

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 16TH JULY 2008, AT 6.00 P.M.

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

23/08 **PRAYER**

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

24/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. D. W. P. Booth JP, Mrs. J. M. L. A. Griffiths, Mrs. J. D. Luck, Mrs. M. A. Sherrey JP and L. J. Turner.

25/08 **MINUTES**

RESOLVED that the minutes of the Extraordinary Meeting of the Council held on 30th June 2008 be approved as a correct record.

(Note: Councillor D. McGrath referred to a question he had raised at that meeting with regard to capital and revenue reserves to which the Chief Executive undertook to provide a response outside the meeting.)

26/08 **DECLARATIONS OF INTEREST**

With regard to agenda item 13 (Appointment of Parish Council Representatives to the Standards Committee), the Monitoring Officer made an announcement to clarify the position with regard to those Members who were also Parish Councillors. No declarations of interest were received at this stage of the meeting.

At the commencement of agenda item 13, Councillors D. Hancox, P. J. Whittaker and Mrs. J. M. Boswell each declared a personal interest as they knew one of the proposed appointees.

27/08 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to the Annual Civic Service to be held at All Saints Church on Sunday 21st September 2008 to which all Members were welcome to attend.

28/08 **ANNOUNCEMENTS FROM THE LEADER**

(a) Joint Chief Executive

The Leader confirmed that the Joint Chief Executive proposals had now been agreed by both Bromsgrove District Council and Redditch Borough Council and that the Shared Services Board would meet shortly to agree the terms of reference for the Joint Chief Executive. Details of the press releases could be obtained from himself on request.

(b) Bromsgrove Museum

The Leader advised that a Members' Bulletin would be produced to present the facts of action taken by the Council in view of some incorrect information which had appeared in the press.

(c) Member Champions

The Leader reported that the following persons would be Member Champions for the area indicated to help drive the Council forward:

Promotions, Sponsorship and Public Events – Councillor Mrs J. M. Boswell;

Biodiversity – Councillor Miss D. H. Campbell JP;

Climate Change – Councillor C. R. Scurrall (to support Councillor P. J. Whittaker as Portfolio Holder);

Bromsgrove Town Centre – Councillors Mrs R. L. Dent and E. C. Tibby;

Longbridge – Councillor R. J. Deeming;

Transport – Councillor Mrs. J. Dyer M.B.E.

(d) Comprehensive Performance Assessment (CPA)

The Leader advised that the CPA inspectors would be on site week commencing 10th November 2008. It was hoped the results would be available around January/February 2009.

(e) Local Area Agreement (LAA)

The Leader advised that the priorities and objectives for the Worcestershire LAA had now been signed off by the Government. A related booklet was available to Members on request.

(f) Regional Spatial Strategy (RSS) Phase 2 Update

The Leader referred to the preferred option selected by the Regional Assembly and advised that the Regional Assembly had received a letter from Baroness Andrews to identify how the proposed housing allocation figures for the West Midlands could be increased. The Government had appointed consultants who had produced nine alternative options for growth which would be used to inform the Public

Examination to be held in spring 2009. Under these options Bromsgrove would not receive any further housing allocation in addition to that already contained within the preferred RSS option, but in general it was possible that a further 5,000 houses for south Birmingham may need to be accommodated within Bromsgrove District, with a further 5,000 houses for Redditch to possibly be accommodated in either the Bromsgrove or Stratford-upon Avon Districts. A summary report was available upon request.

(g) Post Office Closures

The Leader advised that details of any proposed Post Office closures affecting the Bromsgrove District would be announced on 27th August 2008. He had met with Post Office representatives who had indicated that they would not accept any petitions and also that if objections were made to a proposed closure, this would need to be evidenced and an alternative closure proposed.

29/08 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 2ND JULY 2008**

(i) **AMENDMENT TO THE CONSTITUTION**

RESOLVED that the Constitution be amended to permit any of the Council's boards to ask the Chief Executive to add an item of business to the agenda of any other board.

(ii) **NEW IMPROVEMENT PLAN 2008-09**

RESOLVED that the Improvement Plan 2008-09 be approved.

30/08 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 30TH JUNE AND 2ND JULY 2008**

The minutes of the meetings of the Cabinet held on 30th June 2008 and 2nd July 2008 were received for information.

The Leader responded to a number of points of clarification raised by Members.

31/08 **OUTSTANDING QUESTIONS ON NOTICE**

The Chairman announced that four questions remained unanswered from the last ordinary meeting of the Council on 23rd April 2008 which would be taken in the order received.

1. **Supplementary Question to the Leader from Councillor Mrs. R. L. Dent on the Use of Members' Pigeonholes**

"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 Committee?"

