

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

9TH JUNE 2016 AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Glass (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, M. T. Buxton, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, J. M. L. A. Griffiths, C.A. Hotham, R. J. Laight, P. Lammas, L. C. R. Mallett, C. M. McDonald, P. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, R. D. Smith, C. J. Spencer, C. B. Taylor, P.L. Thomas, M. Thompson, L. J. Turner, S. A. Webb and P. J. Whittaker

11\16 **COUNTY COUNCILLOR M. H. BROOMFIELD**

The Chairman held a minutes silence in memory of the late County Councillor M. H. Broomfield who was a former Chairman of Bromsgrove District Council. Members and officers stood in silence in tribute to his memory.

12\16 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. R. Colella, R. E. Jenkins and K. J. May.

13\16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14\16 **MINUTES**

The minutes of the meeting of the Council held on 20th April 2016 and 18th May 2016 were submitted.

In relation to Minute 121/15 (report of the Portfolio Holder for Environmental and Regulatory Services), Councillor M. Thompson referred to Emails he had sent to the Portfolio Holder seeking further information on the report to which he had not received replies. The Chairman requested that the Emails be forwarded to her to follow up.

RESOLVED that the minutes of the meetings of the Council held on 20th April 2016 and 18th May 2016 be approved as a correct record.

15\16 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to the “Fly the Flag” event in support of the Armed Services which would take place on 20th June in Crown Close and invited all Members to attend.

16\16 **ANNOUNCEMENTS FROM THE LEADER**

The Leader referred to the recent news regarding the review of the Alexandra Hospital by the West Midlands Senate. The review had confirmed that midwifery and some other services would be centralised at Worcester.

17\16 **COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

The Chairman announced that three questions had been received from members of the public.

As all of the questions related to the same general issue of the proposed new Leisure Centre, the responsible Portfolio Holder, Councillor P. J. Whittaker would respond to the questions all together rather than on an individual basis.

Question from Mr C. Barnett

“At the meeting of the Full Council on February 24th we were informed that the Sports Hall negotiations with BAM would be finalised in 4 to 6 weeks, but there's still no news.

These negotiations have been talked about since July 2014, almost 2 years ago, I'm beginning to think that the deal has actually failed and those in charge of it are keeping the truth from us.

I'd like to know who is responsible for carrying out these negotiations, how many times have they met with BAM, how much it has cost in council time and expenses and when will we have an answer?”

Question from Ms D. Fullerton

“I have been playing badminton in halls all over Worcestershire for the last 15 years, and the sports hall at The Dolphin Centre is one of the better ones I play in. Could the council consider retaining the sports hall when the rest of the centre is demolished, particularly as the money is not available to replace it?”

Ms Fullerton also referred to the general difficulty of being able to find available time slots within sports halls due to clubs making “block bookings”.

Question from Ms L. Humphries

“So far there has been £700,000 of extra costs concerning the construction of the new leisure centre due to "unexpected challenges". If the council votes to continue with this project can you guarantee the costs won't increase any further? And if you can't guarantee this, how are you going to afford any additional costs?”

Councillor Whittaker confirmed that talks with North Bromsgrove High School were still on going but progress had been made in that terms had been agreed and the talks were now focussing on access arrangements for the Hall. Reference was made to options which had been explored and to the financial pressures under which the Council was operating.

Progress was being sought as quickly as possible to achieve the best outcomes for the public. The Head of Leisure and Cultural Services was leading the negotiations with BAM and there had been 13 meetings and over 20 hours of discussion to date. The best possible outcome would continue to be pursued and information would be shared as soon as it was available.

In response to the possibility of retaining the existing sports hall in situ, Councillor Whittaker confirmed that this had been considered as an option. On investigation however it had become clear that this was not viable due to a number of factors including :

- the difficulty of retaining the sports hall whilst demolishing the remainder of the building;
- the extensive work which would subsequently be required to ensure the sports hall was safe and usable; and
- the loss of the sale value of the land which would result from the exercise.

In relation to the final question, Councillor Whittaker highlighted that the financial issues would be discussed further later in the meeting. It was unrealistic however to give a guarantee that there would be no additional costs arising during the project and a contingency sum was included within the budget to meet this possibility.

18\16

THE GOVERNMENT'S DEVOLUTION AGENDA - WEST MIDLANDS COMBINED AUTHORITY POTENTIAL MEMBERSHIP

The Council considered a report relating to the Government's devolution agenda and in particular the potential for the Council to become a non-constituent member of the proposed West Midlands Combined Authority (WMCA) at a cost of £25,000.

