

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

TUESDAY, 19TH JUNE 2012 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. 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, 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. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker

11/12 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. R. Boulter, S. J. Dudley, B. Lewis F.CMI, Mrs M. A. Sherrey JP and C. J. K. Wilson.

The Chairman asked that the Council's good wishes be conveyed to Councillor Lewis and his wife following her recent accident.

12/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

13/12 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE ANNUAL MEETING OF THE COUNCIL HELD ON 16TH MAY 2012**

The minutes of the Annual Meeting of the Council held on 16th May 2012 were submitted.

With reference to Minute No. 10/12 (a), Councillor P. M. McDonald referred to the delegation within the Scheme of Delegations regarding the programming of Council and Committee Meetings and noted that the Chairman's comments in response to his query had not been recorded.

The Chairman indicated that there had been an omission of her comments and the minutes would be amended as necessary.

RESOLVED that the minutes be approved as a correct record, subject to the amendment to Minute No. 10/12 (a).

14/12 **STANDARDS REGIME**

A report of the Head of Legal, Equalities and Democratic Services on fundamental changes to the system of regulation of the standards of conduct for elected and co-opted Councillors had been circulated with the agenda for the meeting.

Subsequent to the circulation of the agenda, the Council had received notification of the Government Regulations on disclosable pecuniary interests and the Ten General Principles of Public Life. As a consequence, supplementary papers were tabled which included a number of changes proposed to the recommendations included within the main agenda pack.

The Chairman proposed that the meeting be adjourned for a short period to allow Members the opportunity to consider this new information and the meeting was consequently adjourned at 6.10pm.

The meeting reconvened at 6.27pm. The tabled recommendations were moved by Councillor M. A. Bullivant and seconded by Councillor Dr. D. W. P. Booth JP. At the invitation of the Chairman, Councillor P. M. McDonald raised queries on three of the recommendations. In response to Councillor P. M. McDonald's question in relation to Paragraph 11(2) of the Code of Conduct the Head of Legal, Equalities and Democratic Services confirmed that Members would not be required to declare their school governorships unless the matter was deemed prejudicial on a case by case basis. Councillor P. M. McDonald proposed an amendment, seconded by Councillor Mrs C. M. McDonald, that the arbitrary lower limit of £25 for any gift or hospitality be removed and all gifts and hospitality, within reason, be recorded in the publically available register. Councillor R. Hollingworth, Leader of the Council indicated his support for this amendment.

Councillor P. M. McDonald proposed a further amendment, seconded by Councillor L. C. R. Mallett, that the Chief Whip of any Group on the Council should not be appointed to the Standards Committee. Councillor R. Hollingworth responded that the Council should ensure that the most appropriate people should be appointed to the Committee regardless of whether they were a party Whip. Having been put to the vote, the amendment was lost and it was consequently

RESOLVED:

- (a) that Members agree the creation of a new Standards Committee to enable the Council to discharge its duty to promote high standards of behaviour in public life and approve the terms of reference of the Committee as tabled at the meeting.
- (b) that Members agree that the new Standards Committee comprise nine elected district councillors and that two Parish representatives be co-opted onto the Committee as non voting co-optees.

- (c) that Members consider and approve the final version of the Code of Conduct, as tabled at the meeting.
- (d) that Members consider and approve the process for managing standards complaints at Appendix 3 to the report and delegate authority to the Standards Committee and the Monitoring Officer to administer complaints in accordance with the agreed process.
- (e) that Members agree the proposals for discharging the requirement under the Localism Act for an Independent Person (s) and delegate authority to the Monitoring Officer to carry out the recruitment and selection process in readiness for interviewing and selection of Independent Persons by the Appointments Committee and final approval by Full Council of the appointments at their meeting in July 2012.
- (f) that Members approve the payment of £1000 per annum to each Independent Person recognising that this payment can be met from existing Member Allowance budgets.
- (g) that Members consider and approve the proposals for managing dispensations and delegate options 1 to 5 on pages 12 and 13 of this report to the Standards Committee. Further that Members note that in relation to option 4 which concerns Cabinet decisions, that the Leader would have an ability to make a decision based on his authority as a Strong Leader and that the delegation to Standards Committee will therefore only be required when the Leader himself is unable to act.
- (h) that Members delegate authority to the Monitoring Officer to make any additional consequential amendments to the Constitution that are required in order to implement the new arrangements set out in this report.
- (i) that Members agree that a Special Responsibility Allowance of £1218 be payable to the Chairman of the new Standards Committee.
- (j) that Members agree to continue the practice of registering gifts and hospitality on a publically available register recognising that they continue to have a duty to act with openness and honesty and integrity, and in order to comply with the requirements of the Council's Anti-Bribery Policy

Councillor J. Ruck requested that Officers provide Members with new forms upon which they might declare their disclosable interests.

15/12 **APPOINTMENT OF COMMITTEES 2012/13**

Members considered a report of the Head of Legal, Equalities and Democratic Services detailing the appointment and composition of the Council's Boards and Committees for the 2012/13 Municipal Year. Councillor P. M. McDonald referred to the constitution of the Board of the Artrix, to which the Leader

responded that the matter of the Council's Outside Bodies would be reported to the next ordinary meeting of the Council.

Having been moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP, it was

RESOLVED

- (a) that for the remainder of the Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier;
- (b) that Members be appointed to the Committees in accordance with nominations to be made by Group Leaders; and
- (c) that the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Council's Constitution arising from (a), above.

16/12 **CONSTITUTION CHANGES AND SCHEME OF DELEGATIONS**

Members considered a report that detailed a number of proposed amendments to the Council's Constitution and which sought approval of the Officer Scheme of Delegations.