Councillor Hollingworth replied that he agreed there had been an improper use of the Members' pigeonholes as this was not a genuine Council document. Although he thought it was a reportable offence, this needed to be balanced against the resource implications of dealing with complaints to the Standards Committee. He felt that some matters which led to complaints being made were petty and could be resolved by other means. On this occasion he did not believe the matter should be reported and it should be accepted that the group who had circulated the document would behave honourably in future.

2. Question submitted by Councillor P. M. McDonald to the Chairman

"Does the Chair of the Council agree with me that in light of the way the senior citizens feel they have been treated by this Council that we should all reinforce our commitment towards the needs of the senior citizens of Bromsgrove by demonstrating that commitment by signing the Senior Citizen Pledge?"

The Chairman referred this question to the Leader.

Councillor Hollingworth replied that he thought it was a scandalous document and that all councillors had signed an undertaking to do their best for all residents of Bromsgrove and to treat everyone equally, and should not therefore sign the Pledge.

Councillor McDonald asked a supplementary question requesting the Leader to tell him where he had not treated senior citizens equally over the past year.

Councillor Hollingworth replied that older people had not received any better or worse treatment than anyone else. He also responded to comments made by Councillor McDonald with regard to funding for concessionary bus passes.

3. Question submitted by Councillor Mrs. C. M. McDonald to the Chairman

Councillor Mrs. C. M. McDonald stated that her question with regard to car parking charging had been dealt with.

4. Question submitted by Councillor E. J. Murray to the Leader

"Will the Leader of the Council agree to consult his Cabinet and seek agreement to write to the County Council urging them to take steps to create lay-bys and dropped kerbs in Sidemoor in an effort to preserve grass verges and to generally improve the environment within which residents live in this area?"

Councillor Hollingworth replied that he had spoken to his Cabinet colleagues and agreed to deal with the matter.

Councillor Murray asked a supplementary question with regard to light pollution in Sidemoor which was ruled out of order by the Chairman as a new question. Councillor Hollingworth undertook to speak to Councillor Murray on the matter outside the meeting.

32/08 QUESTIONS ON NOTICE

The Chairman announced that no questions had been received.

33/08 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

Members considered a report of the Head of Legal, Equalities and Democratic Services which referred to the powers available to local authorities to obtain and use communications data in the context of regulatory investigations and presented a proposed new Acquisition and Disclosure of Communications Data policy.

RESOLVED:

- (a) that the updated policy on Acquisition and Disclosure of Communications Data, as set out in Appendix 1 to the report, be approved and adopted with effect from 1st September 2008;
- (b) that the scheme of delegation for Officers in the Council Constitution in respect of the Regulation of Investigatory Powers Act 2000 be extended to include the necessary delegations for both covert surveillance and communications data.

34/08 PLANNING APPLICATIONS - INFORMATION SHEET FOR THE PUBLIC

Further to a request made at the meeting of the Council on 23rd April 2008, Members considered a report of the Head of Planning and Environment on the proposed format of information to be provided to the public explaining how planning applications were dealt with, including the "call in" procedure.

During the debate it was commented that the Code of Practice - Planning Services within the Constitution needed to be amended to include reference to the "call in" procedure.

RESOLVED that option 1 as set out in the report be approved and adopted as the format for the provision of information to the public with regard to the "call in" procedure within the development control process.

35/08 APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

Members considered a report of the Head of Legal, Equalities and Democratic Services which set out recommendations from the Standards Committee on the process for the recruitment of independent members of that Committee and their term of office.

The recommendations were moved by Councillor G. N. Denaro and seconded by Councillor Mrs. J. Dyer M.B.E., subject to the inclusion of an additional recommendation on the action to be taken if only one suitable candidate was shortlisted, as referred to in paragraph 3.6 of the report.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson that the recommendations set out in 2.1.2 and 2.1.3 of the report with regard to the shortlisting and interview process be deleted and that a ballot of Members be undertaken instead.

On being put to the meeting the Chairman declared the amendment LOST.

RESOLVED:

- (a) that authority be delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee to compile a suitable recruitment pack for prospective independent members of the Standards Committee;
- (b) that authority be delegated to the Monitoring Officer in consultation with the Chairman or Vice-Chairman of the Standards Committee to undertake shortlisting of candidates for vacancies for independent members of the Standards Committee;
- (c) that in cases where there are two or more shortlisted candidates, that authority be delegated to the Appointments Panel to interview shortlisted candidates, with the assistance of the Chairman or Vice-Chairman of the Standards Committee who shall act in an advisory (but non-voting) capacity, and to make a recommendation to Council;
- (d) that the term of office of independent members shall be 4 years;
- (e) that independent members may seek reappointment only once;
- (f) that in cases where only one suitable candidate is shortlisted, the Monitoring Officer make a recommendation direct to the Council for that candidate to be appointed.

36/08 **APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE**

The recommendations with regard to the appointment of Parish Council Representatives to serve on the Standards Committee were moved by Councillor G. N Denaro and seconded by Councillor E. C. Tibby.

