

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 18TH NOVEMBER 2009, AT 6.00 P.M.

PRESENT: Councillors C. R. Scurrall (Chairman), Mrs. J. M. L. A. Griffiths (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, Ms. H. J. Jones, B. Lewis F.CMI, Dr. G. H. Lord, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. L. Pardoe, S. R. Peters, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

54/09 **WELCOME**

The Chairman welcomed the Reverend Chris Wingfield to his first meeting of the Council.

55/09 **PRAYER**

At the request of the Chairman, the Reverend Chris Wingfield opened the meeting with a prayer.

56/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D. McGrath, E. J. Murray and W. R. Newnes.

57/09 **MINUTES**

The minutes of the meetings of the Council held on 9th September and 16th September 2009 were submitted.

RESOLVED that the minutes of both meetings be approved as a correct record, subject to the amendment of Minute No. 53/09 (4) in relation to Proposals for a Single Management Team to refer to 2010 not 2009.

58/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received from Members.

The Chief Executive advised that he had an interest in agenda item 7 (Joint Chief Executive Appraisal Process) and would leave the meeting during consideration of this item. He also advised that the Heads of Service present had an interest in agenda item 15 (Proposals for a Single Management Team to serve Bromsgrove District Council and Redditch Borough Council) and would leave the meeting during consideration of this item.

59/09 **ANNOUNCEMENTS FROM THE CHAIRMAN**

- (a) The Chairman drew attention to the following forthcoming events and hoped that as many Members as possible would support these:

Christmas Lights Switch-on in Bromsgrove on 21st November 2009 at 5.30 p.m.

Christmas Lights Switch-on in Rubery on 28th November 2009 at 5.30 p.m.

Carol Service in the Spadesbourne Suite on 16th December 2009 at 6.30 p.m.

Staff Christmas Party in the Spadesbourne Suite on 18th December 2009 at 4.30 p.m.

- (b) The Chairman made a presentation to Mrs. N. Trigg in recognition of her services as an independent member of the Standards Committee for eight years and Chairman of that Committee for six years.
- (c) The Chairman made a presentation to Mr. P. Lammas, Chief Reporter at the Bromsgrove Advertiser/Messenger in recognition of his service to the local community during his forty year career with this newspaper.

60/09 **ANNOUNCEMENTS FROM THE LEADER**

The Leader made the following announcements:

- (a) The Procurement Team had received an award from the Society of Procurement Officers for the £1.7m insurance savings achieved for the six Worcestershire District Councils and Staffordshire Moorlands.
- (b) The Council had been awarded 'Loo of the Year' for its new high dependency toilets.
- (c) The Council was finally out of Voluntary Engagement.
- (d) With regard to the Regional Spatial Strategy, the proposed 5,000 houses for Birmingham to be located in Bromsgrove had been rejected; the number of Redditch houses to be located in Bromsgrove had been reduced to 3,000 with local determination by Bromsgrove of where these should be sited; the Bromsgrove housing allocation had increased to 4,000 with the possibility of another 3,000 from 2020; Redditch would not be classed as an area for significant development which would reduce the future pressure on Bromsgrove; the Council's approach had been commended and the Secretary of State had recommended that the Council's approach be adopted elsewhere; and finally it had been recommended that the A435 be upgraded and future Redditch expansion should be south towards Warwickshire.

- (e) Due to the possibility of a General Election in early May 2010, the Annual Meeting of the Council had been put back a week to avoid a potential clash.
- (f) The qualification received with regard to the Council's Statement of Accounts was considered to be a technicality and the Council would appeal.
- (g) Information reports received from Members with regard to attendance at meetings of Outside Bodies would be made available in the Members' Room.
- (h) The Council's current budget was projected to overspend and officers had been asked to address this and provide a plan by the end of November 2009 of how this would be achieved. As a small gesture by Members towards reducing expenditure, sandwiches would cease to be provided before meetings. Other actions such as reducing travel rates would also be explored.

