

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 29TH APRIL 2009, 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, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis F.CMI, Ms. J. A. Marshall (not present during the voting of the resolution to Minute No. 133/08), Mrs. C. M. McDonald (not present during the voting of the resolution to Minute No. 133/08), P. M. McDonald (not present during the voting of the resolution to Minute No. 133/08), D. McGrath, E. J. Murray (not present during the voting of the resolution to Minute No. 133/08), D. L. Pardoe, S. R. Peters, S. P. Shannon (not present during the voting of the resolution to Minute No. 133/08), Mrs. M. A. Sherrey JP, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson (not present during the voting of the resolution to Minute No. 133/08).

117/08 **PRAYER**

At the request of the Chairman, Councillor Mrs. J. Dyer M.B.E. opened the meeting with a prayer.

118/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. N. Blagg, R. J. Deeming, Mrs. A. E. Doyle, Dr. G. H. Lord, Mrs. J. D. Luck and W. R. Newnes.

119/08 **MINUTES**

The minutes of the meeting of the Council held on 18th March 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

120/08 **DECLARATIONS OF INTEREST**

Councillor Ms. H. J. Jones declared a prejudicial interest in Minute No. 194/08 of the minutes of the Cabinet dated 1st April 2009 (Bromsgrove Rovers Football Club) which had been submitted for information.

121/08 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to her Civic Charity Dinner which would take place on 1st May 2009 at Grafton Manor.

122/08 **ANNOUNCEMENTS FROM THE LEADER**

Naked Gnomes

The Leader referred to the recent articles in the media with regard to naked gnomes in Hunnington. The Council had spoken to the press and made it clear that it was not involved. He felt it was sad that the press had to resort to such stories to increase their circulation.

Equality Standard

The Leader referred to the Council's recent success in achieving Level 3 of the Equality Standard for Local Government and indicated that only one other council in the West Midlands area had achieved this. He invited the Council to extend its congratulations to officers for this achievement with particular thanks to Fiona Scott, the Council's Equalities Officer.

123/08 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 1ST APRIL 2009**

The Chairman announced that, at the meeting of the Cabinet held earlier that day, consideration had been given to an urgent item in relation to the Electoral Services and Community Safety Shared Services. As this item involved exempt information, it was proposed that the press and public be excluded during consideration of the recommendation on this matter and that it be dealt with as the last item of business at the meeting.

(i) **LONGBRIDGE AREA ACTION PLAN**

RESOLVED that the Longbridge Area Action Plan be adopted as the development plan for the former MG Rover site.

(ii) **BROMSGROVE MUSEUM**

The Leader referred to the specific responsibilities of the full Council as Trustee of the Norton Collection and reminded Members that whilst the fulfillment of the Trust obligations was the responsibility of the full Council, as Trustee of the Collection the management of the Council's assets was a function of the Cabinet. He referred to the Development Plan submitted by the Friends of the Norton Collection Charitable Trust (which had been circulated as part of the agenda papers for the meeting) and the details that it provided in relation to the persons associated with it. The Leader stressed that the role of the full Council as Trustee was to determine to its satisfaction whether the Friends were a suitable organisation to take over the Collection. Whilst the Friends appeared to be suitable, officers needed to do more work to assess their proposals and the longevity of the Trust.

Having been moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro, it was

RESOLVED that the Friends of the Norton Collection Charitable Trust be approved as an organisation to which the Council will transfer the Norton Collection to, subject to:

- (i) officers being tasked to undertake further work with regard to the sustainability of the Trust and its proposals, including exploring whether the artefacts could be transferred back to the Council in the event of that the Friends Trust not being sustainable; and
- (ii) the Council to be provided with access to the Norton Collection to ensure it was being looked after to its satisfaction.

(iii) **CAPITAL PROGRAMME INCREASE – SANDERS PARK TWIN MULTI USE GAMES AREA**

RESOLVED that the Capital Programme for 2009/2010 be amended to include the sum of £80,000, to be funded from the County Youth Capital Fund, in respect of improvements and enhancements to facilities in Sanders Park.

