

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**22ND NOVEMBER 2017, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), C. J. Spencer (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, M. T. Buxton, S. R. Colella, B. T. Cooper, R. J. Deeming, G. N. Denaro, M. Glass, J. M. L. A. Griffiths (Present from Minute No 56/17 to Minute No 66/17), C.A. Hotham, R. E. Jenkins, R. J. Laight, L. C. R. Mallett, K.J. May, C. M. McDonald, P. M. McDonald, S. R. Peters, M. A. Sherrey, C. B. Taylor, P.L. Thomas, M. Thompson, L. J. Turner, K. J. Van Der Plank, M. J. A. Webb, S. A. Webb and P. J. Whittaker

56\17 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. L. Dent and S. P. Shannon.

57\17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

58\17 **MINUTES**

The minutes of the meeting of the Council held on 20<sup>th</sup> September 2017 were submitted.

The Leader drew Members attention to page 17 of the Minutes with reference to a report being presented to Council in respect of Transport Planning. He advised that following discussions with Group Leaders it had been agreed that a full report would be presented in the first instance to the Overview and Scrutiny Board then going on to Cabinet and Council in January.

Councillor Mallett, as Chairman of the Overview and Scrutiny Board, thanked the Leader for the opportunity to consider the matter at the Board's meeting on 11<sup>th</sup> December. As it was such an important issue for Bromsgrove he proposed that all Members would be invited to attend that meeting.

**RESOLVED** that the minutes of the meeting of the Council held on 20<sup>th</sup> September 2017 be approved.

59\17

**TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

The Chairman referred to the following:

- The Chairman's Italian Night had been a great success and had raised over £500 for her charity, Newstarts.
- The Chairman's Carol Service would take place on 13<sup>th</sup> December at St John's Church. Lickey and Fairfield Schools would be attending to sing Carols.
- The Chairman took the opportunity to thank the team from the Depot who had worked hard to ensure the War Memorials were prepared for the Remembrance Service.

60\17

**TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader reminded Members that at the last Council meeting delegated authority had been given to the Section 151 Officer in agreement with Group Leaders to determine if the Council wished to be included in the bid to establish a Worcestershire Pilot Business Rates Pool. Subsequently he was advised by the Section 151 Officer that Bromsgrove would gain approximately £200k on the breakdown of 50% for the District 49% for the County and 1% for the Fire Authority. On that basis joint agreement was given to join the bid. It was confirmed that at that time, sign up was also agreed from all Worcestershire District and County Councils. A briefing note was sent to all Group Leaders to detail the proposed share.

Subsequently the Council received advice from the County Council that they wished to alter the arrangements and claim an extra 10% with a reduction in the District Councils' allocation of a similar amount. This was evaluated by the Section 151 Officer who advised that the financial impact would be detrimental to the Council and therefore unacceptable. All District Leaders in Worcestershire unanimously rejected this proposal and the bid was submitted as originally proposed and the outcome was awaited. Should the Pilot bid be unsuccessful the Council would remain as a member of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) pool.

The Leader thanked the other Group Leaders for their time and assistance with this item.

Councillor L. C. R. Mallett questioned what, if any, involvement there had been in the decision from the Deputy Leader, who at Worcestershire County Council had made the decision to request an increase in their percentage share and who had contacted this Council.

The Leader responded that he believed that this would be dealt with under a later item on the agenda.

61\17

**REPORT OF AN URGENT DECISION - DISCRETIONARY NON-DOMESTIC RATES REVALUATION SUPPORT SCHEME**

The Leader reported that, with agreement from all relevant parties, an urgent decision had been made in respect of the Discretionary Non-Domestic Rates Revaluation Support Scheme and this was reported for information only.

Councillor Mallett commented that in future work programme planning should be done in a more timely manner and that it was questionable as to whether this had in fact been an urgent decision.

The Leader responded that whilst this could have been flagged up at an earlier stage there had been problems with a software upgrade which had caused the delay.