61/09 **RECOMMENDATION FROM THE CABINET MEETING HELD ON 7TH OCTOBER 2009**

TRANSFER OF BROMSGROVE MUSEUM

RESOLVED that any transfer of the Norton Collection to the Friends of the Norton Collection be conditional upon the Friends becoming a registered charity with a registered charity number and that the Collection be transferred to the registered charity.

62/09 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 4TH NOVEMBER 2009**

(i) **SHARED SERVICES BOARD- CAPITALISATION DIRECTION**

The recommendation from the Cabinet was moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth.

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

For the recommendation: 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., Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H.J. Jones, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, D. L. Pardoe, S. R. Peters, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (29);

Against the recommendation: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, S. P. Shannon, and C. J. K. Wilson (5).

RESOLVED that a capitalisation direction be pursued with regard to expenditure on potential severance costs associated with the Single Management Team.

(ii) **INTEGRATED FINANCIAL AND PERFORMANCE REPORT - QUARTER 2**

The recommendation from the Cabinet was moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth.

In response to comments from Councillor P. M. McDonald with regard to the Revenue Budget, the Monitoring Officer advised that the discussion should be limited to the Capital Programme as the Council was required only to make a decision on a recommendation which related purely to a change to the Capital Programme.

RESOLVED that the 2009/2010 Capital Programme be reduced by £1,148,000 to take account of the projects listed in appendix 7 to the report, which for the reasons set out will not be delivered in 2009/2010, and that these projects be included in the 2010/2011 Capital Programme.

(iii) **SUSTAINABLE COMMUNITY STRATEGY 2010-13**

RESOLVED that the Sustainable Community Strategy 2010-13 be approved.

(iv) **BROMSGROVE LOCAL STRATEGIC PARTNERSHIP ANNUAL REPORT 2008-09**

RESOLVED that the Annual Report of the Local Strategic Partnership be approved and the progress made to date in respect of each High Level Action Plan be noted.

(v) **STATEMENT OF GAMBLING PRINCIPLES 2010-2013**

RESOLVED that the Statement of Gambling Principles be approved.

(vi) **JOINT CHIEF EXECUTIVE APPRAISAL PROCESS**

RESOLVED:

- (a) that with effect from 2010, the Joint Chief Executive's PDR/appraisal be set and reviewed by a single panel comprising the Leaders of Bromsgrove District Council and Redditch Borough Council, facilitated by an external advisor and that targets specific to each individual Council be set by panels at each Council with joint targets being set by the Shared Services Board;
- (b) that it be noted that the composition of both informal soundings groups is to be determined by each individual Council and that

- the informal soundings group for Bromsgrove comprise the Leader, Deputy Leader and an Opposition Leader;
- (c) that the informal soundings groups and the formal appraisal panel be supported by a jointly agreed external facilitator and that the associated costs be split jointly between the two Councils;
 - (d) that it be noted that the report is also to be submitted to Redditch Borough Council for consideration and until the report has been approved by both Councils its provisions will not come into effect.
- (Note: Mr. K. Dicks left the meeting prior to consideration of the item referred to in (vi) above).

63/09 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 7TH OCTOBER AND 4TH NOVEMBER 2009**

The minutes of the meetings of the Cabinet held on 7th October 2009 and 4th November 2009 were received for information.

64/09 **QUESTIONS ON NOTICE**

The Chief Executive announced that three questions on notice had been submitted which would be taken in the order received.

1. Question submitted by Councillor Mrs. J. D. Luck to the Leader

“Will the Leader confirm whether or not the Council has received any expressions of interest from any company, commercial or retail, wanting to develop the Market Hall site, and if so, what has been the Council’s response?”

The Leader replied that the Council had been approached by three organisations, two of which had backed out and the third had been informed that the Council had decided to proceed through the OJEU (Official Journal of the European Union) process and that they could pursue the matter through that route.

Councillor Mrs. Luck asked a supplementary question as to why it was felt necessary to tell the third organisation about the OJEU route but not the other two organisations?

