

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 18TH JULY 2007**

PRESENT: Councillors Mrs. J. M. Boswell (Chairman), Mrs. C. J. Spencer (Vice-Chairman), A. N. Blagg, Dr. D. W. P. Booth JP, Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle (during Minutes Nos. 23/07 to 38/07 (i)), J. T. Duddy, Mrs. J. Dyer M.B.E., R. Hollingworth, Mrs. H. J. Jones, B. Lewis F.CMI, Dr. G. H. Lord, Mrs. J. D. Luck (during Minutes Nos. 23/07 to 38/07 (i)), Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath (during Minutes Nos. 23/07 to 38/07 (i)), E. J. Murray, D. L. Pardoe (during Minutes Nos. 23/07 to 38/07 (i)), S. R. Peters, C. R. Scurrell, G. G. Selway, R. D. Smith, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker, C. J. K. Wilson and E. C. Tibby

23/07 **PRAYER**

At the request of the Chairman, the Reverend Wendy Moore opened the meeting with a prayer.

24/07 **MINUTES**

**RESOLVED** that the minutes of the Extraordinary Meeting of the Council held on 27th June 2007 be approved as a correct record.

25/07 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. M. L. A. Griffiths, D. Hancox, W. R. Newnes, Mrs. M. A. Sherrey JP and S. P. Shannon.

26/07 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

27/07 **PRESNTATION ON THE CHILDREN'S FUND**

Members received a presentation from Peter Sugg, Worcestershire County Council on the Worcestershire Children's Fund which highlighted projects that had received approval for funding in Bromsgrove during the period 1st April 2006 to 31st March 2008. Members were given the opportunity to raise questions to which Mr. Sugg responded.

The Chairman thanked Mr. Sugg for his attendance.

28/07 **ANNOUNCEMENTS FROM THE CHAIRMAN**

- (a) The Chairman referred to the following forthcoming events:
  - Burma Star Remembrance Service – 18th August 2007;
  - Civic Service – 23rd September 2007;
  - Charity Tea Dance – 26th September 2007;
  - A Black Country Nite – 16th November 2007.
- (b) The Chairman referred to the laminated guidance notes on motions which had been made available at the meeting and asked Members to leave these in the Council Chamber.
- (c) The Chairman indicated that she was aware of a petition regarding Hamilton House and invited Councillor D. L. Pardoe to present the petition. The Chairman duly received the petition which would be referred to the Cabinet for consideration.

29/07 **ANNOUNCEMENTS FROM THE LEADER**

The Leader referred to the appointment of Council representatives to outside bodies to be considered at a later stage in the meeting. He advised that he had asked officers to review the outside bodies list and to consider whether future representation was required on each body, with a view to reporting back to Members. He also drew attention to the question of insurance and indicated that not all Council representatives on outside bodies were covered.

30/07 **RECOMMENDATIONS FROM THE STANDARDS COMMITTEE MEETING HELD ON 14TH JUNE 2007**

**NEW CODE OF CONDUCT FOR MEMBERS**

**RESOLVED:**

- (a) that, subject to the amendments set out in (b) below, the Model Code of Conduct be adopted with effect from 19th July 2007; and
- (b) that the following local amendments be made to the Code:
  - (i) (in order to ensure that officers were not compromised or were not seen to be compromised), an extra clause be added to form Paragraph 3(e), as follows:

“No Member shall provide, or offer to provide, a reference for any candidate for employment or promotion with the Authority”;
  - (ii) (to cut out the possibility of a loophole), Paragraph 6 be re-drafted to read as follows:

“(b) must not, when using or authorising the use of resources of, or under the control of, the Authority . . .”

(iii) the drafting of the Model requires Members to have regard only to the advice of the Section 151 Officer or the Monitoring Officer, but does not require Members to have regard to the advice of other professional officers such as Planning Officers) therefore, Paragraph 7 be re-drafted to read as follows:

“When reaching decisions on any matter you must have regard to any relevant advice provided by your Authority’s officers, and in particular by (i) your Authority’s Chief Finance Officer; (ii) your Authority’s Monitoring Officer; or (iii) the Chief Legal Officer”; and

(iv) (to ensure openness and transparency at all times, and to gain the confidence of the public in the robustness of decision-making) that the need to declare personal and prejudicial interests be applied to all meetings, including informal meetings, by revising the wording of Paragraph 1(4) of Paragraphs 9 to 12 to insert the following additional clause:

“(d) Any other meeting at which you are conducting the business of your Authority or are acting, claiming to act, or giving the impression that you are acting as a representative of your Authority”.

