

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 12TH NOVEMBER 2008, AT 6.00 P.M.

PRESENT: Councillors Mrs. C. J. Spencer (Chairman), C. R. Scurrall (Vice-Chairman), Mrs. J. M. Boswell, Dr. D. W. P. Booth JP, Mrs. M. Bunker, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming (not present during part of Minute No. 66/88 (ii)), Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., Mrs. J. M. L. A. Griffiths, R. Hollingworth, Ms. H. J. Jones, B. Lewis F.CMI (not present during Minute No. 66/08 (i) and part of Minute No. 66/08 (ii)), Dr. G. H. Lord, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, D. L. Pardoe, S. R. Peters, Mrs. M. A. Sherrey JP, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and C. J. K. Wilson

59/08 **PRAYER**

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

60/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. N. Blagg, G. N. Denaro, Mrs. A. E. Doyle, J. T. Duddy, D. Hancox, E. J. Murray, W. R. Newnes and S. P. Shannon.

61/08 **MINUTES**

RESOLVED that the minutes of the extraordinary meeting held on 13th October 2008 be approved as a correct record.

62/08 **DECLARATIONS OF INTEREST**

At the commencement of Minute No. 74/08 (Worcestershire Hub), Councillors Dr. G. H. Lord and P. M. McDonald each declared a personal interest as being members of the County Council which was reducing its funding contributions to the Hub with resultant staffing implications.

63/08 **ANNOUNCEMENTS FROM THE CHAIRMAN**

- (a) The Chairman extended congratulations on behalf of the Council to former Hagley School Head Teacher, Dr Melvyn Kershaw O.B.E. who had been presented with the best UK Head Teacher Award for a Secondary School at the 2008 UK Teaching Awards.
- (b) The Chairman extended congratulations to four pupils of Bromsgrove and District who had achieved Gold, Silver and Bronze Medals in the Special Olympics Spanish National Games. She would be presenting

certificates of achievement to these pupils at the Ryland Centre the following evening.

- (c) The Chairman thanked all those who had attended the Council Bonfire and Firework Display held at Sanders Park.
- (d) The Chairman drew attention to the following forthcoming events:

Christmas Lights Switch-on in Bromsgrove on 22nd November 2008 at 5.00 p.m.

Christmas Lights Switch-on in Rubery on 29th November 2008 at 5.00 p.m.

Community Carol Service on 17th December 2008 at 6.30 p.m.

Burns Night Celebration on 23rd January 2009 in the Spadesbourne Suite

Holocaust Memorial Day Service on 27th January 2009

64/08 **ANNOUNCEMENTS FROM THE LEADER**

The Leader indicated that he had a number of important announcements to make and requested that his time limit be extended by five minutes. With the consent of the meeting, the Chairman agreed to this request.

Town Centre Regeneration Manager

The Leader referred to a recent car accident involving Richard Savory, the Town Centre Regeneration Manager, resulting in a number of injuries. On behalf of the Council he expressed best wishes for a speedy recovery.

Member/Member Protocol

The Leader reminded the Council of the Member/Member Protocol which formed part of the Constitution. In particular, Members should only work within their own wards and if it was necessary to become involved in another Member's ward, this should only be done with that Member's agreement and co-operation. The only exceptions were the Chairman and Vice Chairman if they were on Council business. He also emphasised that there could be Members from different political or independent groups within a ward and it was important for Members to liaise with all groups in such wards.

Council Investments

The Leader reminded Members that the Council had not had any investments in Icelandic banks and that around £15m of the Council's balances had been transferred to the Treasury Operations Office for safety. He then referred to a recent article in the press and commented that the Council's position was not an act of luck but due to the good management actions of its Section 151 Officer who, despite the high credit rating quoted for the Icelandic banks, had decided not to risk residents' money overseas.