The Leader replied that that at the time the Council was approached by the first two organisations the Council was hoping to develop the site in partnership with another body, but when these fell through a decision had been taken through the Chamber to proceed via the OJEU route.

2. Question submitted by Councillor Mrs. C. M. McDonald to the Leader

“Is the Leader as angry and disappointed as we are who represent Charford in that the police have proposed to discontinue with PACT

Meetings in Charford and condemn such actions obviously condoned by the Chief Constable, as a backward step, treating the residents of Charford as second class citizens and therefore join the Labour Group in calling on the Chief Constable to intervene and ensure that PACT Meetings continue in Charford?"

The Leader replied to the effect that it was matter for individual organisations to decide what they wished to do and that whilst the Charford PACT meetings had not been well attended he agreed with Councillor Mrs. McDonald and that he and the Chief Executive would accompany her, and Councillor S. P. Shannon if he wished, to meet with the police.

Councillor Mrs. McDonald asked a supplementary question that the Labour Group had already been in touch with the Chief Constable and would the Leader join us in meeting with him?

The Leader replied yes as he had indicated in his earlier reply.

3. Question submitted by Councillor Ms. J. A. Marshall to the Chairman of the Council

"Would the Chairman please explain why parking places for the disabled were located so far away from the entrance to the building when they could have been so easily located at the entrance where cars park at the moment or indeed located where parking is reserved for Cabinet Members?"

The Chairman referred this question to Councillor G. N. Denaro.

Councillor Denaro replied referring to the needs of attendees to the Disabled User Group and the Equality and Diversity Forum and to all other car park users including staff, Members and visitors. Some of the issues taken into consideration included access for fire and emergency vehicles, the need for the parking spaces to have sufficient space around them to accommodate mobility vehicles, and the safety of the spaces allocated given that some areas of the car park were in the path of traffic gaining access and egress to and from the car park. He explained why the spaces allocated to the Chairman and Cabinet Members were not suitable to have been used as disabled parking spaces being largely due to the insufficient space they occupied. He indicated that neither the Chairman nor Cabinet Members had expressed any views on where the spaces should be allocated and that this had been left to professional determination based on the size and location within the car park that was best suited.

Councillor Ms. Marshall asked a supplementary question in which she indicated that the area occupied by the disabled parking spaces was uneven and hazardous.

Councillor Denaro replied that he would raise this matter with officers.

65/09 **CHANGE TO THE CONSTITUTION**

Members considered a report of the Head of Legal, Equalities and Democratic Services on a proposal to remove the role of Leader of the Opposition from the Council's Constitution.

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

RESOLVED:

- (a) that approval be given to the proposal that the Leader of the Opposition's role be removed from the Constitution with immediate effect;
- (b) that the Council note and agree that all posts currently allocated within the Constitution to the current "Leader of the Opposition or her nominee" and all seats on any Board, Committee or Working Group currently allocated to the current "Leader of the Opposition or her nominee" continue as named appointments with the current incumbent as the named appointment until the end of this municipal year;
- (c) that the Council note the need for the Monitoring Officer to undertake a detailed review into the structure of the Boards and Committees and report back to the full Council in January 2010 with any other consequential changes that will need to be considered as a result of removing this role;
- (d) that authority be delegated to the Monitoring Officer to make the necessary alterations and consequential amendments to the Constitution.

66/09 **SCHEME OF DELEGATION**

Members considered a report of the Head of Legal, Equalities and Democratic Services on some proposed changes to the Council's Scheme of Delegation.

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

RESOLVED that approval be given to the revised Scheme of Delegation as set out in Appendix 1 to the report.

67/09 **APPOINTMENTS TO OUTSIDE BODIES**

(a) **Joint Bromsgrove and Redditch Planning Advisory Board**

RESOLVED that the relevant Portfolio Holder (Councillor Mrs. J. Dyer M.B.E.), Ward Member for Tardebigge (Councillor P. J. Whittaker) and two Ward Members for Alvechurch (Councillors Mrs. J. M. L. A. Griffiths and R. Hollingworth) be appointed to serve on the Joint Bromsgrove and Redditch Planning Advisory Board for 2009/10.