(iv) **CAPITAL PROGRAMME INCREASE – PLAY AREA ENHANCEMENTS, SWANSLNGTH, ALVECHURCH**

RESOLVED that the Capital Programme for 2009/2010 be amended to include the sum of £50,000, to be funded from a Department for Children, Schools and Families grant, in respect of refurbishment and enhancement of play facilities at Swanslength, Alvechurch.

124/08 **MINUTES OF THE MEETING OF THE CABINET HELD ON 1ST APRIL 2009**

The minutes of the meeting of the Cabinet held on 1st April 2009 were received for information.

125/08 **RECOMMENDATIONS FROM THE STANDARDS COMMITTEE HELD ON 31ST MARCH 2009**

(i) **TERMS OF OFFICE OF PARISH COUNCILS' REPRESENTATIVES ON THE STANDARDS COMMITTEE**

RESOLVED:

- (a) that the terms of office of the Parish Councils' Representatives on the Standards Committee for 2009 be extended from one year to two years; and
- (b) that a further review of the terms of office of the Parish Councils' Representatives be undertaken in 2011, following the next round of parish council elections.

(ii) **PLANNING SERVICES CODE OF PRACTICE**

RESOLVED:

- (a) that a review of the Council's Planning Services Code of Practice be undertaken by the Monitoring Officer in consultation with Group

Leaders, the Planning Committee, the Standards Committee and individual Members; and

- (b) that the scope of the review also include the Planning Committee Procedure Rules contained within the Council's Constitution and the Public Speaking at Planning Committee Meetings guidance leaflet to see whether any aspects of these could be combined.

126/08 **RECOMMENDATION FROM THE LICENSING COMMITTEE HELD ON 23RD FEBRUARY 2009**

CODE OF PRACTICE IN RELATION TO LICENSING MATTERS

RESOLVED that the revised Code of Practice in relation to Licensing Matters be adopted in accordance with the draft attached at Appendix 1 to the recommendation from the Licensing Committee.

127/08 **OUTSTANDING QUESTIONS ON NOTICE**

The Chairman announced that two questions remained unanswered from the last ordinary meeting of the Council on 18th March 2009 which would be taken in the order received.

1. Question submitted by Councillor C. B. Taylor to the Leader on Challenge Boards

This question was withdrawn by Councillor Taylor.

2. Supplementary Question from Councillor Mrs. R. L. Dent to Councillor Mrs M. A. Sherrey in relation to the Refuse Collection Service

“You have stated that that we do provide Value for Money but on what do you base this statement?”

Councillor Mrs. Sherrey replied that authorities offered different levels of service and therefore there were different associated costs. Bromsgrove provided a good comprehensive service. Kerbside sorting was more expensive than co-mingling and when Bromsgrove commenced this service in 2010 it would see a reduction in the kerbside collection costs. Contributions from the green waste users would also have a positive effect in the overall costs. When county councils paid recycling credits to district councils this also reduced the costs considerably. However, Bromsgrove did not receive any credits from the County Council. With both the green waste and co-mingled service in place the Council should see reductions in the costs and we would compare favourably with other councils.

128/08 **QUESTIONS ON NOTICE**

The Chairman announced that four questions on notice had been submitted which would be taken in the order received.

1. Question submitted by Councillor W. R. Newnes to the Leader with regard to the Haybridge Centre

Councillor S. R. Colella raised an objection to this question as Councillor W. R. Newnes was not a councillor for the Hagley Ward and requested that it be withdrawn. Councillors P. M. McDonald and R. Hollingworth then expressed similar views and reference was made to the breach of the Protocol on Relations between Members. In the absence of Councillor Newnes and with the consent of the meeting the question was withdrawn.

2. Question submitted by Councillor G. N. Denaro to Councillor R. D. Smith

“In last week’s Bromsgrove Standard it was claimed that moves to remove the Acting Joint Chief Executive from his role at Redditch would cost £500 thousand pounds. Can you clarify please?”

At this point, Mr. K. Dicks, Acting Joint Chief Executive declared an interest in the matter and left the meeting during this item.

Councillor Smith replied by referring to the article which had appeared in the Standard newspaper on 24th April 2009 which reported that Councillor P. M McDonald had contacted the newspaper and said that if the Labour Group re-took control of Redditch Borough Council they would scrap the Joint Chief Executive and he had claimed that this move would cost half a million pounds. Councillor Smith expressed surprise that no one from the newspaper had queried the projected cost and he was pleased to report that the figure was inaccurate and over-estimated by £500,000. In the event of any decision being taken by this Council or Redditch to end the Acting Joint Chief Executive arrangements, the current postholder would simply revert back to the pre-existing post of Chief Executive of Bromsgrove District Council with no additional costs being incurred in the process.