Multi Agency Resource Centre (MARC), Charford

The Leader updated Members on the position with regard to the MARC which was running out of funding. The MARC had now issued redundancy notices and it was likely that they would close some services at the end of November with other services due to close at the end of December. Efforts were being made to salvage some, if not all, of the services but these would have to be

delivered in a different way through partnership working. This partnership would be a theme group of the Local Strategic Partnership, working very closely with other appropriate theme groups and partners from the community. He hoped that progress could be made quickly. The Leader acknowledged that all parties had worked together on the matter and extended particular thanks to Councillors Mrs. J. D. Luck, P. M. McDonald, Mrs. C. M. McDonald and S. P. Shannon for their assistance.

Affordable Housing

The Leader referred to the risk of losing money from the Housing Corporation which could be used to subsidise affordable housing in Bromsgrove. The Housing Corporation had £420m for affordable housing in the West Midlands of which £64m was allocated to the South Market Housing area. £26m had been used leaving £38m available. A partnership team of officers and Members from the six Worcestershire District Councils, two Warwickshire District Councils and the related County Councils had been established with a view to being proactive and developing proposals to put forward to the Housing Corporation. The Leader undertook to keep Members informed of progress.

Contracts relating to the Olympics Games

The Leader referred to the huge investment in the Olympic Games and the need to help local firms benefit. Three companies in the Bromsgrove area had been awarded sub-contracts and the opportunity existed for other orders to be won. As community leaders, Members needed to help and encourage local businesses in their wards to get involved. Further information and advice on the process involved could be obtained by contacting Peter Michael.

Layout of the Chamber

The Leader referred to the new layout in the Council Chamber and conceded that it had not been successful as Cabinet Members did not like sitting with their backs to the Chairman. He had therefore asked officers to revert the Chamber to its previous layout. The sound system needed to be improved and he had asked officers to identify and cost a system that could be relocated to a new Council House.

65/08 **QUESTIONS ON NOTICE**

No questions had been submitted.

66/08 **RECOMMENDATIONS FROM THE CABINET MEETINGS HELD ON 1ST OCTOBER AND 5TH NOVEMBER 2008**

(i) THE FUTURE OF BROMSGROVE MUSEUM

The Leader emphasised that some decisions to be taken with regard to the future of the Bromsgrove Museum would be taken by the Council in its capacity as Trustee whereas others would be taken in its capacity as Local Authority. In its role as Trustee the Council had a duty to act in the best interests of the Trust.

The Leader advised that since the report detailing five options had been considered by the Cabinet, a further proposal had been received by officers from a newly constituted organisation called the Friends of the Norton Collection Charitable Trust. This proposed that the Council provide the Trust with the opportunity to purchase the Museum building at market value and that the Trust be permitted nine months within which to raise the necessary capital. The Trust would enter into an option to purchase agreement to achieve this end with payment of a fee. If the proposal failed the Trust would lose that fee. As part of this new proposal the Council would transfer the artefacts to the newly formed Trust and continue to provide storage facilities at the Council's Depot until such time as the Trust secured its own storage facility.

Although option 5 had seemed the most viable to the Cabinet, officers had not yet had the opportunity to advise on the detail and validity of the new proposal offer. With the consent of the meeting, the Leader therefore proposed that recommendation (b) from the Cabinet be altered to read:

“that authority be delegated to the Executive Director (Partnerships and Projects) to set up a suitable advisory group to report to Council in January 2009 having investigated the viability of the proposal from the Friends of the Norton Collection Charitable Trust and the costs and implications of option 5 (including taking specialist legal advice, specialist advice on removal and storage of the Collection and future management of the Collection) and to report back to Council to request the release of appropriate funding from balances to effect option 5;”

Having been moved and seconded, the altered recommendations were put to the vote whereupon it was

RESOLVED:

- (a) that the Museum be closed permanently;
- (b) that authority be delegated to the Executive Director (Partnerships and Projects) to set up a suitable advisory group to report to Council in January 2009 having investigated the viability of the proposal from the Friends of the Norton Collection Charitable Trust and the costs and implications of option 5 (including taking specialist legal advice, specialist advice on removal and storage of the Collection and future management of the Collection) and to report back to Council to request the release of appropriate funding from balances to effect option 5;
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Executive Director (Partnerships and Projects) and the relevant Portfolio Holder to amend the Trust Deed in such a manner as is considered appropriate;
- (d) that the artefacts within the Collection be catalogued; and
- (e) that the artefacts within the Collection be professionally moved and stored.

