

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 23RD APRIL 2008, AT 6.00 P.M.**

PRESENT: Councillors Mrs. J. M. Boswell (Chairman), Mrs. C. J. Spencer (Vice-Chairman), A. N. Blagg, Mrs. M. Bunker, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis F.CMI, Dr. G. H. Lord, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. R. Peters, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

105/07 **PRAYER**

At the request of the Chairman, the Reverend Wendy Moore opened the meeting with a prayer.

106/07 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. D. W. P. Booth, Mrs. A. E. Doyle, W. R. Newnes and S. P. Shannon.

107/07 **MINUTES**

**RESOLVED** that the minutes of the meeting of the Council held on 19th March 2008 be approved as a correct record, subject to Councillor Miss D. H. Campbell being included in the list of Members present and Councillor Mrs. H. J. Jones being deleted from the list.

108/07 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

109/07 **ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

The Chairman referred to the following:

- (a) The second Consultation Conference hosted by the Council and the Equality and Diversity Forum on Saturday 12th April 2008. The Chairman expressed thanks to all those who had attended and those who had worked to make the day such a success;

- (b) The Chairman's Charity Dinner to be held at Hagley Hall on 25th April 2008 for which all the tickets had been sold. The Chairman hoped it would be a successful evening and expressed her thanks for the many raffle prizes donated.

110/07 **ANNOUNCEMENTS FROM THE LEADER**

- (a) The Leader welcomed Councillor Miss D. H. Campbell and apologised for not having done so at the previous meeting of the Council.
- (b) As this was the last meeting of the Council before the Annual Meeting, the Leader summarised the Council's achievements over the past twelve months or so. These included the Lead Official having officially moved to a lighter touch with a series of milestones set for the Council to achieve in order to end Voluntary Engagement; an unqualified audit of accounts for the fourth year running; a good Direction of Travel report which indicated that the Council was improving at a faster rate than other authorities; positive informal feedback from the recent Housing inspection; full accreditation for Investors in People; the leading authority in the county with regard to Equalities and Diversity and well ahead of many other councils in the country. These internally focused achievements provided solid foundations and greater efforts could now be made on improvements to outward facing services. The Leader also drew particular attention to improvements achieved in street cleaning using existing staff; improvements in recycling with the Council now ranked 50th in the country; and to the percentage of the Council's performance indicators which were now above average.

The Leader responded to points of clarification raised by Councillor P. M. McDonald and indicated that he was prepared to respond outside the meeting with regard to his query as to how the Council would deal with dog fouling.

111/07 **RECOMMENDATION FROM THE CABINET MEETING HELD ON 2ND APRIL 2008**

**Comprehensive Performance Assessment Re-Categorisation Request**

**RESOLVED** that a request be submitted to the Audit Commission for a further Comprehensive Performance Assessment to be undertaken in November 2008 and that the letter attached as an appendix to the report be updated to form the basis of this request.

112/07 **MINUTES OF THE MEETING OF THE CABINET HELD ON 2ND APRIL 2008**

The minutes of the meeting of the Cabinet held on 2nd April 2008 were received for information.

113/07 **QUESTIONS ON NOTICE**

The Chairman announced that six questions had been received which would be taken in the order received.

**1. Question submitted by Councillor C. B. Taylor to the Leader**

“Why has the Council issued the Senior Citizens Pledge without discussing it with the Councillors first?”

Councillor Hollingworth replied to the effect that neither he nor Council officers were responsible for the Pledge document and as it was not headed or signed he had only become aware of the source via the local press. The distribution of the document with other Council mail through the Members’ pigeonholes had been deceitful and he condemned the threatening style of the contents with regard to naming and shaming those who Members who did not sign.

Councillor Taylor asked a supplementary question as to whether the Leader was going to sign the Pledge.

Councillor Hollingworth replied to the effect that it was a discriminatory document and he wished to treat everyone equally. He would not sign it and advised other Members not to do so.

**2. Question submitted by Councillor Mrs. R. L. Dent to the Leader**

“Would the Leader please tell me what political literature may be circulated through the Council’s mail system?”