62\17

**TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no public comments, questions or petitions on this occasion.

63\17

**NOTIFICATION OF CHANGE OF COUNCIL REPRESENTATIVE TO THE HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

Members were advised that following the resignation of Councillor S. A. Webb as the Council's representative, the Leader had asked the Overview and Scrutiny Board to select a new representative on the Worcestershire Health Overview and Scrutiny Committee and it had appointed Councillor C. A. Hotham. Councillor L. C. R. Mallett, as Chairman of the Overview and Scrutiny Board, took the opportunity to thank Councillor Webb for her work and also to thank Councillor Hotham for agreeing to attend future meetings on behalf of the Council.

64\17

**RECOMMENDATIONS FROM THE CABINET**

**Black Country Core Strategy Issues and Options Report**

The recommendation in respect of the Black Country Core Strategy Issues and Options Report was proposed by Councillor C. B. Taylor and seconded by Councillor G. N. Denaro.

Councillor Taylor, as Portfolio Holder for Planning and Strategic Housing introduced the report and in so doing reminded Members that this was the third response which had been sent out in respect of neighbouring districts. It was confirmed that the Council would be keeping a close eye on the impact of all of these on the District's borders whilst still taking into account the need for co-operation between Councils.

During the following debate a number of areas were discussed in more detail:

- Land/houses which had previously been given up to Birmingham City Council and ongoing discussions with that local authority.
- The Local Transport Plan 4 which had recently been agreed by Worcestershire County Council (WCC) and the pressures it placed on the District.
- The need for these items to be dealt with in a timelier manner as this had first been raised three months ago.

Councillor Taylor thanked Members for their input and confirmed that their comments would be taken on board.

**RESOLVED:**

- (a) that the contents of the report be noted; and
- (b) that the draft officer response to the Black Country Core Strategy Issues and Options report, as attached at appendix A to the Cabinet report, be approved and submitted to the Black Country Authorities as this Council's consultation response.

**Council Tax Support Scheme 2018/19**

The recommendation in respect of the Council Tax Support Scheme 2018/19 was proposed by Councillor B. T. Cooper and seconded by Councillor G. N. Denaro.

Councillor Cooper, as Portfolio Holder for Finance and Enabling, introduced this report and reminded Members that on 1<sup>st</sup> April 2013 Council Tax Benefit was replaced with the Council Tax Support Scheme. Each local authority was required to adopt the scheme and specify reductions payable in their area. In April 2015, the Council decided to cap the support at 80% of Council Tax liability for all working age claimants. This has been in place for every year since. Cabinet once again was recommending that no changes should be made to the Council Tax Support Scheme in 2018/19.

Following presentation of the report Members discussed a number of areas in more detail:

- The content of the report appeared to be diluted each year.
- The need to consult with those that the scheme impacted the most and what was being done to support them. The Portfolio Holder advised that pensioners were entitled to up to 100% support.
- The impact on those residents who now had to pay 20% of their Council Tax and any impact on the hardship fund provided by the Council.
- Whether, from the information provided, Members were in a position to make a decision on this.
- The lack of reference within the report to any data in respect of the impact of the implementation of the scheme two years previously.

A call to defer the report was made by Councillor C. J. Bloore and seconded by Councillor L. C. R. Mallett. It was confirmed that a decision needed to be made by 31st January 2018 for implementation by 1st April 2018. After further consideration it was agreed that the report would be deferred and considered at the Council meeting to be held on 24th January 2018.

### **Commercialisation and Financial Strategy**

The recommendation in respect of the Commercialisation and Financial Strategy was proposed by Councillor G. N. Denaro and seconded by Councillor K. J. May.

The Leader explained that this Strategy pulled together a number of areas which had been implemented over the last year in the drive for financial sustainability. This document clearly outlined the areas which the Council would be looking at to support Commercialisation and closely looked at the Council's income streams in order to determine the level of recovery. This had been illustrated by work carried out through the Finance and Budget Working Group, which showed a wide difference in the Council's level of support to different functions. However, it was important that the Council looked at the social context of its decisions as well as the financial. It was acknowledged that the document was relatively short but it brought together many of the aims identified in the Council Plan, the Medium Term Financial Plan and the Acquisitions and Investment Strategy.