(ii) LICKEY END RECREATION GROUND

RESOLVED:

- (a) that the Capital Programme for 2008/09 be amended to include the sum of £50,000, to be funded from the Department for Children, Schools and Families (DCSF) grant, in respect of the refurbishment/enhancement of the Lickey End Recreation Ground on the basis set out in the report; and
- (b) that the Capital Programme for 2008/09 be amended to include the sum of £15,000, to be funded from Capital Receipts, in respect of enhancing the accessibility of the facilities at Lickey End Recreation Ground on the basis set out in the report.

(iii) CHRISTMAS LIGHTS

RESOLVED that the Capital Programme for 2008/2009 be amended to include the sum of £27,000 to fund the Capital elements of the Christmas lights and that this be funded from the Local Authority Business Grant Initiative.

(iv) REDEVELOPMENT OF THE MARKET HALL

RESOLVED:

- (a) that the market hall site be marketed in accordance with the Official Journal of the European Union (OJEU) procurement process under a long lease and that specific conditions be placed on the marketing and development of the site in accordance with the issues and options consultation, spatial report results and wider commercial advice;
- (b) that authority be delegated to the Executive Director (Partnerships and Projects), the Head of Legal, Equalities and Democratic Services and the Head of Financial Services to undertake the marketing in accordance with (a) above; and
- (c) that with effect from 1st March 2009 the market hall be closed and officers be tasked with developing a programme that will maximise the letting potential of this site during the intervening period; and that in the event that no interim letting arrangements are achieved, an interim report be presented to the Council to review this option.

(v) SPATIAL PROJECT PHASE 2

RESOLVED:

- (a) that the Capital Programme for 2008/09 be amended to include the sum of £101,700 to be funded by capital receipts;
- (b) that the revised scope for phase two including the purchase and implementation of 'SmartPoint' software be approved;
- (c) that the implementation of this software be scheduled to follow the conclusion of phase one be approved.

(vi) **SUSTAINABLE COMMUNITY STRATEGY ANNUAL REPORT 2007/08**

RESOLVED:

- (a) that the Bromsgrove Sustainable Community Strategy Annual Report 2007/08 be approved; and
- (b) that the progress to date against each High Level Action Plan be noted.

(vii) **SUSTAINABLE COMMUNITY STRATEGY 2008-11**

RESOLVED that the updated Sustainable Community Strategy 2008-2011 be approved and that it be noted that the document had been updated to reflect the new Local Area Agreement 2008-2011.

67/08 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 1ST OCTOBER, 22ND OCTOBER, AND 5TH NOVEMBER 2008**

The minutes of the meetings of the Cabinet held on 1st October, 22nd October and 5th November 2008 were received for information.

68/08 **APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE**

RESOLVED that Ms Debbie Roberts be appointed to serve as an Independent Member on the Standards Committee for a four year term of office expiring November 2012.

69/08 **RECOMMENDATION FROM THE STANDARDS COMMITTEE**

RESOLVED that the Constitution be amended to transfer responsibility for reviewing and monitoring the Confidential Reporting Code to the Audit Board.

70/08 **CONSULTATION PAPER ON NEW CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

Members considered a report of the Head of Legal, Equalities and Democratic Services on a Consultation Paper issued by the Department of Communities and Local Government (DCLG) on changes to the Code of Conduct for local authority members and on a proposed new Code of Conduct for local government employees.

The Consultation Paper had been considered by the Standards Committee at its meeting on 16th October 2008 and the report set out its responses to the 22 questions posed, together with the responses of the Corporate Management Team and Head of Human Resources and Organisational Development to questions posed in relation to the Employees' Code. The Council's response to the Consultation Paper needed to be submitted by 24th December 2008.

During the debate the Monitoring Officer responded to procedural queries raised by Councillor P. M. McDonald.

