

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 21ST NOVEMBER 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, 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, S. J. Dudley, R. Hollingworth, Mrs. H. J. Jones, P. Lammas, B. Lewis F.CMI, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrrell, 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, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

49/12 **MR R. M. OULSNAM**

The Chairman held a minutes silence in memory of the late Mr. R. M. Oulsnam, who was a former Chairman of the Council. Members and officers stood in tribute to his memory.

50/12 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. D. W. P. Booth JP, J. R. Boulter, K. A. Grant-Pearce and Miss P. A. Harrison.

51/12 **DECLARATIONS OF INTEREST**

The following declaration of interest was made:

**Item 6 – Member Involvement in Pre Planning Application Discussions - Policy**

Councillor S. J. Dudley declared a disclosable pecuniary interest as a local Planning Consultant and Agent. Councillor Dudley left the meeting during the consideration of this item.

52/12 **MINUTES**

The minutes of the Meeting of the Council held on 26th September 2012 were submitted.

Councillor L. C. R. Mallett commented on the question relating to the Bromsgrove Museum which he had asked at the previous meeting and to the response given at the meeting by the Leader. Councillor Mallett also referred to a letter which all Councillors had subsequently received from Solicitors acting for the original donor of the Bromsgrove Museum and the further response to all Councillors from the Monitoring Officer.

The Leader responded that the situation was as explained by the Monitoring Officer.

**RESOLVED** that the minutes be approved as a correct record.

53/12 **ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD OR THE HEAD OF PAID SERVICE**

The Civic Head reminded Members that the Carol Service would take place in the Spadesbourne Suite at 6.30pm on 12th December 2012 and all were welcome to attend.

54/12 **ANNOUNCEMENTS FROM THE LEADER**

- (a) the Leader informed Members that together with the Leader of Redditch Borough Council, the Members of Parliament for Redditch and Bromsgrove and representatives from the "Save the Alex Campaign" he had met with the Parliamentary under Secretary of State for Health to discuss the Alexandra Hospital.

In addition the issue had been raised in respect of the possibility of transferring the Princess of Wales Hospital from one organisation to another. This was being considered and there would be a report back in due course.

- (b) the Leader referred briefly to the letter sent by the Monitoring Officer to Members in respect of the Museum.
- (c) the Leader announced there would be an Extraordinary Meeting of the Council on 16th January 2013 in order to consider a number of financial and budgetary issues arising from changes made by Central Government.
- (d) the Leader referred to an item which had appeared in the Local Press regarding an issue within the Town Centre in which he had commented on "pink papers" and implied that these may no longer be produced. The Leader wished to apologise for any misunderstanding of the situation. Councillor P. M. McDonald referred to a press release issued in respect of the cost of the Council's telephone service. Councillor McDonald now understood that some of this information had been incorrect and he wished to apologise for any offence caused.

55/12 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 7TH NOVEMBER 2012**

**(i) Revised Statement of Gambling Principles 2013 - 2016**

The Cabinet recommendation was proposed by Councillor C. B. Taylor and seconded by Councillor Mrs. R. L. Dent.

**RESOLVED** that outcome of the consultation exercise be noted and that the revised Statement of Gambling Principles 2013 – 2016 be adopted.

**(ii) Member Involvement in Pre Planning Application Discussions**

A revised report was circulated which encompassed the clarification and changes requested by Cabinet. The Leader stated that it would be necessary to delay the implementation of the new protocol until 1st February 2013 to enable Members to undertake the appropriate training. In addition there may be a need to revise the protocol to take account of experiences once it was in place. Members welcomed the introduction of the new protocol.

The Cabinet recommendations were proposed by Councillor C. B. Taylor and seconded by Councillor R. Deeming.

**RESOLVED**

- (a) that the Member Protocol for involvement in pre application discussions, in its amended form as set out at Appendix 1 to the report be approved and implemented from 1st February 2013;
- (b) that any Member wishing to become involved in pre application discussions under the Member Protocol be required to have completed the appropriate training ; and
- (c) that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make the consequential amendments to the Council's Constitution.

**(iii) Bromsgrove Monument**

The recommendation from the Cabinet was proposed by Councillor R. Hollingworth and Seconded by Councillor Mrs. M. A. Sherrey.

The Leader reported that the total cost of the provision of a Monument, which was to be for all those who had served or were serving not solely for those killed or injured, would be £50,000. The major part of this sum had been raised by the Bromsgrove Armed Forces Memorial Fund itself.