Following presentation of the report a number of areas were discussed in more detail:

- The Council being more business-like and whether it was necessary for this to include being more commercial in its way of working.
- The need for the Council to be more "outward" thinking and for staff and Members to use their imagination.
- The need to build houses in order to obtain the New Homes Bonus grant, which could conflict with the planning decision process.
- The need to make investments and where the financial gain was from investments did not necessarily sit with the Council's ethos.
- Accepting that looking at alternative ways of working brought associated risks and being able to take on those risks.
- The need for all groups to work together in order to take the Council forward.
- The lack of substance within the strategy and the need for the Council to take action particularly in respect of its assets; Burcot Lane was highlighted including the delays which had occurred in moving this project forward and the financial impact of this.

- Ensuring the corporate principles were adhered to, particularly in respect of putting the customer at the heart of what the Council did.
- Whether officers had the skills needed in order to carry out the work needed to put the commercialisation strategy into practice.
- The cost of the transformation work which had been carried out over a number of years by consultants.
- The impact of financial cuts made over a number of years and whether future arrangements would be sufficient.
- The level of risks the Council was prepared to take on in order to make the savings needed.
- The need to monitor the outcomes of any projects.
- Whether the three year strategy was sufficient.
- The amount of land which had been sold in the District and the extent to which new industry had been brought into the area.
- The new Leisure Centre being run by an outside contractor – it was suggested that if the contractor was able to make a profit from this then the Council should have considered retaining the facility and running it.

The Leader thanked Members for their comments and responded that this was a starting point and acknowledged that a great deal more work needed to be done. Members needed to be more adventurous and everyone had particular skills which could be of benefit to ensure the Council had a future. The strategy would be amended and updated as the Council progressed.

**RESOLVED** that the Commercialisation and Financial Strategy as attached at Appendix 1 to the report be approved and adopted.

### **Review of Financial Regulations and Contract Procedures**

The recommendation in respect of the Review of Financial Regulations and Contract Procedures was proposed by Councillor B. T. Cooper and seconded by Councillor G. N. Denaro.

Councillor Cooper, as Portfolio Holder for Finance and Enabling advised Members that the present contract and financial procedures rules had been reviewed and updated in the light of available best practice.

These provided clarity on roles, responsibilities and limits which needed to be followed by the Council. The rules had been revised to reduce the thresholds at which officers had to undertake the various levels of procurement. There was also now a framework in place for the procurement of consultants, which was to ensure that the cost, rationale and outcomes were more clearly identified and monitored.

The financial procedure rules provided certainty on what was permitted. They set out the framework for the way that the financial procedures of the Council were undertaken and formed a key part of the Council's

internal control framework. These rules covered the key processes such as income, ordering, payments budget management and virement. There were no major changes other than revisions to the virement rules. These included the transfer of budgets between budget headings.

The Portfolio Holder explained that having considered the virements policy with the Finance and Budget Working Group a number of changes were proposed from those initially recommended by Cabinet. The revised virement levels were to replace those currently included within the agenda.

It was therefore proposed that the following amendments be made; virements up to £20k be agreed by the Head of Service and Executive Director, Finance and Resources, virements between £20k and £40 k to be approved by Cabinet and Virements over £40k to be presented to Cabinet and recommended to Council.

Following presentation of the report a number of comments were made:

- From the document it seemed there was a tightening up on the procedures which was appropriate in the current circumstances.
- The Portfolio Holder appeared to be taking a more active role.
- Reference was made to procurement and the need to ensure that the correct process was followed (the Chief Executive and Monitoring Officer were asked to look into a recent incident, which had come to light at the Overview and Scrutiny Board in respect of the production of the Centres Strategy).

Councillor Cooper thanked Members for their feedback and advised that this had been an opportunity to tighten up the process and that it would be regularly reviewed. Should any issues arise these would be considered in consultation with officers and the Portfolio Holder.