In introducing the report the Leader reminded Members that the Council had been invited in October 2015 to join the proposed WMCA. At that

stage the 3 Group Leaders had agreed there was insufficient information available for the Council to make a formal decision.

The report now contained additional information on how the WMCA would operate and the role of non constituent members, including the appointment of a representative to the WMCA Audit Committee and WMCA Overview and Scrutiny Committee. The Leader also referred to a recent informative presentation from Councillor Bob Sleigh, the Chairman of the Shadow Board, to which all Members had been invited. The Leader felt it was important for the Council to become a non constituent member in order to be able to obtain the most benefit for the Bromsgrove District.

During the subsequent debate reference was made to a number of areas:

- the outcome of the two public consultation exercises undertaken on this issue the results of which, albeit with a limited response, had indicated opposition to this Authority becoming part of the WMCA;
- the possibility of holding a referendum to fully discover public opinion on the matter;
- the current status of the Worcestershire Devolution Deal and the potential for this Council to become part of this option;
- concerns regarding the involvement of Birmingham City Council, in particular in relation to potential cross border housing growth and the “duty to co-operate”;
- the lack of clear benefits to the Council of being a non constituent member in terms of what funding could be allocated to such members and the limited ability to influence spending decisions made by the WMCA.

It was proposed as an amendment by Councillor L. C. R. Mallett and seconded by Councillor M. Thompson that further consideration of the matter be deferred and that a referendum be held in order to ascertain the views of Bromsgrove residents.

On a requisition under Council Procedure Rule 18.3, the following details of the voting were recorded:

For the amendment: Councillors S. J. Baxter, C. J. Bloore, M. T. Buxton, J. M. L. A. Griffiths, C. A. Hotham, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. R. Peters, S. P. Shannon, M. T. Thompson and L. J. Turner (12)

Against the amendment: Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, R. L. Laight, P. Lammas,

M. A. Sherrey, R. D. Smith, C. J. Spencer, C. B. Taylor, P. L. Thomas, S. A. Webb, P. J. Whittaker and H. J. Jones (16)

The Chairman declared the amendment to be lost.

During the further debate some Members queried again the benefit to Bromsgrove of becoming part of the WMCA. There was also some uncertainty around the role of the “metro-mayor” and any influence the role may have on non-constituent members.

Reference was made to areas within the report which may require further clarification so that the benefits or otherwise for Bromsgrove of joining the Combined Authority could be determined. In addition it was suggested there needed to be a better understanding of the next steps with regard to the Worcestershire Devolution Deal before a decision could be taken.

Following an adjournment of the meeting from 7.30pm to 8.00pm to allow for discussions to take place between Group Leaders and officers, the Leader announced that the item was withdrawn.

19\16

RECOMMENDATIONS FROM THE CABINET

Dolphin Centre Replacement – Financial Update

The recommendations from the Cabinet were proposed by Councillor P. J. Whittaker and seconded by Councillor G. N. Denaro.

In proposing the recommendations, Councillor Whittaker referred to the increase in the final contract sum proposed by the preferred building contractor for the replacement of the Dolphin Centre. This had resulted in a request for additional funding to support the increase in associated costs.

It was reported that officers, together with the Design/Project Management Team and the Commercial Team had undertaken a positive and challenging process to achieve a significant reduction in the additional cost over the currently approved budget from £2.5m to £619k. When added to other costs relating to the development such as purchase of the land and contingency the revised total cost to the Council of the replacement centre was £13.7m. There was now some urgency to proceed with the signing of the contract to ensure the project could go ahead.

Councillor Whittaker also referred to some of the reasons for the increase in cost including:

- Unusual ground conditions and the need for the car park to be split across two levels in order to be DDA compliant;

- An increase in utility costs due to the need for a new electricity substation and connection to a new Severn Trent water main; and
- Inflation within the construction sector being higher than initially anticipated due largely to the increased cost of materials and the large number of 1960's and 1970's built Leisure Centres and Swimming Pools now requiring replacement.

Councillor Whittaker reported that Sport England, who were providing a grant of £1.5m towards the scheme, were satisfied that the revised proposals were robust and reasonable in the current market conditions. There had been a final review of the business case following the agreement of the facility mix in January 2016 and the resulting income levels anticipated from the larger site had increased the level of prudential borrowing.

