

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 14TH SEPTEMBER 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, M. A. Bullivant, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, R. J. Deeming, Mrs. R. L. Dent, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, P. Lammas, L. C. R. Mallett, 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, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

47/11 **PRAYER**

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

48/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. S. Brogan, Dr B. T. Cooper, S. J. Dudley, B. Lewis F.CMI and L. J. Turner.

49/11 **DECLARATIONS OF INTEREST**

Councillor C. B. Taylor initially declared a personal interest in agenda items 10 and 11 relating to potential County Council spending cuts as a Member of the Worcestershire County Council.

The Chairman stated she had taken advice and it was not necessary for Members who were also County Councillors to declare an interest in the circumstances.

50/11 **MINUTES**

The minutes of the meeting of the Council held on 20th July were submitted.

RESOLVED that subject to the deletion of the final paragraph of minute 39/11, the minutes be approved as a correct record.

51/11 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD AND THE HEAD OF PAID SERVICE**

There were no announcements from the Chairman or the Head of Paid Service.

The Civic Head referred to the following events:

- (a) Civic Service on 17th September 2011.
- (b) Black Country Night Out on 20th January 2012

52/11 **ANNOUNCEMENTS FROM THE LEADER**

(a) Olympic Torch Procession

The Leader advised that Bromsgrove was the only District in the County which would not be hosting part of the Olympic Torch Procession. A representative from Bromsgrove had been selected to take part in the procession but this Council had not been consulted or involved.

(b) Sainsbury's Development

The Leader referred to the comments made by Councillor R. J. Shannon relating to the possibility of Sainsbury's not proceeding with the development in Bromsgrove, and reported that a planning application had now been received to facilitate the supermarket development.

(c) Balances/Capital Expenditure

The Leader referred to a list which had been circulated containing information which had been requested previously by Councillor S. P. Shannon relating to Council expenditure and balances.

(d) Overview and Scrutiny/Planning Committee

The Leader expressed concerns regarding the operation of the Overview and Scrutiny Board and the Planning Committee. With regard to the Planning Committee he had requested officers to consider what changes could be made and how the efficiency of the Committee could be improved which would be of benefit to all Members of the Council.

In relation to Overview and Scrutiny, the Leader felt that Scrutiny should be undertaken to look at areas or issues and to assess whether they were working properly and he felt the recent Car Park Task Group had been a good example of this. The Bus Services Task Group had not been undertaken in the correct manner as it had become very political, with letters and articles appearing in the press before the recommendations of the Task Group were known. The proposed County Council cuts in services had been greatly reduced in fact by

District Councillors raising issues and working with the County Council but this was prior to the Task Group being set up.

The Leader also referred to the recommendation from the Overview and Scrutiny Board in relation to the Marlbrook Tip that he discuss with the Chief Executive how an investigation could be carried out by an appropriate audit/investigation team. There were concerns from the opposition that the Council would be investigating itself and in this regard the Leader was also concerned that there may be a need to look at whether the Audit Board should also be chaired by an independent person rather than by a Member of the Council.

(e) Consultations from Central Government

The Leader referred to a number of Consultation documents from Central Government including those relating to Business Rates and Council Tax Benefits and raised concerns regarding the implementation of these proposals.

Members then raised questions/comments to which the Leader responded as summarised below.

Councillor P. M. McDonald referred to the Sainsbury's issue and commented that five years ago the Leader had stated that the Market Hall site would be developed within a year and this had not happened so how could he be confident that the Sainsbury's development would now go ahead. The Leader responded that the planning application for the service station on Birmingham Road had been received and that Sainsbury's had now agreed to all the Section 106 agreement conditions. He stated he had not mentioned the Market Hall site or indeed given a date for the Sainsbury's development.

Councillor P. M. McDonald referred to previous discussions and comments on the Polymer Latex site at Stoke Prior and queried whether the Leader was aware that it was rumoured that the planning application would be for larger "executive style" houses and would not include 40 per cent affordable housing and that the local Member was aware of this. The Chairman reminded Councillor McDonald that questions should relate to items raised by the Leader at this meeting. The Leader therefore made no comment

Councillor P. M. McDonald referred to the Leader's comments on Scrutiny and commented that the Scrutiny function should be dealt with by the Chairman and Members of the Overview and Scrutiny Board. He queried whether the Leader was aware that it was good practice that Scrutiny should be looking at the actions of the Leader and Cabinet and not the other way around and that it was not for the Leader to decide which issues were to be scrutinised. The Leader responded that he felt it was important that rather than making political points, Scrutiny should be looking at issues which were causing problems. The Leader responded that he had not interfered with the Overview and Scrutiny

Board but that he did not feel that the Bus Services Task Group was a good use of the Board's time when there were other issues which needed addressing.

