requested further details outside this meeting;
- The need to increase the frequency of the emptying of litter bins in Worcester Road, Bromsgrove – Councillor Whittaker undertook to follow up this request;
- Fly tipping as an increasing issue both locally, including Wythall and Rubery, and nationally – Councillor Whittaker agreed this was a very difficult issue which the Council was trying to address through various means including use of surveillance cameras at known “hotspots” and working closely with the police and other partners;

- Work together with partners was on-going to address flooding issues on a number of locations in the District;
- Air Quality concerns and the Bromsgrove Air Quality Status Report;
- Concerns regarding responses from Worcestershire Regulatory Services to complaints in respect of a trader selling motor vehicles from residential properties in Rubery and a problem with the monitoring of smells from a site in Hopwood – Councillor Whittaker agreed to follow up these issues;
- It was queried whether best value had been obtained by the Council in respect of the Parkside building. In addition the timescale for the redevelopment of the Burcot Lane site was raised as a concern, together with the potential costs of demolition which were quoted as being in the region of £750k. The Leader stated that he was anticipating a report to Cabinet on the matter with definitive information which would be shared with Members.

112\16

APPOINTMENTS TO OUTSIDE BODIES

RESOLVED that the following members be appointed to the Outside Bodies as indicated:

- Health Overview and Scrutiny Board – Councillor S. J. Webb
- Worcestershire County Council Corporate Parenting Board – Councillor M. A. Sherrey
- West Mercia Police and Crime Panel – Councillor K. J. May

113\16

QUESTION ON NOTICE

Question submitted by Councillor C. A. Hotham

“In October of last year it was reported that the West Midlands area had 10,000 empty homes and that over 5,000 of these were in Birmingham. The Leader will also be aware that Birmingham City Council are prevaricating over planning permission for 1000 homes on the North Worcestershire Golf Course in Northfield. Bromsgrove District Council has a housing shortfall that could be met by a judicious use of these wasted housing assets, without using green belt land. When will the Leader be asking Birmingham City Council to fulfil its obligation in its duty to co-operate and find space for our overspill housing?”

The Leader responded that at the Examinations into the Bromsgrove District Plan and the Birmingham Development Plan it was agreed and accepted by the Councils that there was a shortfall of land within the West Midlands conurbation to meet the identified housing needs.

This shortfall is highly likely to lead to land being required outside the conurbation for future housing and employment growth and this agreement has been reflected in policies which are now contained within the adopted Plans for both Authorities.

Therefore the Council has already accepted that it may need to play a part in meeting the wider needs of the conurbation, and not the other way around as the question suggests.

114\16

NOTICE OF MOTION - PARKING ENFORCEMENT

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

“That this Council increases its capacity regarding Enforcement Officers to ensure that parking around our schools is safe and that our High streets stop resembling the Wild West because of a lack of enforcement.”

The motion was proposed by Councillor P. M. McDonald and seconded by Councillor M. Thompson.

In moving the motion Councillor McDonald reminded Members that this Council was now responsible for the enforcement of legislation in respect of on-street parking. Councillor McDonald referred to the problems caused by illegal parking, particularly around schools which included increased danger to schoolchildren and inconvenience to nearby residents. Councillor McDonald expressed the view that this could only be effectively addressed through the regular attendance of Parking Enforcement Officers.

A number of Members recognised that there were often such parking issues in the vicinity of schools but that there were other ways of addressing these such as lower speed limits or education campaigns for parents, and the introduction of “walking buses.”

A number of Members also felt that there was insufficient information before them at present to enable them to support the current notice of motion.

As an amendment to the motion it was proposed by Councillor K. J. May and seconded by Councillor R. L. Dent that the Overview and Scrutiny Board be requested to undertake a review of all aspects of Parking Enforcement.

On being put to the vote the amendment was declared to be carried.

As a further amendment it was proposed by Councillor P. M. McDonald and seconded by Councillor M. Thompson that the Overview and Scrutiny Board be requested to undertake a review of all aspects of Parking Enforcement and that appropriate funding be made available to support the outcome of the review.

On being put to the vote the amendment was declared to be carried.

On being put to the vote the substantive motion was declared carried in the following terms:

That the Overview and Scrutiny Board be requested to undertake a review of all aspects of Parking Enforcement and that appropriate funding be made available to support the outcome of the review.

115\16

NOTICE OF MOTION - AIR QUALITY MANAGEMENT AREAS

Members considered the following notice of motion submitted by Councillor S. R. Colella:

“Over the last three months barely a week goes by where the standard of the UK’s Air Quality is not under scrutiny; whether it is the Mayor of London increasing the congestion charge for diesel engines, the proposed diesel scrappage scheme or the car emissions scandal. This only receives media attention because it’s London but the fact is that Bromsgrove has more Air Quality Management Areas (AQMA) of any District in Worcestershire.

This remains an embarrassment for this Council and puts the health of Bromsgrove residents at serious risk on a daily basis. Each AQMA has been allocated an Air Quality Action Plan which is frankly worthless and has done nothing to reduce the air pollutants in the affected areas. Indeed I don’t think anything from the Action Plans has been implemented. This effectively means air pollutants (both NOX and particulate matter) regularly remain above safe levels yet this Council does nothing but to knowingly allow further development and congestion to increase pollution levels.