Councillor Denaro did not ask a supplementary question.

3. Question submitted by Councillor D. Hancox to the Leader

“At last month’s Full Council Meeting you were accused of practising Censorship. Can you comment on the fact that the full information letter subsequently sent to the Bromsgrove Advertiser was cut short?”

The Leader replied that after the last meeting of the Council he had written to that newspaper to give them all the facts with regard to the questions which had been raised in the Chamber. He stated that he had always believed what he read in the press but his letter was edited and censored because the elections were coming up. The five or six points they had left out were all pointing out things that were wrong from other parties in this Chamber and this was censorship as far as he

was concerned. They had printed the letter under his name but had not included the whole letter.

Councillor Hancox did not ask a supplementary question.

4. Question submitted by Councillor S. R. Colella to the Leader

“Rumours have been circulating in the Hagley and Wythall area that the District Council will not exist in 3 years’ time. Would you like to comment on this assertion?”

The Leader replied that he had heard these rumours but as things stood the Council had a three year Medium Term Financial Plan which showed the Council to be totally financially stable. People had talked about a unitary council but this had been rejected by the Government and he had heard nothing else whatsoever. He believed it was just rumour-mongering which needed to be taken with a pinch of salt as he could not see any financial or any other reason for it. He indicated that the Council was working with the County to change some responsibilities for functions such as youth and the highways partnership and reiterated that there was no foundation for such rumours.

Councillor Colella did not ask a supplementary question.

129/08 **REVIEW OF THE CONSTITUTION - CHALLENGE BOARDS**

Members considered a report of the Head of Legal, Equalities and Democratic Services on the review which had been carried out with regard to the Constitutional changes that had been the subject of a six months’ trial period. These changes included the separation of the overview and scrutiny functions and creation of a new Overview Board and Scrutiny Board to carry out these functions; that the Chairmen and Vice-Chairmen of these Boards and the Audit Board should not be members of the largest political group; and the creation of a new role of Shadow Portfolio Holder.

The following recommendations were moved by Councillor R. D. Smith and seconded by Councillor R. Hollingworth.

- “1. that a Joint Overview and Scrutiny Board be created to enable the Council to discharge the following functions:
Councillor Calls for Action, Crime and Disorder Calls for Action, Petitions, scrutiny of the budget;
and that it be designated as the Crime and Disorder Committee in accordance with the Police and Justice Act 2006;
2. that the overview and scrutiny functions (other than those referred to above) continue to be performed separately by an Overview Board and the Scrutiny Board;
3. that the Council continues to operate a Performance Management Board and that the officers are tasked with rewriting the terms of reference for this Board to refresh its purpose given the Council’s move

- from voluntary engagement and a "Poor" CPA rating to its current "Fair" rating and that the revised terms of reference be presented to the full Council in due course for approval;
4. that the Council continues to operate an Audit Board and that the work programme be revisited and revised in order to ensure that all appropriate audit functions are being carried out and that the Member Development Programme be refreshed to ensure that Members are given more support in relation to their roles and responsibilities on this Board;
 5. that the role of Shadow Portfolio Holder be discontinued;
 6. that the Scrutiny Board and the Audit Board should not be chaired by a member of the largest political group; in relation to the position of Vice-Chairman of the Scrutiny Board and the Audit Board and the position of Chairman and Vice-Chairman of other Boards there be no stipulation as to chairmanship;
 7. to delegate authority to the Monitoring Officer to amend the Constitution to reflect any consequential changes arising from the above;
 8. that Members approve the funding of an additional Committee Services Officer post of £28k to support overview and scrutiny to be funded from the savings generated from renegotiation of the insurance contract for 2009-2010."

On a requisition under Council Procedure Rule 17.5, the following details of voting were recorded on a request moved by Councillor P. M. McDonald for the above recommendations to be voted upon in parts.