31/07 **APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE**

**RESOLVED:**

(a) that Mr J. Cypher be appointed to serve as the Parish Member on the Standards Committee for the remainder of the 2007/08 Municipal Year.

(b) that Mr I. Hodgetts be appointed to serve as the substitute Parish Member on the Standards Committee for the remainder of the 2007/08 Municipal Year.

32/07 **QUESTIONS ON NOTICE**

No questions had been submitted.

33/07 **MOTION SUBMITTED UNDER NOTICE**

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

“To ensure confidence in local democracy it is essential to maintain an open and inclusive society. In the spirit of diversity and equality this Council replaces prayers at the start of council meetings with two minutes of reflection.

Reflection meets the spiritual needs and ensures freedom of religious expression to all."

The motion was moved and seconded and on being put to the meeting the Chairman declared the motion LOST.

34/07 **MOTION SUBMITTED UNDER NOTICE**

Members considered the following motion submitted by Councillor S. P. Shannon:

"That this Council sets up a cross-party task group to implement environmental initiatives to tackle climate change and reduce the Council's Carbon Footprint."

In the absence of Councillor Shannon, the Monitoring Officer advised that he had intended to make a slight alteration to the wording of the motion to read:

"That this Council sets up a cross-party task group to make recommendations regarding environmental initiatives to tackle climate change and reduce the Council's Carbon Footprint."

The motion was moved and seconded and on a requisition under Council Procedure Rule 16.5 the following details of voting on the motion were recorded:

For the motion: Councillors Mrs. A. E. Doyle, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, G. Selway and C. J. K. Wilson (9);

Against the motion: Councillors A. N. Blagg, Dr. D. W. P. Booth JP, Ms. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., R. Hollingworth, Mrs. H. J. Jones, B. Lewis F.CMI, Dr. G. H. Lord, Mrs. J. D. Luck, C. R. Scurrell, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb, P. J. Whittaker and Mrs. J. M. Boswell (22);

Abstention: Councillors J. T. Duddy, S. R. Peters and L. Turner (3).

Accordingly the Chairman declared the motion to be LOST.

35/07 **APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES ON OUTSIDE BODIES**

**RESOLVED** that the Council's representatives on outside bodies be appointed as set out in Appendix "1" to these minutes.

36/07 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 10TH JULY 2007**

**(i) COMPREHENSIVE PERFORMANCE ASSESSMENT AND IMPROVEMENT PLAN 2007/08**

**RESOLVED:**

- (a) that the Audit Commission's Comprehensive Performance Assessment report and in particular the areas for improvement set out on page 7 of the report be noted;
- (b) that the Improvement Plan 2007/2010 be approved;
- (c) that it be noted that the Improvement Plan cross references to the recommendations contained in the Audit Commission's Comprehensive Performance Assessment report but also contains other actions for 2007/2008 designed to deliver the Council Plan 2007/2010;
- (d) that the changes to the Council Plan set out in section 3.4 of the report, based on the Corporate Management Team's view of the Council's capacity to deliver the Council Plan 2007/2010 be approved; and
- (e) that it be agreed that further updates to the Improvement Plan for 2007/08 may be required as determined by discussions between the Improvement Director and Corporate Management Team.

**(ii) CAPITAL PROGRAMME INCREASE – OAKALLS PLAY FACILITY**

**RESOLVED:**

- (a) that the payment of an additional £25,000 in respect of play facilities at the Oakalls Estate in Bromsgrove from Section 106 monies be approved; and
- (b) that the Capital Programme for 2007/2008 be amended accordingly.

**(iii) TOWN CENTRE REGENERATION**

**RESOLVED:**

- (a) that a Development Partner be sought either by way of the Official Journal of the European Union process or other appropriate mechanisms;
- (b) that specialist expertise be obtained to assist with the project management of the regeneration of the Town Centre until March 2008 and that this be funded from the Town Centre budget; and
- (c) that authority be delegated to the appropriate officers to issue Compulsory Purchase Orders to facilitate the redevelopment of the Town Centre in accordance with an agreed Area Action Plan.

