

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 17TH MARCH 2010, AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Vice-Chairman), Mrs. J. M. Boswell, A. N. Blagg, Dr. D. W. P. Booth JP, Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, Dr. G. H. Lord, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor (present during part of Minute No. 106/09 to 113/09), E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker

97/09 **CHAIRMAN OF THE COUNCIL**

The Vice-Chairman announced that the Chairman had been taken into hospital that afternoon and she would therefore be chairing the meeting.

98/09 **PRAYER**

At the request of the Vice-Chairman, the Reverend Brian Hunt opened the meeting with a prayer.

99/09 **MINUTE SILENCE**

The Chamber held a minute silence in memory of the late Mrs. Sheila Joy Bushby M.B.E. who had been a Member of the Council from 1976 to 1995 and from 1999 to 2003 and Chairman during 1985/86.

100/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C. R. Scurrall (Chairman), Miss D. H. Campbell JP, Mrs. R. L. Dent, L. J. Turner and B. Lewis F.CMI.

101/09 **MINUTES**

The minutes of the Extraordinary Meeting of the Council held on 24th February 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

102/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received. The Vice-Chairman announced that those Members who were Parish Councillors did not need to declare an interest in item 13 (Parish Council Charter).

103/09 **ANNOUNCEMENTS FROM THE CHAIRMAN**

On behalf of the Chairman, the Vice-Chairman reminded Members of the Civic Charity Dinner at Hagley Hall on 16th April 2010.

104/09 **ANNOUNCEMENTS FROM THE LEADER**

The Leader made the following announcements:

- (a) He had re-organised the responsibilities of Portfolio Holders to bring these into line with those of the new Single Management Team. The new Portfolios were as follows:

Policy, Performance and Partnerships	Councillor R. Hollingworth
Finance and Resources (including customer services, legal, equalities, democratic services and human resources)	Councillor G. N. Denaro
Community (including leisure, cultural services, environmental services and crime and disorder/CCTV)	Councillor M. J. A. Webb
Planning and Regeneration (including train station, Longbridge)	Councillor Mrs. J. Dyer M.B.E.
Regulation, Strategic Housing and Climate Change	Councillor P. J. Whittaker
Transformation (including ICT and town centre programme)	Councillor Dr. D. W. P. Booth JP
One Community (including community engagement)	Councillor R. D. Smith
Children and Young People, Older People and the Vulnerable	Councillor Mrs. M. A. Sherrey JP
Revenue Generation and Economic Development (including retail/manufacturing regeneration and car parking)	Councillor J. T. Duddy

- (b) Members were reminded of the need to submit reports on meetings of Outside Bodies they attended so that these could be made available in the Members' Room in order to keep other Members updated.
- (c) The Leader referred to misleading rumours that were around in the run up to the General Election, including a letter to the press which claimed that it had cost £500,000 to build the Market Hall, financed over a sixty year period and that the loan had not been paid off. The truth was that the cost had amounted to £549,000, including a loan for £27,000 over six years which had been paid off in 1999/2000.
- (d) At the last meeting of the Council a Member had referred to the Council having received an increase in grant of £300,000 which should enable the Council to improve its services, etc. This was incorrect as the Council had in fact received £101,000 but at the same time the Government had reduced the grant for running the benefits service by £50,000. The Leader then referred to the Council collecting £24m in business rates which was sent to the Government with £4m received back. Changes were anticipated and whilst the Council had received an increase of £101,000 for 2010/11, it was possible that the sum would reduce by 15% over the next three years, either by 5% each year or by 15% in one go. This could present problems to the Council in the face of increasing costs such as the general cost of living and higher salaries costs due to increments. The Council would have to make cuts in services or increase the Council Tax by 10% or, at it was trying to do, be more efficient such as with shared services, so as to bear the brunt of such cuts from the Government.

105/09 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 3RD MARCH 2010**

(i) **TREASURY MANAGEMENT STRATEGY AND INVESTMENT STRATEGY 2010/11 TO 2012/2013**

RESOLVED:

- (a) that the Treasury Management Strategy Statement and Investment Strategy 2010/2011 to 2012/2013, together with the prudential indicators set out in appendix B to the report be approved;
- (b) that the Authorised Limit for borrowing be set at £6,500,000;
- (c) that the maximum level of investment to be held within each organisation be set at £3,000,000 subject to market conditions;
- (d) that the unlimited level for investment in Debt Management Account Deposit Facility be approved; and
- (e) that the Treasury Management Policy statement set out in appendix F to the report be approved.

(ii) **NON DOMESTIC RATES - HARDSHIP RELIEF POLICY**

The recommendations from the Cabinet were moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth.

During consideration of this matter the Vice-Chairman requested the public gallery to be quiet and to remain seated during the Council proceedings.

Councillor P. M. McDonald moved an amendment that a Member of the Cabinet should be consulted on applications under the policy. Councillor Denaro indicated that he was willing to accept this amendment, whereupon it was

RESOLVED:

- (a) that the National Non Domestic Rates Hardship Policy as set out in the appendix to the report be approved;
- (b) that the Council's Section 151 Officer, in consultation with the Portfolio Holder for Finance and Resources, be authorised to determine any applications in accordance with the Policy.