**RESOLVED:**

- (a) that the revised Contract Procedure Rules and Financial Procedure Rules as set out in Appendices 1 and 2 to the Cabinet report be approved, subject to the amendment to section 11.5.7 (v) of the Contract Procedure Rules and Virements policy as contained in the preamble; and
- (b) that the revised rules come into effect as from 23<sup>rd</sup> November 2017.

**Medium Term Financial Plan 2018/19 – 2021/2022 budget Assumptions**

The recommendation in respect of the Medium Term Financial Plan 2018/19 – 2021/22 was proposed by Councillor B. T. Cooper and seconded by Councillor G. N. Denaro.

Councillor Cooper, as Portfolio Holder for Finance and Enabling presented this report and in so doing explained that the Council was

legally obliged to produce a balanced budget. The assumptions that were being used for the Council's 2018-19 budget and for the provisional budgets for the years 2019-20, 2020-21 and 2021-22, and the risks that had been identified were shown within this report.

It was explained that the budget would be based on known levels of expenditure and anticipated levels of services delivery, as well as a number of assumptions. The most significant risks to the Council's forward projections were detailed within the report, with the main assumptions being an increase in Council Tax of £5 on a band D house and a staff pay increase of 2%. The Portfolio Holder also made reference to superannuation and an advance payment which had been made of £6.5m for 90% of the anticipated contributions and for back funding for the three years 2017-20, which had resulted in a saving of approximately £137k per annum, after allowing for borrowing costs.

The budget also assumed a 0% increase for the majority of the Council's non-pay expenditure budgets including grants, with an increase in utilities of 6%. It was understood that, following Central Government budget announcements, business rates would rise by 2.8%.

It was confirmed that discretionary fees and charges would be brought before Council at its January meeting and that in line with the Medium Term Finance Plan these would also rise by 2.8%.

Following presentation of the report a number of areas were discussed in more detail, including:

- Concerns that the Council was attempting to pre-determine its budget.
- The assumptions had not necessarily been successful in previous years and therefore it was questioned whether these were needed.
- An increase to fees and charges and in particular for garden waste – it was highlighted that as the Council had the “monopoly” on this service residents had no option but to pay.
- Whether it was necessary for the report to come to Council as a decision was not being made.
- The capital programme and the impact of interest charges on the budget.
- The need to be realistic about the Council's current financial position and to ensure that its policies reflected this.
- Assumptions had been made in previous years and it was questioned whether some increases arising from the assumptions had been necessary in light of the figures in the final accounts.

The Leader took on board the comments which had been made and suggested that in future the report would not be brought to Council. However, as the information within the report was useful, it was suggested that it should go to Cabinet and either the Overview and



Scrutiny Board or its Finance and Budget Working Group for consideration.

**RESOLVED** that the revenue assumptions as set out in paragraph 3.4 of the report be incorporated into the budget setting process for 2018/2019 – 2021/2022.

65\17

**PROVISION BY BROMSGROVE DC OF A GARDEN WASTE SERVICE ON BEHALF OF REDDITCH BC (FURTHER REPORT)**

The recommendations in respect of the Operation by Bromsgrove District Council of a Garden Waste Service on behalf of Redditch Borough Council was proposed by Councillor P. J. Whittaker and seconded by Councillor G. N. Denaro.

Councillor Whittaker, as Portfolio Holder for Environmental Services, introduced the item and reminded Members that this had been brought before the previous Council but further information had been requested before a decision was made. An addendum to the report was attached which provided a summary of the costs and income for the service. It was confirmed that this included the contribution towards overheads, included such things as ICT, Human Resources and the pension deficit. This gave an “under recovery” figure of £72k. A similar summary had been attached in respect of Redditch Borough Council (RBC) which, based on an estimated 3,000 bins, gave an overall under recovery of £12k but would contribute towards the Council’s overheads by £18k. The important factor was that if agreement was reached to deliver this service it provided the opportunity to maintain the existing charge of £45 rather than increase it for 2019/20.