37/07 **EXCLUSION OF THE PRESS AND PUBLIC**

**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 following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part in each case being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
38/07 (i)	3
38/07 (ii)	4

38/07 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 10TH JULY 2007 AND 18TH JULY 2007**

**(i) CAPITAL PROGRAMME INCREASE – DOLPHIN CENTRE CATERING CONTRACT**

**RESOLVED:**

- (a) that the payment of £45,000 in respect of the capital investment relating to the cancellation of the current catering contract at the Dolphin Centre be approved;
- (b) that the Capital Programme for 2007/2008 be amended accordingly; and
- (c) that in order to ensure the availability of the catering service to customers and having regard to the income implications, the continuation of the service on site until at least 31st October 2007 be approved.

**(ii) FUTURE SENIOR MANAGEMENT STRUCTURE**

**RESOLVED:**

- (a) that the proposed structure as set out in Appendix A to the report be approved for implementation with effect from 19th July 2007;
- (b) that the statutory function of Chief Finance Officer/Section 151 Officer be permanently transferred from the Corporate Director (Resources) to the Head of Financial Services with immediate effect;
- (c) that the use of external recruitment consultants to recruit to the vacant Executive Director post be approved and that the recruitment costs be funded from the accumulated savings generated from the vacant Corporate Director (Resources) post;
- (d) that the increase in salaries associated with Head of Financial Services and the Head of Legal, Equalities and Democratic Services be approved and be funded in 2007/08 from the accumulated savings generated from the vacant Corporate Director (Resources) post and in future years it be factored into the review of the medium term financial plan;

- (e) that the Chief Executive be granted delegated Authority in consultation with the Leader of the Council to interview the Corporate Director (Services) in order to determine into which post he should be redeployed; and
- (f) that the Appointments Committee be informed of the need to take responsibility for the appointment of the vacant Executive Director post.

The meeting closed at 8.15 pm

Chairman

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**SCHEDULE OF THE COUNCIL'S CURRENT REPRESENTATIVES ON OUTSIDE BODIES  
(2007-2008)**

<b>BODY</b>	<b>REPRESENTATIVE(S) APPOINTED</b>	<b>LENGTH OF TERM</b>	<b>EXPIRY OF TERM OF OFFICE (IF NOT FOR AN INDEFINITE PERIOD)</b>
Age Concern (Hereford and Worcester County Committee)	Councillor Mrs. M. Bunker	3 years	May 2010
Bishop Hall's Bible Charity	Mr. D. G. Hughes	4 years	December 2008
Bromsgrove Arts Centre Operating Trust	Miss D. H. Campbell Councillor J. T. Duddy Councillor Mrs. J. M. L. A. Griffiths Councillor Mrs. M.A. Sherrey J.P. Councillor R. Smith	3 for 3 years 2 for 2 years	April 2009 (2 year appointment) April 2009 April 2009 April 2009 April 2009 (2 year appointment)
Bromsgrove Arts Centre Holding Trust	Mr. M. Horton Councillor Ms. J. A. Marshall Councillor D. McGrath Mr. R. Moule Mr. D. Slade Mr. A. Turpin	3 for 3 years 3 for 2 years	April 2009 (2 year appointment) April 2009 April 2009 (2 year appointment) April 2009 April 2009 April 2009 (2 year appointment)
Bromsgrove Institute	Councillor E. C. Tibby	4 years	7th February 2009
Bromsgrove United Charities	Mrs. K. M. Gall Councillor Mrs. J. M. L. A. Griffiths Mr. D. C. Norton	4 years	7th May 2009 27th July 2011 10th January 2010