Recent guidance by NICE has shown that stop, start, slow moving traffic increases air pollutants of all types. This is common across many parts of Bromsgrove, not only in the AQMAs, many of which are where children have to walk to school.

This has been followed by a recent report that suggests living closest to major highways increases the chance of dementia and along with the car emissions scandal just shows that this Council is happy just to wait and see, kick the can down the road and leave our residents to continue to suffer with ill health and poor air quality related illnesses. It will only get worse and should be tackled as a matter of urgency giving it the utmost priority in the Council’s Corporate Plan.

I ask that the Council support the inclusion of a District Council AQMA Air Quality Action Plan across the District in the forthcoming review of the Corporate Plan when it commences later this year.”

The motion was proposed by Councillor S. R. Colella and seconded by Councillor C. A. Hotham.

In moving the motion Councillor Colella asked for the support of Members for the inclusion of an AQMA Air Quality Action Plan within the Corporate

Plan in order to assist with addressing the air quality issues within the District.

During the debate a number of points were raised including:

- there was an acceptance that air quality was a significant issue for the District;
- the Council's main role was to monitor air quality;
- details of the Action Plans to address air quality were on the WRS website;
- highways improvements were key to improving air quality;
- some Members felt there had been a failure to effectively implement the relevant Action Plans.

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

116\16

LOCAL GOVERNMENT ACT 1972

RESOLVED

That under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the items of business the subject of the following minutes on the grounds that they involve the disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant part being as set out below and that it is in the public interest to do so.

<u>Minute No</u>	<u>Paragraph</u>
117 /16	3
118/16	3

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ICT INFRASTRUCTURE RESOURCE

(Councillors P. L. Thomas and M. J. A. Webb each declared an Other Disclosable interest in this item and withdrew from the Meeting).

The recommendation from the Cabinet was proposed by Councillor G. N. Denaro and seconded by Councillor P. J. Whittaker.

In proposing the recommendation Councillor Denaro referred to the additional information within the report and to outcome of the further procurement exercise which had been undertaken since the previous Council.

During the debate some Members expressed disappointment at the level of interest in providing the service and queried why this should be the case. In addition it was queried whether the 74 hours required to be provided were fully covered within the proposal and whether the Company concerned would be paying the Living Wage.

In addition some Members were concerned that the process may not have been fair and transparent. This was disputed by other Members.

As an amendment it was proposed by Councillor L. C. R. Mallett and seconded by Councillor C. J. Bloore that the recommendation be deferred for further consideration.

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

It was

RESOLVED: that authority be delegated to the Head of Transformation and Organisational Development to proceed with the procurement of a contract with the preferred supplier set out in Appendix 1 option 2 to deliver the ICT infrastructure functions, subject to the following assurances being provided to the Group Leaders:

- (a) that the Company concerned will be paying at least the Living Wage; and
- (b) that the Company will be providing the full 74 hours of staff time.

In accordance with Council Procedure Rule 18.3 a recorded vote was taken and voting was as follows:

For the recommendation Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, J. M. L. A. Griffiths, R.J. Laight, K. J. May, M. A. Sherrey, C. J. Spencer, S. J. Webb and P. J. Whittaker (13)

Against the recommendation Councillors C. J. Bloore, M. T. Buxton, S. R. Colella, C. A. Hotham, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. R. Peters, S. P. Shannon, M. Thompson and L. J. Turner (11)

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to financial and business affairs. However, there is nothing exempt in this record of the proceedings.)

118\16

SHARED SERVICES BUSINESS CASE FOR CUSTOMER ACCESS AND FINANCIAL SUPPORT SERVICES

The recommendation from Cabinet was proposed by Councillor B. T. Cooper and seconded by Councillor G. N. Denaro.

In proposing the recommendation Councillor Cooper referred to the work which had been undertaken to implement a Shared Service for Customer Access and Financial Support at Management level in 2012. Since then the service had developed and was now in a position to become a fully shared service, particularly since the successful introduction of a shared IT system. Whilst it was proposed that Redditch BC would host the service mainly because of the higher workload, there would also be a full complement of officers based at Parkside.

Councillor Cooper also referred to the proposed structure which had been developed as a result of extensive trials and testing and had been driven by customer demand. The evidence from the trials was included within the detailed Business Case and the aim was to develop a high quality and customer based service.

During the debate points included the following:

- the hosting of the service by Redditch BC;
- the proposed split of costs and savings;
- the need to resolve the issue of the apportioning between Bromsgrove and Redditch of the Management Team's time before implementing any further Shared Services;
- the excellent quality of the Business Case which had also been considered by the Shared Service Board

It was

RESOLVED that the proposals within the Customer Access and Financial Support Service - Service Review Business case be implemented.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to financial and business affairs. However, there is nothing exempt in this record of the proceedings.)

The meeting closed at 9.50 p.m.

Chairman