Following presentation of the report Members discussed a number of areas in more detail including:

- If the Council did not provide the service the authority would not incur £30k of overheads.
- The impact of providing the service on the Council vehicles, as there appeared to be no charge for this within the figures for RBC.
- The potential to make the service more profitable for the Council.
- The need to ensure that the service was run in a business-like manner.
- The necessity of ensuring that RBC paid the appropriate amount for the service.
- The risks associated with it and the potential need for additional staff or the hiring of vehicles to operate the service and the impact on the service for Bromsgrove residents.
- Difficulties in understanding the figures provided within the report and the need for officers to be better equipped in writing business cases in the future.
- The impact on the service of new homes being built which might change the availability of staff to provide the service.

- The possibility that whilst the Council had capacity to provide this service at the moment, this may not always be the case.
- A commitment to provide a waste service at an affordable price to residents.
- Whether the business case met with the Council's procurement regulations – the Monitoring Officer confirmed that this was not a commercial operation and had been calculated on a cost recovery basis.
- How the service would be monitored and whether it would be reviewed to ensure it did not impact on the service provided to the residents of Bromsgrove.

Following the discussions Councillor Whittaker, as the relevant Portfolio Holder, agreed that he was happy to take on board and discuss with officers the points and concerns which had been raised and consider reviewing the scheme following its implementation.

The Chairman agreed to a short adjournment, following which the amended recommendation was put to the vote and carried.

**RESOLVED** that the Council provide a Garden Waste Service to Redditch Borough Council as outlined in the report to Council dated 20<sup>th</sup> September 2017, to be reviewed 12 months following the implementation of the service.

66\17

### **THE BROMSGROVE ENERGY EFFICIENCY FUND**

The recommendations in respect of the Bromsgrove Energy Efficiency Fund were proposed by Councillor C. B. Taylor and seconded by Councillor G. N. Denaro.

Councillor Taylor, as Portfolio Holder for Planning and Strategic Housing, introduced the report and in so doing highlighted that this was something which directly benefitted those residents that needed it the most. The Scheme had been so successful that the proposal was for the funds from the forthcoming year to be brought forward to allow it to be made available for those in need. The funds had already been approved; this was simply a request to bring them forward. A further £9k was also requested from the Capital Programme to be funded from the available revenue reserve.

Following presentation of the report, Members discussed a number of areas in more detail:

- Why the report had been brought directly to Council and not via Cabinet.
- If the funds were brought forward what would happen in the forthcoming year if no money was available.
- Details of the 5 cases which were referred to in the report, which had not met the criteria. Councillor Taylor agreed to provide Members with details of these cases outside of the meeting.

- The need for the fund to be adequately supported in the future and to ensure that sufficient money was available.
- The principle of a 3 year scheme, and the need ideally for people to get the benefit from the scheme earlier if possible.
- The benefits of the scheme - although it was acknowledged that it was something which would be needed every year.
- It was confirmed that a capital bid for the fund would be made as part of the budget process for future years.
- Members discussed the option of including a figure within the budget assumptions in respect of the scheme to ensure the need was highlighted at an early stage.

After further debate an additional recommendation was put forward by Councillor L.C.R. Mallett and seconded by Councillor M. Thompson, that the sum of £110k over a 2 year period be included in the Council's budget assumptions in respect of this scheme.

In accordance with Council Procedure Rule 18.3 a recorded vote was taken and voting was as follows:

For the recommendation Councillors Allen-Jones, Baxter, Bloore, Buxton, Colella, Cooper, Deeming, Denaro, Glass, Griffiths, Hotham, Jenkins, Laight, Mallett, May, Peter McDonald, Christine McDonald, Peters, Sherrey, Spencer, Taylor, Thomas, Thompson, Turner, Van der Plank, Mike Webb, Shirley Webb and Whittaker (28)

Against the recommendation Nil

**RESOLVED:**

- (a) that the capital programme for 2017/18 be increased by £33k to £66k; this reflects the impact of 2018/19 being brought forward to 2017/18;
- (b) that the capital programme 2017/18 is further increased by £9k to £75k to be funded from the current available revenue reserve; and
- (c) that the sum of £110k over a 2 year period be included in the Council's budget assumptions.