During the debate some Members suggested that this may be an opportunity to review the proposals for the replacement Leisure Centre as a whole. This could include the possibility of simplifying/downsizing the current proposals in order to reduce the level of borrowing required and the building of a replacement sports hall.

It was proposed as an amendment by Councillor C. A. Hotham and seconded by Councillor C. J. Bloore that Council take the opportunity to defer any further payments on the sports hall and carry out a review to explore any further options for a replacement leisure centre.

On a requisition under Council Procedure Rule 18.3 the following details of the voting on the amendment were recorded:

For the amendment: Councillors S. J. Baxter, C. J. Bloore, M. T. Buxton, C. A. Hotham, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. R. Peters, S. P. Shannon, M. Thompson and L. J. Turner (11)

Against the amendment: Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, R. L. Laight, P. Lammas, M. A. Sherrey, R. D. Smith, C. J. Spencer, C. B. Taylor, P. L. Thomas, S. A. Webb, P. J. Whittaker and H. J. Jones (16)

The Chairman declared the amendment to be lost.

During the debate on the substantive motion reference was made to the importance of moving forward with the project in order to minimise the risk of additional costs arising.

RESOLVED:

- (a) that the Capital programme for 2016/17 – 2017/18 be increased by £700k to £13.7m to progress the scheme;
- (b) that the funding of £700k be secured by

- (i) prudential borrowing of £465k; and
- (ii) release of balances of £235k to fund the contingency should it be required.

On a requisition under Council Procedure Rule 18.3 the following details of the voting on the recommendations were recorded:

For the recommendations: Councillors C. Allen-Jones, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, R. L. Laight, P. Lammas, M. A. Sherrey, R. D. Smith, C. J. Spencer, C. B. Taylor, P. L. Thomas, S. A. Webb, P. J. Whittaker and H. J. Jones (16)

Against the recommendations: Councillors S. J. Baxter, C. J. Bloore, M. T. Buxton, C. A. Hotham, L. C. R. Mallett, P. M. McDonald, C. M. McDonald, S. R. Peters, S. P. Shannon, M. Thompson and L. J. Turner (11)

New Homes Bonus Scheme

The recommendations from the Cabinet were proposed by Councillor G. N. Denaro and seconded by Councillor R. D. Smith.

In proposing the recommendations Councillor Denaro referred to the work which had been undertaken to balance the budget for 2016/17 which therefore enabled funding to be released for the New Homes Bonus Scheme.

Councillor Denaro confirmed that the New Homes Bonus Panel would be looking at the application process with a view to simplifying it as far as possible. Members would have the opportunity to work with groups and organisations within their Wards in order to submit funding applications, including the possibility of cross border or joint applications.

RESOLVED:

- (a) that the revised New Homes Bonus Community Grants Scheme as set out in Appendix 1 to the report be approved subject to the exclusion of the sum of £23,840 (unallocated from 2015/16 scheme) and the subsequent recalculation of the sums available to each Ward ;
- (b) that 25% of the additional New Homes Bonus grant received in 2016/17 be used to calculate the amount of £101k to be allocated to the scheme; and
- (c) that the sum of £23,840 previously unallocated from the 2015/16 scheme, be allocated to bids from Communities previously affected by housing growth in 2015/16, using the criteria from 2015/16.

20\16

MINUTES OF THE MEETING OF THE CABINET HELD ON 1ST JUNE 2016

The minutes of the meeting of the Cabinet held on 1st June 2016 were received for information.

21\16

APPOINTMENTS TO OUTSIDE BODIES

Council considered a report of the Head of Legal, Equalities and Democratic Services on a number of appointments to Outside Bodies. Members' attention was drawn to an updated appendix to the report.

RESOLVED that the appointments to Outside Bodies as set out in the appendix to these minutes be approved.

22\16

QUESTIONS ON NOTICE

Question submitted by Councillor M. Thompson

I am very grateful to David Rischmiller for assisting the Community Safety Team in looking into crime issues in Rock Hill and the surrounding area. The Leader will, of course, be well informed of the recent increase in crime in this area. Will she tell me following Mr Rischmiller's assessment, how she intends to help me fight this increasing problem and whether she believes Barnt Green and Alvechurch are in better need of CCTV than Rock Hill?

The Leader responded that the report of David Rischmiller (Bromsgrove Community Safety Project officer) in relation to part of the Rock Hill area was to be presented at the Safer Bromsgrove meeting later in June for consideration and implementation where possible.

