

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 16TH NOVEMBER 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), R. J. Laight (Vice-Chairman), Mrs. S. J. Baxter, C. J. Bloore, Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent (present during Minutes Nos. 67/11 to 74/11 only), S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, P. Lammass, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrall, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and C. J. K. Wilson

67/11 **PRAYER**

At the request of the Chairman, the Reverend Beverley Robertson opened the meeting with a prayer.

68/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B. Lewis F.CMI, L. C. R. Mallett, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer and P. J. Whittaker.

69/11 **DECLARATIONS OF INTEREST**

Mr. K. Dicks declared that Mrs. S. Hanley (Executive Director), Mrs. C. Felton (Head of Legal, Equalities and Democratic Services) and himself had a prejudicial interest in agenda item 14 (Motion – Chief Officers Pay). These Chief Officers left the meeting during consideration of this item.

70/11 **MINUTES**

The minutes of the meeting of the Council held on 14th September 2011 and the minutes of the Extraordinary Meeting of the Council held on 27th September 2011 were submitted.

With reference to Minute No. 65/11, Councillor P. M. McDonald referred to comments made by the Leader with regard to the sale of the Aldi site which had not been recorded within the minute.

The Chairman indicated that this matter would be looked into and the minutes amended if necessary.

RESOLVED that the minutes of both meetings be approved as a correct record, subject to any necessary amendment to Minute No. 65/11.

71/11 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD AND/OR THE HEAD OF PAID SERVICE**

On behalf of the Civic Head who had submitted apologies for the meeting, the Chairman referred to the following forthcoming events to which all Members were invited to attend:

- (a) Christmas Lights Switch on in Bromsgrove on Saturday 19th November 2011.
- (b) Christmas Lights Switch on in Rubery on Saturday 26th November 2011.
- (c) Carol Service on Wednesday 14th December 2011 in the Spadesbourne Suite.
- (d) Christmas party for children of Council staff on Tuesday 13th December 2011 in the Spadesbourne Suite.

72/11 **ANNOUNCEMENTS FROM THE LEADER**

There were no announcements from the Leader.

73/11 **RECOMMENDATIONS FROM THE CABINET ON 2ND NOVEMBER 2011**

(i) **WORCESTERSHIRE REGULATORY SERVICES ENFORCEMENT POLICY**

The recommendation was moved by Councillor C. B. Taylor and seconded by Councillor R. Hollingworth.

RESOLVED that the Worcestershire Regulatory Services Enforcement Policy be adopted.

(ii) **CORPORATE DATA BACKUP**

The recommendations were moved by Councillor Dr. D. W. P. Booth JP and seconded by Councillor R. Hollingworth.

RESOLVED:

- (a) that the increase in the Capital Programme for 2011/12 of £55,000, in respect of a user back up device and an additional electronic storage device be approved; and
- (b) that the cost be met from ICT reserves (£10,000) and current revenue underspend in the IT service (£45,000).

(iii) **PROPOSED MERGER OF NORTH WORCESTERSHIRE COMMUNITY SAFETY PARTNERSHIPS**

The recommendations were moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP.

RESOLVED:

- (a) that the merger of Bromsgrove Community Safety Partnership with Redditch Community Safety Partnership and Wyre Forest Community Safety Partnership to create a North Worcestershire Community Safety Partnership be approved;
- (b) that subject to the approval of the merger by each of the Responsible Authorities, authority be delegated to the appropriate officers to take the necessary steps to implement the merger, including the establishment of governance arrangements and entering into any agreements and that this also be subject to endorsement by the relevant Community Safety Partnerships;
- (c) that the continuation of locality based operational and responsive partnership working through the Operational Tasking Group and its Theme Groups be noted; and
- (d) that the intention to review the Countywide partnership arrangements by 2014 be noted.

(iv) SINGLE SUSTAINABLE COMMUNITY STRATEGY FOR WORCESTERSHIRE

The recommendation was moved by Councillor R. Hollingworth and seconded by Councillor M. A. Bullivant.

RESOLVED that the single Sustainable Community Strategy for Worcestershire, including the section on Bromsgrove District, be approved.