Members paid tribute to the work undertaken by the organisation and to the support given to the initiation of the project by Councillor C. R. Scurrell who was Chairman of the Council at that time.

Members expressed support for the project whilst there was some concern regarding the possibility of vandalism.

**RESOLVED** that the sum of £20,000 be released from balances as this Council's contribution towards the cost of the Bromsgrove Monument.

**iv) The Localism Act – Changes to Access to Information Rules**

The recommendations from the Cabinet were proposed by Councillor M. A. Bullivant and seconded by Councillor R. Hollingworth.

Councillor P. M. McDonald queried why it was intended to discontinue the recording of meetings which he felt had been valuable. Reference was made to the web casts undertaken by other Authorities including the County Council in order to increase public awareness and transparency of the decision making process.

Members were informed by the Monitoring Officer that the Council did not have the equipment installed to enable meetings to be web cast and that the existing recording equipment was becoming unreliable. It would be necessary to submit a budget bid if additional equipment was to be installed or existing facilities replaced. In addition there was a cost in producing a transcription of a meeting if this was required under Freedom of Information legislation.

**RESOLVED:**

- (a) that the revised Access to Information Rules be approved for inclusion in the Council's Constitution; and
- (b) that the proposal to discontinue recording meetings of the Council, Cabinet and Committees be noted.

**v) Community Right to Bid - Assets of Community Value**

The recommendation from the Cabinet was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey.

The Leader reminded Members that the compensation payable by this Authority would not exceed £20,000 per annum.

**RESOLVED** that the new responsibility placed on Local Authorities to pay compensation to affected land owners under the Assets of Community Value Regulations be noted; and that the Section 151 Officer be requested to make appropriate provision within the Medium Term Financial Plan to accommodate future requests for compensation.

**vi) Neighbourhood Planning**

The Cabinet recommendations were proposed by Councillor C. B. Taylor and seconded by Councillor R. J. Deeming.

Councillor P. M McDonald stated that whilst he understood that this Council had no alternative to this proposal which related to national legislation, he was concerned that wealthier areas within the District may be more likely to attempt to make use of the legislation to restrict the provision of affordable housing.

Councillor R. J. Shannon was concerned that unelected persons may be making decisions on planning issues, in particular in relation to affordable housing.

Councillor Mrs. S. J. Baxter expressed support for the proposals and stressed that any Neighbourhood Plans had to be in accordance with the Local Plan. Whilst it may be easier to produce a Neighbourhood Plan within an existing Parish, it was also possible to form a group in an area without a Parish Council for the purpose of producing a Neighbourhood Plan.

**RESOLVED**

- (a) that the following applications for designation as a Neighbourhood Area be publicised by the Council for a consultation period of 6 weeks in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012:
- Alvechurch Parish Council
  - Barnt Green Parish Council
- (b) that the following decisions (including determination and publication of applications) be delegated to the Head of Planning and Regeneration, in consultation with the Ward Member(s) for the area affected and the Portfolio Holder for Planning:
- decisions on whether to accept and designate a Neighbourhood Area;
  - decisions on whether to designate a community organisation as a Neighbourhood Forum;
  - decisions on the validity and acceptance of submissions for a Neighbourhood Development Plan or a Neighbourhood Development Order, including assessing the compliance of the Plan/Order with other relevant policies and legislation;
  - decisions on whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders; and
  - the appointment of an Examiner for a Neighbourhood Development Plan or Order;
- (c) that the Scheme of Delegation be amended to reflect the new delegations in respect of Neighbourhood Planning.

**(vii) Contribution to NewStarts Vehicle**

The recommendation from the Cabinet was proposed by Councillor R. Hollingworth and Seconded by Councillor Mrs. M. A. Sherrey.

The Leader gave some background information to the work undertaken within the District by the NewStarts Charity in supporting vulnerable people by way of the provision of free furniture and other household goods. The Charity's existing vehicle had travelled 224,000 miles and was now uneconomic to repair. Other partnership organisations such as Bromsgrove District Housing Trust and the Police were also willing to contribute to the cost of a replacement vehicle.

Councillor P. M. McDonald stated that whilst he supported the proposed contribution to what he felt was a worthwhile Charity, he was concerned that there did not seem to be a process by which bids from Charities could be scrutinised and assessed as part of the democratic process.