Having been moved by Councillor R. D. Smith and seconded by Councillor Mrs. J. M. L.A. Griffiths, it was

RESOLVED:

- (a) that the Group Leaders submit a response to the questions posed in the Consultation Paper to the Monitoring Officer by the end of November 2008; and that the Monitoring Officer collate these and send a formal response from the Council to the DCLG;
- (b) that it be noted that individual responses may be sent to the DCLG.

71/08 **RECOMMENDATIONS FROM THE INDEPENDENT REMUNERATION PANEL**

In response to the requests made by the Council at its extraordinary meeting on 22nd October 2008, Members considered a report of the Independent Remuneration Panel setting out its recommendations with regard to the question of allowances for the new role of Shadow Portfolio Holder and Member Champions.

The Leader stated that he did not believe the Independent Remuneration Panel fully understood the role of Member Champions and therefore proposed that its recommendation for no allowance to be payable to Member Champions be referred back to the Panel for further consideration at its forthcoming consultation meeting with Group Leaders.

In response to a query raised by Councillor Mrs. J. D. Luck, the Leader indicated that he would have no objections to the information made available to the Panel on Member Champions being shared with all Members.

Having been moved and seconded, it was

RESOLVED:

- (a) that the Council notes the Panel's recommendation that no Special Responsibility Allowance be payable for the position of Shadow Portfolio Holder but that this matter will be re-considered by the Panel following its forthcoming consultation meeting with Group Leaders;
- (b) that the Panel's recommendation that no Special Responsibility Allowance be payable to Member Champions be referred back to the Panel for re-consideration at the consultation meeting; and
- (c) that the list of "approved duties" within the Council's Members' Allowances Scheme for 2008/09 be amended to include the following:
"Attendance at meetings, site visits or events in the role of Shadow Portfolio Holder".
"Attendance at meetings, site visits or events in the role of Member Champion appointed by the Leader of the Council and where that role is formally recorded in the Council minutes".

72/08 **MOTION - GREEN WASTE COLLECTION**

Members considered the following motion submitted by Councillors P. M. McDonald and C. J. K. Wilson:

“Since the introduction of the wheelie bin service and the accompanied fortnightly collection the only positive outcome from all this was the green waste collection.

Our own contact with those we represent shows clearly that off all the Council delivers this is the one that people across all ages and social divide see as one of the most important, and thus this Council should maintain such a much needed and in demand service.

Therefore we call upon Bromsgrove District Council to continue with this most needed and in demand service.”

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

For the motion: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, D. L. Pardoe and C. J. K. Wilson (6);

Against the motion: Councillors Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, R. J. Deeming, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., Mrs. J. M. L. A. Griffiths, R. Hollingworth, Mrs. H. J. Jones, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, S. R. Peters, C. R. Scurrill, Mrs. M. A. Sherrey, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. Turner, and M. J. A. Webb (23).

Accordingly the Chairman declared the motion LOST.

73/08 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

Having been moved by Councillor R. Hollingworth and seconded by Councillor Mrs. J. M. L. A. Griffiths, it was

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraph</u>
74/08	4

74/08 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 5TH NOVEMBER 2008**

(i) **WORCESTERSHIRE HUB**

RESOLVED

- (a) that the Council agree from 1st April 2009 to fund the realignment and subsequent reduction of County Council Hub contributions of £76,000 and that this bid be ranked as a high priority within the Medium Term Financial Plan;
- (b) that the Council agree from 1st April 2009 to adopt Stage One of the proposal to establish a single telephone contact centre for County Council enquiries, whilst retaining district telephony at the local Hub Customer Service Centre; and
- (c) that the Council endorses the vision and staged approach for the future development of the Worcestershire Hub, as detailed in Appendix 1 to the report and that consideration of Stage Two and Three of this proposal be carried out at a time appropriate to the Council's needs, with robust business cases, including an assessment of costs, risks and benefits to Bromsgrove customers.

(ii) **REVIEW OF PLANING AND ENVIRONMENT SERVICES**

RESOLVED that the Council approve the release of balances to fund the costs associated with the redundancy and early retirement as set out in the report, subject to any redeployment opportunities that may be available.

The meeting closed at 8.35 p.m.

Chairman