67\17

**TO RECEIVE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 4TH OCTOBER 2017 AND 1ST NOVEMBER 2017**

The minutes of the Cabinet meetings held on 4th October and 1st November 2017 were received for information.

68\17

**TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR HEALTH AND WELL BEING AND COMMUNITY SAFETY**

Prior to the presentation of the report of the Portfolio Holder for Health, Wellbeing and Community Safety, Councillor M. A. Sherrey, a point of order was raised in respect of her role as Community Ambassador for

the West Mercia Police and Crime Commissioner (PCC). It was questioned whether as this was a paid role it was appropriate for her to be involved in the Community Safety aspect of this Portfolio. Councillor Sherrey advised that during her involvement with the PCC when finance matters were discussed she had left the room and took no part in the debate there of.

Following a brief adjournment when legal advice was sought, it was agreed that the item would be deferred.

69\17

**QUESTIONS ON NOTICE (TO BE CIRCULATED AT THE MEETING IF ANY)**

**Questions submitted by Councillor C. J. Bloore**

“Could the leader of the Council tell us when did he find out the County Council wanted to decrease the District Councils share of income from the proposed Business rates pilot scheme? Could he tell me who took the decision to reject the proposal and did he consult the Deputy Leader and if so did she support the reduction or not?”

The Leader responded that the Section 151 Officer emailed her recommendation to all Group Leaders on 20th October 2017. This detailed the potential financial gain for the Council of a 50:49:1 split in favour of the district. On the afternoon of Monday 23<sup>rd</sup> October she was advised that the County had undertaken some further detailed work on the impact of the initial business rate split proposal and that County felt the proposed allocation was not acceptable and requested a 40:59:1 in favour of the County Council. The Section 151 Officer advised that this would not be financially beneficial to the District.

The original terms were agreed at the Worcestershire Leaders' Board and the leader had advised the Chief Executive and the Section 151 Officer to enquire if other Leaders were of the same mind to reject the proposal. The response was unanimous to reject this and the County Council had been advised accordingly. No other consultation took place and the bid was submitted on the original terms.

**Question submitted by Councillor S. R. Colella**

“Why has the Leader committed this Council to taking on additional housing from Birmingham City Council and on what authority?”

The Leader responded that he had not done this. Authority was given in the Bromsgrove District Plan which contained the following policy with regards to the Green Belt and the needs of the conurbation, not Birmingham City.

*BDP4.2*

*A Local Plan Review including a full Review of the Green Belt will be undertaken in accordance with BDP 3 in advance of 2023 to identify:*

*c) Land to help deliver the objectively assessed housing requirements of the West Midlands conurbation within the current plan period i.e. up to 2030.*

This policy had been consulted on widely through the plan process and also discussed at length as part of the examination in public. Without such a policy it would have been highly likely the Bromsgrove District Plan would not have met the duty to co-operate or have been found sound by the inspectorate on behalf of the Secretary of State. In approving the Plan at its various stages of production, and finally adopting the Plan in January of this year, the authority for this policy was given by the Council as a whole.

Councillor Colella responded that he did not believe that if other Members had been aware that this was within the Plan that it would have been approved and that this should have been made clear at the January meeting of the Council when it was considered. He suggested that at no point had it been stated that a number of authorities could build houses in the District and that the answer he had received to his question was not satisfactory. Councillor Colella then called for an emergency debate to be held in order for the matter to be discussed in more detail.

The Leader did not accept this and suggested that the matter would be better dealt with through the Strategic Planning Steering Group.

#### **Question submitted by Councillor C. A. Hotham**

"Please could the Leader confirm the number of looked after children within the Bromsgrove District and explain the role of the corporate parent and its relevance to District Councillors."

The Leader responded that there were 61 looked after children within the Bromsgrove District as at the end of September 2017, which were the latest figures available. It was highlighted that the role of the Corporate Parent was extremely important and one that every Member should consider and be aware of in their role as a Ward Councillor and when making Council decisions.