In relation to Marlbrook Tip Councillor P. M. McDonald queried whether the Leader was aware that officers had advised the Overview and Scrutiny Board that it was not appropriate for the Board to undertake a Scrutiny Exercise. Councillor McDonald stated that the Overview and Scrutiny Board should not be fettered and that the Scrutiny into the Marlbrook Tip should be chaired by the Leader of the Opposition. The Leader responded that he had suggested that Scrutiny should be investigating the background to the Marlbrook Tip issue and to that extent he had agreed with Councillor McDonald. The Leader confirmed he had subsequently been informed by officers that the issue could not be scrutinised. The Chief Executive confirmed that officers would reconsider whether this could be a possible item for Scrutiny.

In relation to the Bus Services Task Group Councillor P. M. McDonald queried why the original consultation on Bus Services from the Worcestershire County Council had not been considered by the Council as a whole so that a formal response could have been sent to the County Council.

Councillor Mrs S. J. Baxter asked the Leader to explain his concerns regarding the Planning Committee. The Leader responded that he was concerned that Planning Policies which had been set by the Council were not always adhered to.

Councillor C. J. Tidmarsh responded to the comments made in relation to the Polymer Latex site. Councillor Tidmarsh stated that the site was likely to be transferred to new ownership within the next 10 days and as that was a major operation, as the local Member he had felt it would be appropriate for the incoming tenants to be welcomed by the Leader of the Council and the Chief Executive. Councillor P. M. McDonald queried under what circumstances Councillor Tidmarsh had met the Company representatives. Councillor L. C. R. Mallett queried whether Councillor Tidmarsh had had any discussions which would be contrary to the Council's policy on affordable housing and the possible mix of housing on the site and specifically if he had had discussions with Polymer Latex as to whether this site would include any affordable housing or if the level would be less than the 40 percent affordable usually required. Councillor Tidmarsh stated he had had no such discussions and had not met the developer.

Councillor E. J. Murray queried why the Leader was questioning the actions of the Planning Committee when the Leader had the opportunity to decide which Members were on the Committee. The Leader responded he was doing what he thought was best as far as the Leading Group was concerned.

53/11 **RECOMMENDATIONS FROM THE CABINET ON 7TH SEPTEMBER 2011**

(i) **BUDGET PREPARATION GUIDELINES**

The recommendation was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP.

RESOLVED that the Budget Preparation Guidelines as set out in appendix 1 to the report be approved.

(ii) **DEDICATION OF COUNCIL CAR PARK LAND TO HIGHWAY**

The recommendation was moved by Councillor D.W. P. Booth JP and seconded by Councillor R. Hollingworth.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor L. C. R. Mallett that the sum of £100,000 be sought in respect of the land.

Having been put to the vote the Chairman declared the amendment to be LOST.

The Cabinet recommendation was then put to the vote as the substantive motion and it was

RESOLVED that the sum of £50,000 from Sainsbury PLC be allocated to the Town Centre Regeneration Programme Capital Budget for 2011/12.

54/11 **MINUTES OF THE MEETING OF THE CABINET HELD ON 20TH JULY 2011**

The minutes of the meeting of the Cabinet held on 20th July 2011 were received for information.

55/11 **SUSPENSION OF COUNCIL PROCEDURE RULES**

During the following item and it having been put to the vote, the Chairman obtained the consent of the Chamber to suspend Council Procedure Rules to enable Mr. S. Jorden, the Head of Worcester Regulatory Services to speak at the meeting in relation to that.

56/11 **QUESTIONS ON NOTICE**

One question on notice was taken.

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

“Does the Leader share concern of Labour Councillors that since responsibility for food safety inspection of schools, nursing homes, cafes, restaurants, fish and chip shops even lay by burger vans has been handed over to Worcester

based "Shared Services Project". The inspection of food safety standards operated in these premises can now rely on just a telephone call to ask if everything is being done correctly and that this "inspection" will suffice for another 12 months?"