106/09 **MINUTES OF THE MEETING OF THE CABINET HELD ON 3RD MARCH 2010**

The minutes of the meeting of the Cabinet held on 3rd March 2010 were submitted for information.

With reference to the contents of Minute No. 161/09 (Performance Management Board – Annual Artrix Performance Report), Councillor P. M. McDonald referred to the current Council funding of £120,000 per year for the Artrix and sought an assurance that the Service Level Agreement (SLA) being negotiated would include a condition with regard to anti-social behaviour. The Leader responded that the original agreement with the Artrix did not include any provision for an SLA but that the Council would guarantee to provide up to £120,000 each year to support the Artrix for ten years. An SLA had now been agreed with Artrix which just needed signing by the respective bodies but this did not include any provision with regard to ant-social behaviour, however, he was happy to talk to officers about including something along these lines.

With reference to the contents of Minute No. 165/09 (Bromsgrove Rovers/Victoria Ground Update), Councillor P. M. McDonald sought an assurance that the Victoria Ground would be kept for the reasons it was given to the Council and not handed over to developers. The Leader responded that he had given an assurance to the residents of Victoria Road that, whilst he was Leader, the ground would not be used for any other purpose than on the basis that it had been given to the Council. He was prepared to give a further assurance that the situation would not be changed to allow developers to use the ground, and if it was not used for football, the ground would revert to open space for use by local people.

107/09 **QUESTIONS ON NOTICE**

Three questions on notice had been received which were taken in the order received. Councillor S. R. Peters clarified that his question was intended for the meeting of the Council to be held in April 2010.

1. Question submitted by Councillor P. M. McDonald to the Leader

“What action will the Leader be taking regarding the Audit Commission being given false information by this Council? I refer to the ‘Dads and Lads Allotment Project, Prisoners Released into the Foyer and miss allocation of £2.2m Capital spent on the SPATIAL Programme.”

The Leader replied that he had not been able to find out who had spoken to the Audit Commission about the ‘Dads and Lads’ project but he had asked the Director of Policy, Performance and Partnerships to hold a specific officer meeting in future to consider the accuracy of the draft Audit Commission report.

With regard to the Foyer Project he referred to a statement previously issued by the Council: “The Council would like to stress that the recent statement made in the CAA Organisation Assessment document, that refers to the Foyer Project as ‘a hostel for young people to move into straight from prison’ is incorrect and misleading.” The Audit Commission had accepted that the statement had been incorrect and misleading.

With regard to the Spatial Project the Leader responded by referring to the approach taken by HM Revenues and Customs whereby such cost should be treated as capital. Officers had been working closely with the Department for Communities and Local Government and the Audit Commission and were expecting to hear by 31st March 2010 that the Council’s stance in treating the expenditure as capital had been vindicated.

Councillor P. M. McDonald reiterated the first part of his question as to what action would the Leader be taking regarding the Audit Commission being given false information?

The Leader replied that it was difficult to take action when it was not known where the information had come from. It may have come from an outside body but it had not been possible to track down the source of the information.

2. Question submitted by Councillor E. J. Murray to the Leader

“Does the leader feel spending £45,000 on solicitors to carry out investigations is value for money? In the light of the Council’s legal department has increased fourfold in as many years.”

The Leader replied that Members should get their facts right and not pass on misleading information in a public forum. Under part 5 of the Code of Conduct such action could potentially bring their office and the Council into disrepute. It was misleading to say that £45,000 was being spent on a seating row when the money was having to be spent due to the behaviour of certain Members in the Chamber on 29th July 2009

who had tried to disrupt the democratic process. Complaints about Member conduct had been considered by the independent Standards Committee to be serious enough to warrant investigation and there was a need to provide funds to the Monitoring Officer to pay for an external investigation. It was not possible to do an internal investigation as senior Members were involved and officers had been witnesses to what had happened. Also there was insufficient staff to cope with the extra work of an investigation within an appropriate timescale. The Legal Department had not increased fourfold. The staffing costs had increased from £252,000 to £321,000 over a four year period, an increase of 28% over four years.

Councillor Murray did not ask a supplementary question.

3. Question submitted by Councillor S. P. Shannon to the Leader

“Will the Leader of the Council in relation to his incompetence that led to 2000 plus residents missing out on recycling be now thinking of resigning his position in the light of the purchasing once again of unsuitable vehicles and the added expenditure now incurred of £65,000?”