74/11 MINUTES OF THE MEETINGS OF THE CABINET HELD ON 27TH SEPTEMBER, 5TH OCTOBER AND 2ND NOVEMBER 2011

The minutes of the meetings of the Cabinet held on 27th September, 5th October and 2nd November 2011 were received for information.

With reference to Minute No. 60/11 (Sale of Freehold 76-88 Sherwood Road, Bromsgrove), Councillor P. M. McDonald referred back to comments he had made earlier in the meeting on this matter (Minute No. 70/11 above refers). He remarked that this decision had been taken by the Cabinet on 5th October 2011 which showed that the matter had not been agreed by the Cabinet or Council when the Leader had referred to the sale of the site at the Council meeting on 27th September 2011, and therefore Members could not have read papers on the matter before that date. Councillor McDonald made further comments alleging that processes had been breached and that without intervention from the Labour Group and the Executive Director (Finance & Resources) the land would have been sold to Aldi. He felt that the Leader should resign as a consequence of how the matter had been handled.

The Leader responded that he wished to hear the tape recording of what he had said at the Council meeting on 27th September 2011; that the recommended means of disposal had come from the County Council's Property Services; that it had never been intended to sell the land to Aldi but

to go to auction; and that the freehold had now been sold at auction at best price. Councillor McDonald welcomed the proposal to listen to the tape recording and maintained that he had given a direct quote of what the Leader had said and that if this was not the case, then he would consider his own position. The Chairman stated that due to the nature of the accusations being made she also wished to listen to the tape recording.

In response to a query raised by Councillor R. J. Shannon with regard to a meeting with Bromsgrove Rugby Club referred to in Cabinet Minute 56/11, Councillor M. J. A. Webb clarified the purpose of that meeting. In response to a further query with regard to a meeting at the Ryland Centre referred to in the same minute, the Chairman indicated that as Councillor Mrs. M. A. Sherrey was absent, she would be contacted with a request to provide clarification to Councillor R. J. Shannon.

75/11 **RECOMMENDATION FROM THE LICENSING COMMITTEE**

STREET TRADING CONSENT POLICY REVIEW – FEES AND CHARGES

The recommendation was moved by Councillor C. B. Taylor and seconded by Councillor Dr. D. W. P. Booth JP.

RESOLVED that the fees and charges as detailed at Appendix 2, Part 5 and Part 7 of the report be approved and adopted.

76/11 **APPOINTMENT TO OUTSIDE BODY - WORCESTERSHIRE COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

Arising from the resignation of Councillor Mrs. J. M. L. A. Griffiths, it was

RESOLVED that Councillor Dr. B. T. Cooper be appointed to fill the vacancy on the Worcestershire County Council Health Overview and Scrutiny Committee for the period ending May 2012.

77/11 **QUESTIONS ON NOTICE**

One question on notice was taken.

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

“Recent comments from the Prime Minister praising the expansion of mixed tenure housing developments across the country seem at odds with comments from the Leader of this Council, who is on record suggesting that not all areas are suitable for affordable housing. Can the Leader of the Council inform members which parts of the district are unsuitable?”

The Leader responded that he was not prepared to answer the question as he had not said that. He had said that some areas could take more than others.

Councillor Shannon asked a supplementary question that with recent positive moves by the Council to introduce a policy to provide 40% affordable housing

on new developments, can the Leader outline how he intends to deliver this when we learn the Cofton Hackett site is proposing 7%.

The Leader referred the supplementary question to Councillor C. B. Taylor as the relevant Portfolio Holder to respond.

Councillor Taylor replied that it was a three phase development. This was the first phase and the Council would try to ensure that there was the full quota of affordable housing in the next phases.

78/11 **MOTION - SHARED SERVICES**

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

“It was originally agreed that a feasibility study would be carried into whether Bromsgrove District Council and Redditch Council could take advantage of economies of scale through sharing services. It was agreed from the outset that should any political group decide against a move to share services then it would not go ahead.

With the outcome of the feasibility study it was decided by a political group it did not support the outcome to share services. This was ignored by the controlling group who embarked on shared services with Redditch spending millions of pounds on start-up costs.

From shared services it developed into shared management, shared authority to merging with Wyre Forest to create a North Worcestershire Authority to rival the County Council.