Councillor Hollingworth replied that the system could be used to distribute material in relation to internal political group meetings, together with genuine non-political external correspondence, official Council material or that from similar bodies such as the county or parish councils. The system should not be used for the circulation of any other type of political material, petitions or to advertise external events.

Councillor P. M. McDonald proposed that the Council Procedure Rules be suspended to extend the time limit for questions. The Chairman exercised her discretion on this matter under Council Procedure Rule 9.9 and ruled that the time limit would not be extended.

Councillor Mrs. Dent asked a supplementary question that as the Senior Citizens Pledge was not a Council document and should not have been circulated through the Council’s system, this was an abuse of resources and should it not be reported to the Standards Board.

The Chairman announced that the time limit for questions had expired.

114/07 **MOTION - SENIOR CITIZENS' TASK GROUP**

The Monitoring Officer announced that, in accordance with the Council Procedure Rules, the motion submitted by Councillor P. M. McDonald had been referred to the Scrutiny Steering Board.

115/07 **REVIEW OF THE CONSTITUTION**

Further to Minute No. 102/07, Members considered a report of the Head of Legal, Equalities and Democratic Services which proposed amendments to the operation of the Standards Committee and the Council's Scheme of Delegations, together with changes to other documents which formed part of the Council's Constitution.

The Portfolio Holder for HR and Legal, Equalities and Democratic Services referred to the Standards Committee (England) Regulations 2008 which had only been published a few days earlier and contained unexpected provisions which required the report recommendations to be varied to take account of these. The Regulations provided that there must be a minimum of two parish council representatives on the Standards Committee and that it was for the Standards Committee (rather than the Council) to determine the size, composition and terms of reference of its sub-committees. The new regime would come into force on 8th May 2008

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor R. Hollingworth in relation to the recommendations with regard to the Standards Committee, namely, that officers be tasked with exploring whether Parish Council Representatives be restricted to elected members not co-opted councillors.

On being put to the vote the Chairman declared the amendment CARRIED and thereby part of the substantive motion under consideration.

In accordance with Council Procedure Rule 16.7 Councillor S. R. Peters requested that his name be recorded as having voted against the above amendment.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson in relation to the recommendations with regard to the Standards Committee, namely, that over the next twelve months officers be tasked with exploring the possibility of delivering Option 3 (Filtering by Neighbouring Authority as referred to in Appendix 1 to the report) as an alternative for the Council to consider when determining the most appropriate mechanism for managing the local assessment procedure.

On being put to the vote the Chairman declared the amendment CARRIED and thereby part of the substantive motion under consideration.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson in relation to the recommendation with regard to the

Scheme of Delegations, namely, that the planning process be amended to the effect that from 1st May 2008 all applicants be notified of the call-in procedure.

On a requisition under Council Procedure Rule 16.5 the following details of voting on the amendment were recorded:

For the amendment: Councillors A. N. Blagg, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray and C. J. K. Wilson (7);

Against the amendment: Councillors Mrs. M. Bunker, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer, Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, D. L. Pardoe, S. R. Peters, C. R. Scurrall, Mrs. M. A. Sherrey, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. Turner, M. J. A. Webb and P. J. Whittaker (26);

Abstention: Councillor Miss D. H. Campbell (1).

Accordingly the Chairman declared the amendment LOST.

An amendment was moved by Councillor S. R. Peters and seconded by Councillor L. J. Turner that the recommendation with regard to the revised Planning Code of Practice be deferred and that officers be tasked to explore re-drafting the Code to include reference to applicants' rights including the call-in procedure and submit this to a future meeting. Councillor Hollingworth suggested that the report recommendation be approved but that officers be asked to look into the matter and report back, upon which Councillors Peters and Turner agreed to withdraw their amendment.