The Leader replied that the figure was 1995 not over 2000 and he would not resign. Nobody had missed out as the service had been changed and the costs had not increased over and above the percentage service coverage that the Council had aimed for. He then explained a graph which was displayed electronically to the Chamber in relation to the cost of the recycling service and percentage coverage. To cover 88% of the dwellings in Bromsgrove required five of the chosen vehicles at a cost of £160,000 each, amounting to a total capital cost of £800,000, with each vehicle having a crew of three. This size vehicle was chosen to minimise the number of trips to the Depot to offload the waste collected. To have chosen the next size down vehicle to achieve a coverage of 90% would have required seven vehicles at a cost of £120,000, at a total cost of £840,000, with a requirement for seven crews, equating to an increased capital and revenue cost. He had listened to the public who were upset at missing out on the recycling service and had asked officers to look at the matter. The Council was now aiming to achieve 93% coverage in the coming year with the box collection continuing in the relevant areas. Thereafter, the situation would need to be reviewed further as to achieve 100% coverage would require the Council to spend another £250,000 on small vehicles. He stressed that officers had made the right decision with regard to the vehicles chosen.

Councillor Shannon asked a supplementary question as to how much would the extra vehicles cost to rectify what had just happened with regard to the withdrawal of service to residents and where would the money come from?

The Leader replied that he had just answered the question and that there would have to be a bid for funding as part of next year's budget process, together with a business case. If that proved to be the right thing to do then the money would be spent.

108/09 **MOTION - MARKET HALL**

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

"To many the market hall is part of Bromsgrove's heritage which makes it stand out from other towns. If the market hall is lost and gone forever so will so much associated with it. Therefore any regeneration of the Market Hall Site includes within in a Market Hall."

The motion was moved by Councillor P. M. McDonald and seconded by Councillor E. J. Murray.

An amendment was moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro that the last sentence be replaced to read "Therefore any regeneration of the Market Hall Site should consider the inclusion of a Market Hall as one of the options."

On a requisition under Council Procedure Rule 17.5, the following details of voting on the amendment were recorded:

For the amendment: Councillors A. N. Blagg, Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, Dr. G. H. Lord, S. R. Peters, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

Against the amendment: Councillors Mrs. A. E. Doyle, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. P. Shannon and C. J. K. Wilson (10).

Accordingly the Vice-Chairman declared the amendment to be CARRIED whereupon it became the substantive motion.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the substantive motion were recorded:

For the substantive motion: Councillors A. N. Blagg, Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, DR. G. H. Lord, S. R. Peters, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

Against the substantive motion: Councillors Mrs. A. E. Doyle, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. P. Shannon, and C. J. K. Wilson (10).

Accordingly the Vice-Chairman declared the substantive motion CARRIED.

109/09 **MOTION - MARKET HALL**

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

“There is a growing ground swell of support opposing the demolition of the market hall and having regard to the fact that residents were never consulted over such a proposal; that this Council continues to operate and manage the Market Hall until Bromsgrove residents have been fully consulted regarding any regeneration of the site.”

The motion was moved by Councillor Mrs. C. M. McDonald and seconded by Councillor C. J. K. Wilson.

During the debate the Vice-Chairman asked the public gallery to remain quiet.

On a requisition under Council Procedure Rule 17.5, 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, S. P. Shannon and C. J. K. Wilson (9);

Against the motion: Councillors A. N. Blagg, Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Dr. G. H. Lord, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (20);

Abstentions: Councillors Ms. H. J. Jones, Mr. J. D. Luck and S. R. Peters (3).

Accordingly the Vice-Chairman declared the motion to be LOST.

110/09 **REVISIONS TO THE CONSTITUTION**

Members considered a report of the Head of Legal, Equalities and Democratic Services on the need to amend the Employment Rules within the Council's Constitution in order to reflect the new single management team which supported this Council and Redditch Borough Council, and to amend the Scheme of Delegation to authorise officers seconded to the Council under Shared Service arrangements to exercise delegations on behalf of the Council.

The Vice-Chairman announced that the meeting would be adjourned for two minutes to allow Members the opportunity to read the revised version of the appendix to the report which had been tabled.

Having reconvened and with the consent of the meeting, Councillor G. N. Denaro proposed that recommendation 2.1.1 be altered to refer to the tabled version of the Appendix to the report. The altered recommendations were moved by Councillor G. N. Denaro and seconded by Councillor Mrs. M. A. Sherrey JP, whereupon it was

RESOLVED:

- (a) that the tabled version of the Employment Procedure Rules be approved as Part 13 of the Constitution with effect from 20th April 2010;
- (b) that the words below be added to clause 1 b. of the Preamble to the Scheme of Delegation:

For the avoidance of doubt, successor post holder(s) include officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

111/09 **PARISH COUNCIL CHARTER**

The Vice-Chairman announced that this item had been deferred as the matter needed to be referred to the Parish Forum for further consultation.

112/09 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 15 (recommendation from the Appointments Committee) was moved by the Vice-Chairman on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act as amended, being information in relation to an individual. Members needed to consider whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information by debating the matter in public.

Having been put to the vote it was

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph 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>Paragraph</u>
113/09	1

113/09 **RECOMMENDATION FROM THE APPOINTMENTS COMMITTEE**

APPOINTMENT OF INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

RESOLVED that Ms Gillian Bell be appointed to serve as an Independent Member on the Standards Committee for a four year term of office expiring 17th March 2014.

The meeting closed at 7.35 p.m.

Chairman