(Under Council Procedure Rule 17.7 Councillor S. R. Peters requested that his name be recorded as having voted against the above resolution).

(b) Shared Services Board

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

RESOLVED that the Councillors Mrs. J. M. L. A. Griffiths and M. J. A. Webb be appointed as substitute members for the Leader, Deputy Leader and Councillor S. R. Colella on the Shared Services Board.

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

RESOLVED that the place on the Shared Services Board for the Leader of the Opposition be changed to a place for a member of the opposition.

Having been moved by Councillor Mrs. J. D. Luck and seconded by Councillor Mrs. A. E. Doyle, it was

RESOLVED that the Councillor S. R. Peters be appointed to the place on the Shared Services Board for a member of the opposition.

68/09 **LOCAL GOVERNMENT ACT 1972 EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 14 (recommendation from the Appointments Committee) and agenda item 15 (recommendations from the Cabinet with regard to proposals for a Single Management Team to serve Bromsgrove District Council and Redditch Borough Council) was moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro on the grounds that agenda item 14 involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act as amended, being information relating to an individual and that agenda item 15 involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act as amended, being information relating to any ongoing or contemplated consultations or negotiations in connection with any labour relations matter between the Council and officers. Members needed to consider whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information by debating the matter in public.

Having been put to the vote 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 items of business on the grounds that they involve 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> |
|-------------------|------------------|
| 69/09 | 1 |
| 70/09 | 4 |

69/09 **RECOMMENDATION FROM THE APPOINTMENTS COMMITTEE HELD ON 2ND NOVEMBER 2009**

APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE

On a requisition under Council Procedure Rule 17.5 the following details of voting were recorded on the recommendation from the Appointments Committee with regard to the appointment of an independent member to the Standards Committee:

For the recommendation: Councillors Mr. M. Bunker, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. D. Luck, D. L. Pardoe, S. R. Peters and L. J. Turner (7);

Against the recommendation: Councillors A. N. Blagg, Mrs. J. M. Boswell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, Dr. G. H. Lord, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson (26);

Abstention: Councillor Miss D. H. Campbell (1)

RESOLVED that the recommendation from the Appointments Committee be not approved.

70/09 **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 18TH NOVEMBER 2009**

PROPOSALS FOR A SINGLE MANAGEMENT TEAM TO SERVE BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

(Heads of Service left the meeting prior to consideration of this item).

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the 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., Mrs. J. M. L. A. Griffiths, D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, D. L. Pardoe, S. R. Peters, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (28);

Against the recommendations: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, S. P. Shannon and C. J. K. Wilson (5);

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

RESOLVED:

- (a) that the Executive Director (Section 151 Officer) be retitled Executive Director (Finance and Resources);
- (b) that the title "Joint Chief Executive" be amended to "Chief Executive";
- (c) that the responses to the consultation and the management response, as set out at Appendix 2 to the report be received and noted;
- (d) that the union's response to the consultation as set out at Appendix 3 to the report and the management response set out within the report be received and noted;
- (e) that subject to the variations and additions detailed in (a) and (b) the proposed structure as set out at Appendix 4 to the report be endorsed for implementation with effect from 19th November 2009;
- (f) that the proposal to open the initial ring fence for the Executive Director (Section 151 Officer) to Heads of Service who possess the appropriate qualifications be endorsed;
- (g) that the proposed selection criteria for Voluntary Compulsory Redundancy/Early Retirement be endorsed, as set out at section 6.2 of the report and as detailed below;
- (h) that the three applications received for Voluntary Compulsory Redundancy/Early Retirement as detailed at Appendix 5 to the report be noted and accepted;
- (i) that the opportunity for Voluntary Compulsory Redundancy be extended beyond the original 29th October 2009 deadline to officers whose posts are currently affected, in order to receive any further applications arising through the recruitment process.

The meeting closed at 7.45 p.m.

Chairman