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

Councillor Taylor replied that he had spoken to the Leader and he had every confidence in the work of the Worcestershire Regulatory Services and therefore the answer to the question was no.

Councillor Shannon asked a supplementary question as to who takes responsibility for this dangerous strategy and queried when a fit and proper inspection of food outlets regime would return to this District.

At the invitation of the Chairman, the Head of Worcestershire Regulatory Services (WRS) Mr. S. Jorden responded to the supplementary question and stated that there was no dangerous strategy and that WRS had never only dealt with high risk food businesses by way of a phone call. The way in which food businesses were inspected was dictated by the Food Standards Agency through a national framework and this had been followed for the last ten years. Where there was a high risk food business in any District this would be inspected on a regular basis dependant upon the risk.

Councillor Shannon then stated that he had not mentioned high risk food establishments but he did consider schools (which were not being inspected) to be high risk. In view of the importance of the issue relating to schools the Chairman invited Mr. Jorden to respond.

Mr. Jorden stated that he was happy to discuss fully any specific concerns of Councillor Shannon outside the meeting but that in general WRS inspected all businesses, including schools, according to risk which was based upon a national code of practice from the Food Standards Agency. It was stated that irrespective of the type of business the assessment was based on a categorised risk which determined amongst other things the frequency of inspections. A range of interventions was used to ensure those businesses were complying and indeed could prove compliance over time. This process had not changed for the last ten years and it was not intended to change it significantly moving forward a year.

As the Council Procedure rules had been suspended, The Chairman allowed Councillor L. C. R. Mallett to ask a question of Mr. Jorden. Councillor Mallett queried whether there had been any change in the regularity or risk grading of the inspections that were carried out on any type of food establishment over the last five years. Councillor Mallett stressed he was not referring to whether WRS had changed the basis on which risk was assessed or the National Codes that were used to do this, but whether WRS were now visiting establishments any less regularly or whether visits were being substituted with telephone calls when previously there would have been visits.

Mr. Jorden responded that there had not been a change to the way in which premises were inspected. There had been changes to premises risk rating so where premises were deemed to be high risk but a number of criteria were met, the risk could change and the frequency of inspections may be less. Equally where premises were fairly low risk but conditions were such that there was concern, the frequency of inspection could be increased. WRS were considering a number of ways of working with businesses to improve compliance. Where premises were an extremely low risk to the public, for example selling packet food, this may involve contact by telephone to establish whether any circumstances had changed and if so there may be a requirement for a visit. Where nothing had changed, a telephone call may be sufficient. It was emphasised this was only in relation to low risk premises, was wholly in line with the National Code and had been the case for a number of years so that had not changed.

The Chairman thanked Mr. Jorden for his attendance and his contribution to the meeting.

57/11 **MOTION - UNIVERSAL CREDIT**

Members considered the following motion submitted by Councillor R. Hollingworth.

“that this Council supports the concept of the universal credit system but does not believe that the current implementation plan will work and that this Council should therefore write to the Secretary of State for Communities to ask him to deliver proper localisation and not the centralisation he seems to be striving for.”

The motion was moved by Councillor R. Hollingworth and seconded by Councillor Mrs M. A. Sherrey JP.

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

58/11 **MOTION - POLICE AND POSITIVE ACTIVITIES FUNDING**

Councillor Mrs. M. A. Sherrey JP withdrew this motion.

59/11 **MOTION - CUTBACKS IN YOUTH PROVISION**

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

“The proposed cutbacks in youth provision by the County Council could have devastating effects on our youth and the well being of our communities.

Young people are becoming one of the most deprived groups within our communities with poor job prospects.

Any cuts in youth provision can only add to their isolation and thus exclusion from mainstream society.

Therefore, this Council calls upon the County Council to withdraw its proposal to cut back youth provision and maintain its present provision and by doing so giving much needed support to our young people at a time they feel neglected and forgotten.”

The motion was moved by Councillor P. M. McDonald and seconded by Councillor L. C. R. Mallett.

Following some discussion and a brief adjournment an amendment was moved by Councillor R. Hollingworth and seconded by Mrs M. A. Sherrey JP that the final paragraph of the motion be altered to read: “ Therefore this Council calls upon the County Council and puts its full weight behind the Local Strategic Partnership to do the same to withdraw its proposal to cut back youth provision and maintain its present provision and by doing so giving much needed support to our young people at a time when they feel neglected and forgotten.”