**RESOLVED:**

- (a) that with effect from 8th May 2008, the Articles of the Constitution be amended in relation to the membership of the Standards Committee by including a second Parish Representative; that none of the two Parish Representatives and the nominated substitute Parish Representative should be members of the same parish council; and that officers be tasked with exploring whether Parish Council Representatives be restricted to elected members not co-opted councillors;
- (b) that the Articles be amended to provide that the Standards Committee and its sub-committees must be chaired by an Independent Member, to take effect from 8th May 2008;
- (c) that the Articles be amended to include the new functions of the Standards Committee of assessment and review of assessment decisions, to take effect from 8th May 2008;
- (d) that the Articles be amended to provide that the functions of assessment, review of assessment decisions and final determinations are to be undertaken by sub-committees, to take effect from 8th May 2008;

- (e) that the Articles be amended to permit nominated trained substitutes for elected Members sitting on the Standards Committee, to take effect from 8th May 2008.
- (f) that over the next twelve months officers be tasked with exploring the possibility of delivering Option 3 (Filtering by Neighbouring Authority as referred to in Appendix 1 to the report) as an alternative for the Council to consider when determining the most appropriate mechanism for managing the local assessment procedure;
- (g) that a recommendation be made to the Standards Committee that with effect from 8th May 2008:
  - (i) three sub-committees are formed to perform the functions of assessment, review of assessment decisions and final determinations and the Standards Committee is requested to draft terms of reference appropriately;
  - (ii) membership of those sub-committees should be as follows:

Assessment Sub-Committee – 3 Members (1 Independent Member (Chairman), 1 Elected Member, 1 other member who should be a Parish Representative if the subject member is a parish councillor)

Review Sub-Committee – 3 Members (1 Independent Member (Chairman), 1 Elected Member, 1 other member who should be a Parish Representative if the subject member is a parish councillor)

Final Determination Sub-Committee – 5 Members (1 Independent Member (Chairman), 1 Elected Member, 3 other members (one of which must be a Parish Representative if the subject member is a parish councillor); where a matter is referred from the Review Sub-Committee for final determination, the Final Determination Sub-Committee must include one member who sat on the Assessment Sub-Committee, one member who sat on the Review Sub-Committee and at least one member who sat on neither of those sub-committees;
- (h) that approval be given to the amended Scheme of Delegations as detailed on the Council's Intranet at the following link:  
<http://connect.bromsgrove.gov.uk/departments/democraticservices/Constitution/Forms/AllItems.aspx>  
subject to the amendments shown in Appendix 2 of the report, to take effect from 1st May 2008 but that officers be tasked to explore how planning applicants could be made aware of their rights and report back thereon to the next ordinary meeting of the Council;

- (i) that the revised Management Arrangements as set out in Appendix 3 to the report be approved to take effect from 1st May 2008; and that authority be delegated to the Monitoring Officer to make any future changes to that part of the Constitution which sets out the Management Arrangements, only to the extent that such changes reflect either a change in personnel or changes to the corporate structure which have been agreed by Council;
- (j) that the revised Code of Practice – Planning as set out in Appendix 4 to the Report be approved to take effect from 1st May 2008;
- (k) that the revised Code of Practice – Licensing as set out in Appendix 5 to the report be approved to take effect from 1st May 2008;
- (l) that authority be delegated to the Monitoring Officer to make the consequential amendments referred to in paragraphs 3.18 – 3.20 of the report and as a result of recommendations (a) – (e) above, to Tables 1 and 2 of Part 3 of the Constitution with effect from 1st May 2008; and
- (m) that authority be delegated to the Monitoring Officer to make any additional consequential cross-referencing amendments to any parts of the Constitution arising from the changes approved by Council on 19th March 2008 and the above paragraphs with effect from 1st May 2008.

116/07 **COUNCIL TAX DISCOUNT POLICY**

Members considered a report of the Head of Financial Services on proposals to utilise the powers contained within Section 13A of the Local Government Finance Act 1992 (as amended) to reduce the liability for payment of Council Tax in cases of hardship or suffering.

**RESOLVED:**

- (a) that the Local Council Tax Discount Policy guidelines attached as Appendix A to the report be approved;
- (b) that powers be delegated to the Head of Financial Services in consultation with the Portfolio Holder for Finance to reduce the amount of Council Tax payable by individual Council Tax payers in cases of hardship or suffering.

117/07 **ANNUAL SCRUTINY REPORT 2007- 08**

The Annual Overview and Scrutiny Report for 2007/08 was received for information.

The meeting closed at 7.45 p.m.

Chairman