The Portfolio Holder had been proactive in raising the profile of Corporate Parenting and ensured that it was included in the recent Member training on Safeguarding, to which all Members were invited. An answer to the question had been provided at that event, but as not all Members had been present the Leader had asked officers to circulate the Safeguarding Training presentation to all Councillors following this meeting.

**Question submitted by S. P. Shannon**

In the absence of Councillor S. Shannon, Councillor M. T. Buxton read out his question.

“I imagine that Leader of this Council is as disappointed and as angry as myself and residents reading front page headlines in local newspaper that West Mercia Police and Council officers no longer have time to detect and clean up after vandals have repeatedly left graffiti tags on BDC buildings and play equipment in parks around the district. Will the Leader recognise that residents are paying the all time highest ever amounts of Council Tax and Police Precept to the Council and overturn this opt out of responsibility from Council Officers and organise surveillance and cctv systems to be monitored?”

The Leader responded that he too had been angered by the vandalism and had asked Councillor P. J. Whittaker, as Portfolio Holder for Leisure, to provide a response.

Councillor Whittaker responded that he too had been disgusted with the graffiti and that this had been removed on at least 4 occasions. He believed that the newspaper article had been misleading and explained that the Operative who was trained in the use of the special equipment needed to remove the graffiti was currently on sick leave following a road accident and that alternative arrangements were being made to ensure that the graffiti was removed as soon as possible. It was also understood that through Police work and CCTV operators closely monitoring the situation someone had been caught and this would hopefully resolve the matter.

The Chairman took the opportunity of wishing the member of staff a speedy recovery.

70\17

**MOTIONS ON NOTICE (TO FOLLOW IF ANY)**

**Local Transport Plan 4**

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

"It was with utter shock and dismay that I had to witness Cllr's May and Taylor at County Hall voting for the Local Transport Plan 4.

Bromsgrove District Council had voted unanimously against the plan with good reason and both Cllr Taylor and May spoke and voted against it. Both hold positions of importance as cabinet members and they have now made their positions untenable with their blatant disregard for decisions made in the chamber, therefore, we call upon them to resign forthwith."

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

In presenting the Motion Councillor McDonald made reference to the fact that when decisions were made residents expected them to be honoured. He referred specifically to the cross party agreement reached in respect of the Local Transport Plan No 4 (LTP 4) and failure to address issues which had been raised on a number of occasions at Council meetings. It was stated that two Members of the Cabinet, who were County Councillors, one of whom was also on the Cabinet at WCC had at a recent Council meeting when this had been considered, voted against the wishes of this Council. In the circumstances Councillor McDonald did not feel that it was unreasonable to ask those Members to resign.

Prior to the debate, Councillor S. R. Colella put forward an amendment to the motion, which was accepted by Councillor McDonald. The amendment stated *“that the Leader and Council change the constitution to exclude twin hatters from Cabinet.”*

Members questioned whether those Councillors that had been referred to should take part in any debate. A number of Members believed those Cabinet Members should leave the meeting whilst others felt that they should be given the opportunity to defend their position.

Councillor S. J. Baxter suggested that there was a need to “de-personalise” the debate and made reference to the Notice of Motion which had been brought before the Council earlier in the year in respect of LTP4 in response to which the Council had agreed to write to WCC. This written response had not been shared with Members and she was of the view that Members should put their communities first and that, under the circumstances, she did not believe that anyone could have supported LTP4. She was therefore in support of the amendment to the notice of motion which had been put forward.

Following an exchange between several Members, the Chairman reminded the Chamber that it was for Members to decide as to whether they had a pecuniary or other interest in items and whether they chose to declare this and leave the room, she also reminded the Chamber of the Member-to-Member protocol.

Councillor C. J. Bloore provided Members with background information in respect of the work that had been carried out by the Overview and Scrutiny Performance Board at WCC and the proposals which had been put forward by that Committee. Whilst providing this explanation it was highlighted that a number of “dual hatted” Members, who were on the Cabinet at this Council had voted against the amendment from the Overview and Scrutiny Performance Board, which had covered areas that had been discussed by this Council.