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

For the recommendations: Councillors A. N. Blagg, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, D. McGrath, W. R. Newnes, D. L. Pardoe, S. R. Peters, C. R. Scurrrell, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (26);

Against the recommendations: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon and C. J. K. Wilson (6);

Abstention: Councillor Mrs. A. E. Doyle (1).

RESOLVED:

- (a) that Mr. J. Cypher and Mr. I. Hodgetts be appointed to serve as the Parish Council Representatives on the Standards Committee until July 2009;
- (b) that Mr. S. Malek be appointed to serve as the Deputy Parish Council Representative on the Standards Committee until July 2009.

37/08 **APPOINTMENTS TO OUTSIDE BODIES**

RESOLVED:

- (a) Worcestershire Local Access Forum
that Councillor Mrs. J. M. L. A. Griffiths be appointed to serve on the Worcestershire Local Access Forum (term of office expiring May 2009);
- (b) Bromsgrove District Twinning Association
that Councillor Mrs. J. M. Boswell be appointed to fill the vacancy on the Bromsgrove District Twinning Association (term of office expiring May 2009);
- (c) West Midlands Local Government Association (WMLGA)/ Regional Assembly Bodies
that the following ex-officio appointments be noted:
 - (i) WMLGA Council Substitute Member
Deputy Leader (Councillor Mrs. J. M. L. A. Griffiths)
 - (ii) Regional Planning Partnership Substitute Member
Portfolio Holder for Housing and Environment (Councillor P. J. Whittaker)
 - (iii) Regional Housing Partnership Substitute Member
Portfolio Holder for Planning Policy and Transportation (Councillor Mrs. J. Dyer M.B.E.).

38/08 **MOTION - GREEN WASTE**

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

“That a questionnaire be sent to every household in the District asking whether they agree with the Council’s decision to remove the Green Waste Collection – Yes or No.

The results be made public.”

The motion was moved and seconded.

Councillor R. Hollingworth suggested an alteration to the wording of the motion which was declined by Councillor P. M. McDonald.

It was moved by Councillor E. C. Tibby and seconded by Councillor R. Hollingworth that the question be now put to the vote, however, this procedural motion was ruled out of order as Councillor E. C. Tibby had spoken on the matter.

It was moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor Mrs. R. L. Dent that the question be now put to the vote and on being put to the meeting the Chairman declared the procedural motion CARRIED.

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

For the motion: Councillors Mrs. A. E. Doyle, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. R. Peters, S. P. Shannon and C. J. K. Wilson (10);

Against the motion: Councillors A. N. Blagg, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, W. R. Newnes, C. R. Scurrrell, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (23).

Accordingly the Chairman declared the substantive motion LOST.

39/08 **MOTION - LEADER OF THE OPPOSITION**

Members considered the following motion submitted by Councillor S. R. Peters:

“As the Council is aware cross party working is a critical element in the effective administration of this Council, especially given our current status of voluntary engagement.

Part 25 of the Constitution defines the role expected from any person occupying the position of ‘Leader of the Opposition’.

Given that the current Leader of the Opposition is not fulfilling his role in accordance with the requirements of the Constitution, a role for which this Council provides him with an allowance, would the Chamber not agree that it is time that we insisted that he did.

It is therefore proposed

that the Council requires the Leader of the Opposition either to fulfil his roles and responsibilities as set out in this Council’s Constitution forthwith or that he is asked to resign.”

The motion was moved and seconded.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson that the contents of the motion be deleted after the after the first two paragraphs and replaced with the following:

“Given the acknowledged challenges of cross party working it is proposed that the Leader of the Opposition, together with the leaders of other groups (and Deputies) meets as a matter of urgency with the Chief Executive to ensure that all opposition members are enabled to play a full and appropriate part in democratic processes of Bromsgrove District Council. As part of this meeting consideration should be given to defining a ‘modus Vivendi’ for all group leaders and deputies, recognising of course the right of the controlling group to fulfill their obligations under the Constitution, to ensure that democracy and open governance is strengthened in the District so that services offered to the people of the District are further enhanced and more closely meets the needs of local people. The outcomes from this meeting (or meetings) to be reported to this Council when next we meet.”

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

For the amendment: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon and C. J. K. Wilson (6);

Against the amendment: Councillors A. N. Blagg, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, D. McGrath, W. R. Newnes, D. L. Pardoe, S. R. Peters, C. R. Scurrall, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (27).

Accordingly the Chairman declared the amendment LOST.

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

For the motion: Councillors A. N. Blagg, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, D. McGrath, W. R. Newnes, D. L. Pardoe, S. R. Peters, C. R. Scurrall, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (27).

Against the motion: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon and C. J. K. Wilson (6);

Accordingly the Chairman declared the substantive motion CARRIED.

Council
16th July 2008

The meeting closed at 8.10 p.m.

Chairman