Councillor M. A. Bullivant proposed a recommendation that would remove the practice of allowing supplementary questions from section 9.8 of the Council Procedure Rules, this being seconded by Councillor Dr. D. W. P. Booth JP. Councillor M. A. Bullivant stated that this was no more than bringing the Council's practice in line with that of Parliament.

Councillor P. M. McDonald raised concerns at this proposal, noting that supplementary questions were required to be on the same subject as the initial question and were often required to clarify the initial question or the answer provided. It was contended that the supplementary question added depth and value and, on a requisition under Council Procedure Rule 17.5, the following details of voting on the motion were recorded:

For the motion: Councillors Dr. D. W. P. Booth JP, Mrs J. M. Boswell, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr B. T. Cooper, R. J. Deeming, Mrs R. L. Dent, 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, Mrs C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

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

Abstentions: 0

Accordingly the Chairman declared the motion to be carried.

Councillor M. A. Bullivant introduced a second recommendation removing the requirement in paragraph 5 of part 9 of the Constitution that the Chairman of the Audit Board shall not be a member of the controlling group. This was seconded by Councillor Dr. J. W. P. Booth JP. Councillor M. A. Bullivant declared it to be more democratic for the Chairman to be appointed by the Audit Board from amongst its number and noted that several other Worcestershire districts had no such requirement for their Audit Boards. Councillor J. S. Brogan supported this view, stating that it would allow the Board a wider field of candidates from which to choose the most appropriate Chairman.

Councillor P. M. McDonald declared that this proposal removed the independence of the Audit Board and any reassurance of transparency and accountability in its dealings. It was contended that most local authorities followed the practice of having a minority Chairman of such a body.

Councillor Mrs S. J. Baxter expressed her concern that the Constitution was undergoing change on the basis of political whims rather than through any review of best practice. Councillor C. J. Bloore declared the Audit Board to be one of the most effective bodies of the Council, with a very good Chairman and voiced his disquiet at the proposal before Members.

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

For the motion: Councillors Dr. D. W. P. Booth JP, Mrs J. M. Boswell, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr B. T. Cooper, R. J. Deeming, Mrs R. L. Dent, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs H. J. Jones, R. J. Laight, P. Lammas, J. A. Ruck, C. R. Scurrrell, Mrs C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

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

Abstentions: 0

Accordingly the Chairman declared the motion to be carried.

Approval of the Scheme of Delegation to Officers as set out in the report to the Council was moved by Councillor M. A. Bullivant and seconded by Councillor Dr. D. W. P. Booth.

A number of points were discussed and amendments made, as follows.

In respect of Business Transformation and the delegation of Street Naming, House Numbering and Locality Names it was made clear that the policy on naming remained the same as previously and that the Overview and Scrutiny Board could request to review the policy should it wish.

In respect of Community Services (Community Safety) and the Designation of Dispersal Areas, it was proposed by Councillor S. P. Shannon and seconded by Councillor R. J. Shannon that the delegation be amended to include consultation with local ward members. Having been put to the vote, it was

RESOLVED that the delegation to the Head of Community Services in respect of the designation of dispersal areas be amended to add a requirement for consultation with the ward members.

In respect of Community Services (Community Safety) and Alcohol Consumption in Public Places, it was noted that a change agreed by the Licensing Committee in 2010 had not subsequently been included in the Council's Constitution. It was agreed that this matter be reported once more to the Licensing Committee for that body to come to a view and not be included in the Scheme of Delegation at present.

In respect of Environment (Trees) and (i) the confirmation of and (ii) the revocation or variation of Tree Preservation Orders, it was agreed that a separate report be brought back to a subsequent meeting of the Council in order that the proper delegation of such functions by Council directly, rather than through a subsequent delegation by a subsidiary body, might be considered.

In respect of Legal, Equalities and Democratic Services (Democratic Services) and the Programming of Council and Committee meetings, it was agreed that a report be brought back to the following Ordinary meeting of the Council at which time the Council might consider any changes to the programme of meetings.

Having been put to the vote, and subject to the amendments as set out in the preamble, above, it was

RESOLVED that the current version of the Officer Scheme of Delegations as set out at Appendix 1 to the report be agreed.

17/12 **ESTABLISHMENT OF A WEST MERCIA POLICE AND CRIME PANEL**

A report of the Head of Legal, Equalities and Democratic Services relating to the establishment of a Police and Crime Panel in West Mercia had been circulated with the agenda for the meeting.

Whilst voicing his concern at the creation of the role of Police and Crime Commissioners, the Leader noted the statutory requirement to have a Police

and Crime Panel and the need for the Council to appoint a Member to the Panel. Having been moved by Councillor R. Hollingworth and seconded by Councillor Dr. D. W. P. Booth JP, it was

RESOLVED

- (a) that the Council approve the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia police force area, to be administered by Worcestershire County Council as lead authority;
- (b) that the Council approve the proposed membership of the PCP, the Panel Arrangements as set out in the Appendix to the report and any consequential actions required under the Act;
- (c) that the Council appoint a Member to the PCP for a term of office expiring May 2013; and
- (d) that the Council authorises the Head of Legal, Equalities and Democratic Services to finalise any necessary details of the proposals in consultation with the Leader.

Having been moved by Councillor Dr. D. W. P. Booth JP and seconded by Councillor J. A. Webb, it was

RESOLVED that the Council appoint Councillor R. Hollingworth to the PCP for a term of office expiring May 2013.

The meeting closed at 7.31 p.m.

Chairman