After further debate, the Chairman agreed to a short adjournment, during which Councillor Taylor left the meeting. When the meeting resumed Councillor May did not return for the remainder of this item.

The Leader responded to the Notice of Motion by stating that he was disappointed to see it appear in the Council papers as he believed it had been the united Council approach to highways matter that had influence the County Council. The two Cabinet Members had been the most ardent and vociferous in pointing out the lack of County Council response to date. The Leader had been encouraged by the small, but significant changes in the revised document that was voted on at WCC, as it stated *"..... a longer term transport strategy was currently under development for Bromsgrove district. This would include a range of options, including access to the motorway network and Highways England's future Road Investment Strategies, the case for a potential Western bypass for Bromsgrove, passenger transport improvements and a comprehensive active travel (walking and cycling) network to support development growth. These options would be comprehensively assessed. The outcomes of this would feed into future versions of the Worcestershire Local Transport Plan and the Bromsgrove Local Plan."* The Leader added that for those reasons he believed that the document supported at County Council by Bromsgrove Councillors was sufficiently different in relation to Bromsgrove from the original consultation document, that he had advised his Members to vote against this motion.

A number of Members spoke in support of the Leader's response and were critical of the accusations which had been made in respect of Councillors May and Taylor. It was highlighted that Councillor Taylor had not been present at the Council meeting when this matter had been discussed. It was also highlighted that the document which was discussed at the WCC Council meeting was very different to that which had been provided to Members earlier in the year and debated in this Chamber.

Councillor Mallett responded to a number of points which had been highlighted and reminded Members of particular areas which had been discussed at previous meetings and which needed to be addressed through LTP4. This included air quality and infrastructure in particular. The difficult position placed upon "dual hatted" Members was acknowledged, but he was of the view that Members should support the decisions made by their Districts as their responsibility rested with those residents who had initially elected them and that those residents would feel let down by Members and the Council as a whole. It was believed that this had led to some Members position being compromised and that they should accept that they had not made the decision in the best interests of this Council.

It was noted by Councillor Colella that the WCC Council meeting was available to view on the podcast service which it provided, where it was clear to see which way Members had voted and that the suggestions put forward by the Overview and Scrutiny Performance Board had been



over-ruled. He further commented that the benefits of LTP4 appeared to be within Worcester and that Bromsgrove would not see the benefit. Members were reminded that the reason for raising this issue at previous Council meetings was that the residents of Bromsgrove had been let down in the past and to ensure that this did not happen again. The proposal to send the letter which was made at the Council meeting on 24<sup>th</sup> April had been made by the Leader and seconded by Councillor May.

In summing up, Councillor McDonald shared his disappointment at the vote which had been taken at WCC and believed that those Members involved had brought this Council's position into disrepute and that through the amendments suggested by the Overview and Scrutiny Performance Board there had been an opportunity to address the needs of Bromsgrove. He highlighted the work which would be carried out that would benefit other areas of the County and reiterated his disappointment in the lack of support given to those amendments. Councillor McDonald expressed disappointment that those Members had not stood by the decision which had been made in this Chamber and noted that the amended notice of motion would ensure that this did not happen again.

In accordance with Council Procedure Rule 18.3 a recorded vote was taken and voting was as follows:

For the recommendation Councillors Baxter, Bloore, Buxton, Colella, Hotham, Jenkins, Mallett, Peter McDonald, Christine McDonald, Thompson, Turner, Van der Plank (12).

Against the recommendation Councillors Allen-Jones, Cooper, Deeming, Denaro, Glass, Laight, Sherrey, Spencer, Thomas, Mike Webb, Shirley Webb, Whittaker, Jones (13)

Abstentions Councillor Peters (1)

The Chairman declared the motion to be lost.

### **Leisure Centre Operator**

At the discretion of the Chairman and as the time allotted to Motions on Notice had passed, the notice of motion from Councillor L. C. R. Mallett was deferred until the next meeting of the Council.

The meeting closed at 9.43 p.m.

Chairman