The Leader stated that Councillor Thompson's request for CCTV in Rock Hill had been incorporated into the review of CCTV currently being undertaken in order to meet the requirements of the Surveillance Camera Commissioner's Code of Practice.

The Leader also stated that an assessment of crime, anti social behaviour and CCTV monitoring centre data for each location in Bromsgrove, including three additional requested locations in Rock Hill was being produced to allow a comparison of the cameras across the CCTV scheme. The analysis would form part of the CCTV Review to be presented to Members and until this report was available the leader felt she was not able to comment on which areas within the District may or may not be in need of CCTV.

Question submitted by Councillor C. A. Hotham

Please can the Leader explain the current legal status of Bromsgrove District Council occupation of the Parkside building and how not

obtaining the half share of the freehold prior to the investment of £3.5 million was not reckless in risking Bromsgrove residents' money?

Councillor G. N. Denaro referred to the Development agreement between Worcestershire County Council and Bromsgrove District Council signed in November 2013 and made the following points in response to the question;

- that the current position was that Worcestershire County Council held the legal estate on trust for itself and the District Council;
- that the beneficial interest under the trust belonged to the County Council and the District Council in equal shares ;
- that there was no right of pre-emption in favour of any third party; and
- that the legal estate was to be transferred by the County Council to the County Council and the District Council jointly.

Councillor Denaro stated that now that the project was effectively complete and in order to move forward with the transfer, the legal teams were preparing the appropriate documents. The District Council had secured agreement to acquire 50% of the freehold at the point of completion of the project in addition to a number of other caveats to protect Bromsgrove District Council so any risk was minimal if it existed at all.

23\16

MOTION ON NOTICE - PARKSIDE

Members considered the following motion submitted by Councillor M. Thompson:

“Council notes the failure of the move to Parkside to save the costs it initially promised and the attempts of Cabinet Members to mislead the public about the cost implications of the move. Council therefore calls upon the Cabinet Members responsible for misleading the public to resign.”

The motion was moved by Councillor M. Thompson and seconded by Councillor P. M. McDonald.

In moving the motion Councillor Thompson referred to information he had received from officers indicating that heating costs were higher at Parkside than at the former Burcot Lane offices. This had subsequently been publicised in the local press and Councillor Thompson referred to on line comments made in response to this apparently by Councillor R. J. Laight which he felt were derogatory. Councillor Thompson had attempted to contact Councillor Laight on this matter but had not received a response.

It was indicated that the lack of a response to the Emails would be referred to the Council's Monitoring officer for further investigation.

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

The meeting closed at 9.15 p.m.

Chairman

Appointments to Outside Bodies - nominations

Organisation	No. of Appts & Length of Office	Current appointments/ Nominations Councillors	Nominations
Amphlett Hall Management Committee	4 1 year	M. Buxton H. Jones J. Griffiths S. Webb	M. Buxton J. Griffiths R. Laight S. Webb
Bromsgrove Citizens' Advice Bureau	2 1 year	B. Cooper S. Webb	B. Cooper S. Webb
Bromsgrove Sporting Board (observers only)	2 1 year	P. Lammas P. Whittaker No reps – see note.	Any interested Councillor
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Joint Overview and Scrutiny Committee for the Supervisory Board	1 and a substitute 1 year	R. Smith Substitute:	C Allen-Jones Substitute: P Thomas
Shared Services Members Board (2 representatives also by office)	2 and a substitute 1 year	(M. Sherrey & K. Taylor by office) R Smith R Laight Substitute:	Vacancy Vacancy Substitute: B Cooper
Midlands Joint Council for Environmental Protection	2 1 year	K. May M. Glass	K. May S. Shannon
West Mercia Police and Crime Panel <i>Rep and sub must be from majority political group on the Council</i>	1 rep and 1 substitute	M. Sherrey K. Taylor	M. Sherrey K. Taylor

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Organisation	No. of Appts & Length of Office	Current appointments/ Nominations Councillors	Nominations
Worcestershire County Council Corporate Parenting Board	1 1 year	M. Sherrey	K. May
Worcestershire County Council Health Overview and Scrutiny Committee Rep must be a member of the O and S Board	1 1 year	B. Cooper	B. Cooper
Worcestershire County Council Highways (Bromsgrove) Partnership Forum	2 1 year	S. Baxter P. Whittaker	S. Baxter P. Whittaker
Worcestershire Shared Services Joint Committee	2 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	R. Laight P. Whittaker R. Dent (sub)	R. Laight P. Whittaker R. Dent (sub)