<b>BODY</b>	<b>REPRESENTATIVE(S) APPOINTED</b>	<b>LENGTH OF TERM</b>	<b>EXPIRY OF TERM OF OFFICE (IF NOT FOR AN INDEFINITE PERIOD)</b>
The Court of Birmingham University	Councillor Dr. G.H. Lord	5 years	31st December 2012
Trustee Body of White's Cottage Homes Charity	Mrs. M. W. V. Firminger	4 years	May 20011
West Midland Reserve Forces and Cadets Association - County Committee	Councillor C. J. Tidmarsh	3 years	31st March 2008
Alvechurch Village Society	Councillor Mrs. J. M. L. A. Griffiths		
Amphlett Hall Management Committee	Councillor Mrs. M. Bunker Councillor Mrs. J. M. Boswell Councillor Mrs. J. M. L. A. Griffiths Councillor Mrs. M. A. Sherrey J.P.		
Avoncroft Museum of Buildings Management Council	Councillor Mrs. C. J. Spencer		
Bromsgrove Citizens' Advice Bureau	Councillor Mrs. M. A. Sherrey J.P. Councillor C. J. Tibby		
Bromsgrove District Housing Trust Board	Councillor Mrs. M. Bunker Councillor Mrs. C. J. Spencer		
Bromsgrove District Sports Council	Councillor Mrs. H. J. Jones Councillor R. Smith Councillor C. B. Taylor		

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Bromsgrove District Twinning Association	Chairman of the Council (ex-officio - Councillor Mrs. J.M. Boswell) Councillor S. Colella Councillor D. McGrath Councillor E. Murray		
Bromsgrove Festival Committee	Councillor Mrs. J.M.L.A. Griffiths Mr. D.C. Norton		
Bromsgrove Carnival Committee	Councillor Mrs. J. M. Boswell		
Bromsgrove Police Sub-Division Community Consultative Group	Councillor Mrs. H.J. Jones Councillor Mrs. M. A. Sherrey J.P. Councillor Mrs. C. J. Spencer Councillor C. J. Tidmarsh		
Bromsgrove Youth Strategy Group	Councillor Mrs. J. M. L. A. Griffiths Councillor Mrs. H.J. Jones		
Clent Hills Advisory Committee	Councillor Mrs. M. A. Sherrey J.P.		
Campaign for the Protection of Rural England (Worcestershire Branch) - Bromsgrove District Group	Councillor Mrs. J. Dyer M.B.E.		
Gateway Women's Refuge	Councillor Mrs. J. M. L. A. Griffiths		

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Hagley Community Association	Councillor S.R. Colella Councillor C. R. Scurrell		
Local Government Association General Assembly	Councillor R. Hollingworth		
Local Government Association Rural Commission	Councillor C.R. Scurrell Councillor P. J. Whittaker		
Marlbrook Tip Advisory Group	Councillor A.N. Blagg Councillor Dr. G.H. Lord		
Midlands Joint Advisory Council for Environmental Protection	Miss D. H. Campbell Councillor Mrs. C. J. Spencer		
Multi-Agency Resource Centre, Charford	Councillor Dr. D. W. P. Booth J.P.		
Shared Services Members' Board	Councillor R. Hollingworth (Deputy: Councillor Mrs J.M.L.A. Griffiths)		
West Midlands Association of Leisure Chairmen	Portfolio Holder for Culture and Community Services (ex-officio – Councillor Mrs. J.M.L.A. Griffiths)		
West Midlands Local Government Association: (i) Council	Executive Leader of the Council (ex-officio - Councillor R. Hollingworth)		

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(ii) Regional Planning Partnership	Portfolio Holder for Planning and Regeneration (ex-officio – Councillor Mrs. J. Dyer M.B.E.)		
(iii) Provincial Council	Portfolio Holder for Finance (ex-officio - Councillor G. N. Denaro)		
(iv) Regional Housing Partnership	Portfolio Holder for Housing and Environment (ex-officio - Councillor P.J. Whittaker)		
West Midlands Regional Assembly	Councillor R. Hollingworth (Executive Leader of the Council) Councillor Mrs. J. M. L. A. Griffiths (Deputy)		
Worcestershire County Council Health Overview and Scrutiny Committee	Councillor Mrs. M. Bunker		
Worcestershire County Council's Highways Partnership (Bromsgrove) Forum	Councillor Mrs. R. L. Dent Councillor R. Hollingworth Councillor C.J.K. Wilson		
Worcestershire Hub Board	Councillor R. Hollingworth Councillor M. J. A. Webb		

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