For consideration in parts: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. R. Peters, S. P. Shannon, L. J. Turner and C. J. K. Wilson (8);

Against consideration in parts: Councillors Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., J. T. Duddy, Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. McGrath, D. L. Pardoe, C. R. Scurrall, Mrs. M. A. Sherrey, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (24).

Accordingly the Chairman declared the request to be LOST.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the recommendations as set out above were recorded.

For the recommendations: Councillors Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., J. T. Duddy, Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. McGrath, D. L. Pardoe, S. R. Peters, C. R. Scurrall, Mrs. M. A. Sherrey, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, 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).

RESOLVED:

- (a) that a Joint Overview and Scrutiny Board be created to enable the Council to discharge the following functions:
Councillor Calls for Action, Crime and Disorder Calls for Action, Petitions, scrutiny of the budget;
and that it be designated as the Crime and Disorder Committee in accordance with the Police and Justice Act 2006;
- (b) that the overview and scrutiny functions (other than those referred to above) continue to be performed separately by an Overview Board and the Scrutiny Board;
- (c) that the Council continues to operate a Performance Management Board and that the officers are tasked with rewriting the terms of reference for this Board to refresh its purpose given the Council's move from voluntary engagement and a "Poor" CPA rating to its current "Fair" rating and that the revised terms of reference be presented to the full Council in due course for approval;
- (d) that the Council continues to operate an Audit Board and that the work programme be revisited and revised in order to ensure that all appropriate audit functions are being carried out and that the Member Development Programme be refreshed to ensure that Members are given more support in relation to their roles and responsibilities on this Board;
- (e) that the role of Shadow Portfolio Holder be discontinued;
- (f) that the Scrutiny Board and the Audit Board should not be chaired by a member of the largest political group; in relation to the position of Vice-Chairman of the Scrutiny Board and the Audit Board and the position of Chairman and Vice-Chairman of other Boards there be no stipulation as to chairmanship;
- (g) that authority be delegated to the Monitoring Officer to amend the Constitution to reflect any consequential changes arising from the above; and
- (h) that Members approve the funding of an additional Committee Services Officer post of £28,000 to support overview and scrutiny, to be funded from the savings generated from renegotiation of the insurance contract for 2009-2010.

130/08 **AUDIT BOARD - STATEMENT OF ACCOUNTS APPROVAL**

Members considered a report of the Head of Financial Services on the legal and procedural requirements with regard to the approval of the Council's Annual Statement of Accounts which recommended that full responsibility for their formal consideration and approval be delegated to the Audit Board.

The recommendations were moved by Councillor G. N. Denaro and seconded by Councillor Mrs. J. M. L. A. Griffiths.

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

For the recommendations: Councillors Dr. D. W. P. Booth, Mrs. J. M. Boswell, Mrs. M. Bunker, Miss D. H. Campbell, S. R. Colella, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., J. T. Duddy, Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. McGrath, D. L. Pardoe, S. R. Peters, C. R. Scurrrell, Mrs. M. A. Sherrey, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, 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).

RESOLVED that the Council approves a change to the Constitution and delegates to the Audit Board full responsibility for considering and formally approving by resolution the Council's Statement of Accounts in accordance with Regulation 10(3) of the Accounts and Audit Regulations 2003.

131/08 **ANNUAL OVERVIEW AND SCRUTINY REPORT 2008-09**

The Annual Overview and Scrutiny Report for 2008-09 was received for information.

132/08 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of the recommendation from the Cabinet with regard to Electoral Services and Community Safety Shared Services was moved by Councillor R. Hollingworth and seconded by Councillor Mrs. J. M. L. A. Griffiths.

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>
133/08	4

133/08 **RECOMMENDATION FROM THE CABINET MEETING HELD ON 29TH
APRIL 2009**

ELECTORAL SERVICES AND COMMUNITY SAFETY SHARED SERVICES

Arising from statements made by Councillors E. J. Murray and Ms. J. A. Marshall that they had not received a copy of the report submitted to the Cabinet on this matter, Councillor P. M. McDonald moved that the meeting be adjourned to allow them to read the document. On being put to the vote the Chairman declared the motion LOST. At this point all Members of the Labour Group left the meeting.

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

RESOLVED that the implementation timetable in relation to shared services in Electoral Services and Community Safety be approved.

The meeting closed at 7.02 p.m.

Chairman