At no time have the residents of Bromsgrove been consulted and all decisions relating to this issue have been made and discussed in secret. The actions being taken in secret threaten to lose Bromsgrove’s identity and service supplied on local need.

Therefore we call upon the Council to have a referendum letting the people decide on whether they agree with the decisions that have been made in secret and want to merge with Redditch and Wyre Forest.”

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

Following some debate Councillor J. A. Ruck moved a closure motion that the motion be put to the vote but this was not seconded.

Following the right of reply by Councillor P. M. McDonald as the mover of the motion, on a requisition under Council Procedure 17.5, the following details of voting were recorded.

For the motion: Councillors C. J. Bloore, Ms. M. T. Buxton, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon and C. J. K. Wilson (9);

Against the motion: Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, J. A. Ruck, C. R. Scurrall, C. B. Taylor, C. J. Tidmarsh. L. J. Turner and M. J. A. Webb (23);

Abstentions: 0

Accordingly, the Chairman declared the motion to be LOST.

79/11 **MOTION - POLICE FUNDING**

Members considered the following motion submitted by Councillor C. J. Bloore.

“That the Council should write to and ask the Home Secretary Theresa May to reconsider the cuts in Police Funding and should recommend to her that the proposed £130 million pounds to be spent on the proposed Police Commissioners should be spent on retaining front line Police Officers instead.”

The motion was moved by Councillor C. J. Bloore and seconded by Councillor R. J. Shannon.

Having been put to the vote, the Chairman declared the motion to be LOST.

80/11 **MOTION - NATIONAL ISSUES**

The Chairman referred to the motion which had been submitted by Councillor R. Hollingworth on the need to ensure that the Chamber did not discuss motions on national issues. She had spoken to the Leader and acknowledged that, as Chairman, she needed to liaise closely with the Monitoring Officer to ensure that motions were in the spirit of the Constitution. Accordingly the Leader had withdrawn his motion.

With the consent of the Chairman, the Leader explained why he had withdrawn the motion.

81/11 **MOTION - CHIEF OFFICERS PAY**

Members considered the following motion submitted by Councillor E. J. Murray.

“That this Council treats its Chief Officers the same as other employees by implementing a pay freeze and that pay freeze continues in line with other employees.”

The motion was moved by Councillor E. J. Murray and seconded by Councillor C. J. K. Wilson.

During the ensuing debate Councillor R. Hollingworth explained that all staff were already being treated equally. In line with national agreements, Chief Officers and other employees were able to receive incremental increases within their pay scales, unless they were already at the top of their pay scale. For Chief Officers such incremental increases were based on merit.

Following further debate, a closure motion was moved by Councillor Dr. D. W. P. Booth JP and seconded by Councillor R. Hollingworth that the motion be now put to the vote.

Having been put to the vote, the closure motion was CARRIED.

An exchange then took place between the Chairman and Councillor R. J. Shannon during which the Chairman sought an apology for a remark made.

Following the right of reply by Councillor E. J. Murray as the mover of the original motion, the motion was put to the vote and declared by the Chairman to be LOST.

82/11 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 16 (Management Arrangements) was moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the Act as amended, being information in relation to any individual and any ongoing or contemplated negotiations in connection with labour relations matters between the Council and officers. 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.

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

For the motion: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, S. J. Dudley, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammass, J. A. Ruck, C. R. Scurrall, C. B. Taylor, C. J. Tidmarsh and M. J. A. Webb (21);

Against the motion: Councillors Mrs. S. J. Baxter, C. J. Bloore, Ms. M. T. Buxton, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon, L. J. Turner and C. J. K. Wilson (11);

Abstentions: 0

Accordingly, the Chairman declared the motion to be CARRIED.

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>Paragraphs</u>
83/11	1 and 4

At this point the Labour Group left the meeting.

83/11 **MANAGEMENT ARRANGEMENTS**

The recommendations from the Shared Services Board were moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP.

RESOLVED:

- (a) that the management proposals within the report be approved and implemented;
- (b) that the Council approves the consequential employment issues that will arise as a result of these management changes and that Bromsgrove District Council as the employing authority take the necessary action in accordance with all appropriate employment procedure rules.

The meeting closed at 8.08 p.m.

Chairman