The Leader stated that the work undertaken by the Charity was in accordance with the Council's strategic priorities and stated he was willing to discuss this further with Councillor McDonald.

**RESOLVED** that the release of up to £20,000 from balances to assist the NewStarts Charity with the purchase of a new vehicle to be used for the collection and delivery of furniture be approved.

56/12 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 3RD OCTOBER 2012 AND 7TH NOVEMBER 2012**

The minutes of the Cabinet held on 3rd October 2012 and 7th November 2012 were received for information.

Councillor L. C. R. Mallett referred to Cabinet Minute No. 60/12 relating to Disabled Parking Review (Including Blue Badge Holders) and under 12 (d) of the Council Procedure Rules, moved a procedural motion that this issue be referred back to the Cabinet. This was seconded by Councillor C. J. Bloore.

On being put to the vote the Chairman declared the procedural motion to be lost.

57/12 **DISTRICT COUNCIL BOUNDARY REVIEW**

Reference was made to the draft proposals of the Local Government Boundary Commission for England in respect of the electoral review of the Bromsgrove District which had been made available to all Members.

It was reported that whilst officers would respond administratively to the Boundary Commission, any political views from Members should be made direct to the Boundary Commission at an early stage.

58/12 **REVIEW OF THE PLANNING COMMITTEE**

Members received a report from the Head of Legal, Equalities and Democratic Services, setting out proposals for the revision of Part 20 of the Constitution mainly in relation to the Planning Committee site visits.

Having been moved by Councillor M. A. Bullivant and seconded by Councillor R. J. Deeming, it was

**RESOLVED** that the proposed changes to Part 20 of the Constitution be approved.

59/12 **QUESTIONS ON NOTICE**

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

“With recent revelations of the scale of so many UK companies dodging arrangements will this Authority be following the actions of many Bromsgrove residents and businesses who now refuse to buy goods and services from companies that are trading from E. U. bases but avoid U. K. taxation by having their financial H. Q. based in what are often referred to as “tax havens?”

The Leader responded that it was up to individual companies how they chose to operate. As an Authority it was not possible to discover which companies had offshore accounts although certain checks were undertaken as part of the procurement process.

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

“What actions are being taken by this Authority to influence T. O. C. London Midland in the restoration of a reliable train service from all railway stations within the Bromsgrove District?”

The Leader responded that this had been pursued with the County Council as the main Transport body and they had made representations to London Midland regarding the unreliability of train services in Bromsgrove. It was stated this had been caused by a lack of train drivers due to relocation or retirement. Assurances had been received that the problem would be resolved by the second week in December.

60/12 **MOTION - LIVING WAGE**

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

“That Bromsgrove District Council agrees to pay the living wage and ensure that all contractors working on behalf of the Council honour the living wage”.

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

During the discussion on this motion Councillor P. M. McDonald stated that he felt this Council had a moral duty to lead the way in paying staff the living wage which was higher than the minimum wage and that 19 other Councils did this. In addition this would help to retain well motivated staff. The Council should begin to “name and shame” companies which did not pay its workers the living wage and should only work with contractors who paid the living wage.

The Leader stated that he was in agreement that the Council should pay its employees the living wage. Within the Council’s pay scales there was an existing level which was below the living wage but no employees were on this level. In relation to levels paid by contractors, the Leader felt that there was not enough information to make a decision at present. It was queried what information could be taken into account when selecting contractors. It was suggested that it would be appropriate for the issue to be referred to the Overview and Scrutiny Board for investigation in respect of the potential costs and any legal aspects.

The Chief Executive stated that he would welcome the opportunity to consider whether there were any barriers or other implications, such as an impact on the Job Evaluation process, to the Council deleting level 1 from its pay structure. This could be undertaken outside the Council meeting in conjunction with Group Leaders.

The meeting was briefly adjourned whilst the possibility of an alteration to the Motion was discussed.

The altered Motion was put to the vote and the Chairman declared it to be carried in the following terms:

**RESOLVED:**

- (a) that the Chief Executive be requested to investigate the implications of deleting level 1 from the Council’s pay scale to ensure that (as at present) no Council employees were paid less than a living wage; and
- (b) that the issue of requiring the Council’s contractors to honour the living wage be referred to the Overview and Scrutiny Board for investigation into any legal and financial implications.

The meeting closed at 7.50 p.m.

Chairman