Having been put to the vote, the Chairman declared the amendment to be unanimously carried.

The amendment was then put to the vote as the substantive motion and the Chairman declared it to be unanimously CARRIED.

60/11 **MOTION - SHARED SERVICES**

This motion stood deferred to the next ordinary meeting of the Council.

61/11 **RECOMMENDATIONS FROM THE CABINET ON 7TH SEPTEMBER 2011**

(Note: Although the Council agenda had indicated that the public may be excluded during the consideration of this item, in the event it was considered in public as it was noted that staff involved had already received detailed information on the issue).

(i) **LAND DRAINAGE AND WATERCOURSES BUSINESS CASE**

The recommendations from the Cabinet were moved by Councillor M. J. A. Webb and seconded by Councillor R. Hollingworth.

RESOLVED:

- (a) that the shared Land Drainage Service proposals detailed in the Business Case (Option 3) be approved, in accordance with the previously agreed Project Initiation Document dated 22nd June 2011;
- (b) that it be agreed that this new service be known as the “North Worcestershire Land Drainage Service”; and
- (c) that all initial set up costs be met from existing budgets.

(ii) SINGLE BUSINESS CASE FOR SEVEN SERVICES

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor Mrs M. A. Sherrey JP.

It was noted that Strategic Planning was not part of the Shared Services programme at present.

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

For the recommendations: Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth, Mrs. J. M. Boswell, J. R. Boulter, M. A. Bullivant, R. A. Clarke, S. R. Colella, R. J. Deeming, Mrs. R. L. Dent, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, J. A. Ruck, C. R. Scurrall, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (23);

Against the recommendations: Councillors C. J. Bloore, Ms. M. T. Buxton, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon, R. J. Shannon, Mrs E. M. Shannon and C. J. K. Wilson (10)

RESOLVED:

(a) that the Single Business Case proposals be approved in respect of shared services for the following seven services:

- Community Services
- Customer Services
- Environmental Services
- Financial Services
- Legal and Democratic Services
- Planning and Regeneration
- Secretariat and Directorate Support Services

(b) that the detail within the Operational Shared Services Agreement be noted and that subject to the change of date in section 14, which will remain blank until agreement has been reached by full Council and the need for the appendices to be populated, the Agreement be endorsed and signed on behalf of the Full Council.

(iii) CAR PARKING BUSINESS CASE

The recommendations from the Cabinet were moved by Councillor M. J. A. Webb and seconded by Councillor D. W. P. Booth JP.

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

For the recommendations: Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth, Mrs. J. M. Boswell, J. R. Boulter, M. A. Bullivant, R. A. Clarke, S. R. Colella, R. J. Deeming, Mrs. R. L. Dent, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, J. A. Ruck, C. R. Scurrall, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (23);

Against the recommendations: Councillors C. J. Bloore, Ms. M. T. Buxton, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon, R. J. Shannon, Mrs E. M. Shannon and C. J. K. Wilson (10)

RESOLVED:

- (a) that Option 2 (to “extend Wychavon District Council’s service to include Bromsgrove District Council”) be approved as the preferred option for the future delivery of the car parking shared service;
- (b) that the Council introduce Civil (Decriminalised) Parking Enforcement in partnership with Wychavon District Council;
- (c) that authority be delegated to the Head of Environmental Services to exercise the Council’s Civil Parking Enforcement powers within the District of Bromsgrove when Civil Parking Enforcement within the District comes into effect;
- (d) that the Council enter into a Deed of Arrangements with the Parking and Traffic Regulations Outside London Adjudication Joint Committee for the functions in relation to adjudicators under Part 6 of the Traffic Management Act 2004;
- (e) that authority be delegated to the Head of Legal, Equalities and Democratic Services to sign any necessary agreements or other documents to enable the introduction of Civil Parking Enforcement within the District; and
- (f) that up to £75,000 be made available within this Council’s budgets to meet the set up costs of Civil Parking Enforcement.

(iv) EMERGENCY PLANNING BUSINESS CASE

The recommendation from the Cabinet was moved by Councillor M. J. A. Webb and seconded by Councillor Mrs. M. A. Sherrey JP.

RESOLVED that the proposal in respect of an Emergency Planning shared service as detailed in the Business Case under Option 3 (for a North Worcestershire Shared Service) be approved.

The meeting closed at 9.00 p.m.

Chairman