

minute book 1

Annual Meeting of the Council

Monday 21st May
2012
7.00 pm

Council Chamber
Town Hall
Redditch



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INDEX

<u>Meeting</u>	<u>Date</u>	<u>Page No's.</u>
----------------	-------------	-------------------

SECTION

Council	16th April 2012	1 – 6
---------	-----------------	-------

SECTION II

Standards Committee	26th March 2012	7 - 12
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Council

16th April 2012

MINUTES

Present:

Councillor Anita Clayton (Mayor), Councillor Gay Hopkins (Deputy Mayor) and Councillors Peter Anderson, Michael Braley, Rebecca Blake, Andrew Brazier, Juliet Brunner, David Bush, Simon Chalk, Greg Chance, Brandon Clayton, Carole Gandy, Adam Griffin, Malcolm Hall, Bill Hartnett, Roger Hill, Wanda King, Alan Mason, Phil Mould, William Norton, Jinny Pearce, Brenda Quinney, Mark Shurmer, Luke Stephens, Debbie Taylor and Derek Taylor

Also Present:

Mr M Collins (Vice-Chair, Standards Committee), Mrs J Saville (Mayor's Celebrant) and Ms C Toomer (Chair, Redditch Student Council)

Officers:

T Buckley, K Dicks, C Felton and S Hanley and S Skinner

Committee Services Officer:

I Westmore

113. WELCOME

The Mayor opened the meeting and welcomed all present.

114. APOLOGIES

Apologies for absence were received on behalf of Councillors Michael Chalk and Andy Fry.

115. DECLARATIONS OF INTEREST

There were no declarations of interest.

116. MINUTES

RESOLVED that

the minutes of the meeting of the Council held on 5th March 2012 be confirmed as a correct record and signed by the Chair.

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MAYOR, in the Chair

117. COUNCILLOR ROBIN KING

The Mayor introduced a tribute to a former colleague, Councillor Robin King, whose death following a prolonged period of illness had occurred in March.

The Mayor welcomed Robin's son and daughter, Stephen and Lisa, who were accompanying their mother, Councillor Wanda King, to the meeting and expressed the Council's deepest condolences to them. Members of the Council were invited to offer up words they might wish to offer in memory of Councillor Robin King and of his services to the Borough.

The Leader of the Minority Group commenced the tributes to Councillor Robin King, and read a personal tribute on behalf of Wanda. She thanked all those who had provided support to her family at this difficult time.

The Leader of the Council then led other Members in expressing their thoughts on the character and achievements of Councillor Robin King. All agreed that he had been a passionate proponent of causes in which he believed, a dedicated local Councillor and devoted family man.

Members observed a minute's silence as a mark of respect and it was subsequently

RESOLVED that

the Council formally place on record its gratitude to former Councillor Robin King for his service to the Council and to the community.

118. ANNOUNCEMENTSa) Mayor

The Mayor's communications and announcements were as follows:

i) Captain Rupert Bowers

With regret the Mayor advised the Council of the recent death in action of Captain Rupert Bowers of the 2nd Battalion, the Mercian Regiment. It was reported that a letter offering the Council's sincere condolences had been sent to the Regiment.

ii) Vivien Salt

The Mayor regretfully advised the Council of the unexpected death of Mrs Vivien Salt, wife of Canon David Salt, who had only recently

moved from Redditch to Wiltshire. A letter of condolence had been sent to Canon Salt.

iii) Mayoral functions

The Mayor advised that, since the previous meeting of the Council she had attended numerous events and engagements, including the starting of the Abbey Stadium Sport Relief Mile and a Charity Ping-Pong Community Cup event at Arrow Valley Sports Centre. The Mayor advised Members of a forthcoming Charity St. George's Day and Queen's Diamond Jubilee Celebration event at the Town Hall.

iv) Trish Buckley

The Mayor advised that Trish Buckley, Members' Services Officer, was attending her final Council meeting that evening following many years' service to the Council. The Mayor wished her well during her retirement.

b) Chief Executive

The Chief Executive had no announcements.

c) Leader

In the light of the cancellation of the march planned by the E.D.L. to take place in Redditch in April, the Leader thanked all the community agencies who had worked together in preparation for the event, notably leading Borough Councillors and Officers, and key Police and community representatives.

119. QUESTIONS ON NOTICE

No questions had been received.

120. MOTIONS ON NOTICE

No motions that were in accordance with Procedure Rule 11 had been received.

121. EXECUTIVE COMMITTEE

Members received the minutes of the meetings of the Executive Committee held on 13th March and 3rd April 2012.

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on 13th March 2012 be received and noted; and**

- 2) **the minutes of the meeting of the Executive Committee held on 3rd April 2012 be received and noted.**

122. REGULATORY COMMITTEES

The Council received the minutes of a recent meeting of the Council's Planning Committee.

RESOLVED that

the minutes of the meeting of the Planning Committee held on 29th February 2012 be received and adopted.

123. OVERVIEW AND SCRUTINY ANNUAL REPORT

Councillor Phil Mould, the Chair of the Overview and Scrutiny Committee, introduced the Annual Report of his Committee for 2011/12. The Overview and Scrutiny Support Officers, Jess Bayley and Michael Craggs were thanked for their hard work during the course of the year as were all those Members who had contributed to the work of the Committee and its Task and Finish Groups.

The Leader responded by commending the Committee and Officers for a very good report. The Pre-decision Scrutiny work was highlighted as a strength during the course of the year as were the reviews carried out by the Task and Finish Groups. The Recycling review was highlighted as being an excellent piece of work and the Executive Committee was looking forward to discussing the two forthcoming reports on Access for the Disabled and the Youth Services Provision. The Leader expressed some disappointment only that the Sports Provision review had not been concluded as swiftly as had been hoped given the original intention to link it to the London Olympics. The Leader also expressed the hope that, where recommendations were being made that impacted upon an outside organisation, the necessary contact could be made with such organisations, in advance of the final reports, to discuss the feasibility of any proposals.

Finally, the Leader noted that the overwhelming majority of recommendations from the Committee had been agreed by the Executive, emphasising the good work that was taking place in Overview and Scrutiny.

RESOLVED that

the Overview and Scrutiny Committee Annual Report be received and noted.

124. DEPUTY ELECTORAL REGISTRATION OFFICER - APPOINTMENT

Further to the outcomes of the Shared Services Review, the Council was asked to consider the appointment of a new Deputy Electoral Registration Officer for Redditch.

RESOLVED that

Mrs Claire Felton be, and hereby is, appointed Deputy Electoral Registration Officer for Redditch.

125. URGENT BUSINESS - RECORD OF DECISIONS

The Council considered an Urgent Business decision which had been approved in accordance with the Council's urgency procedures, namely:

Queen's Diamond Jubilee Celebrations – Street Closure Fund
(Urgent Business Reference 496)

The decision involved adjustments to budgets to permit grant funding to reimburse the costs of Street Closures and Public Liability Insurance for those wishing to organise street parties.

RESOLVED that

the decision be noted.

126. URGENT BUSINESS - GENERAL (IF ANY)

There were no separate items of Urgent Business for consideration at this meeting.

The Meeting commenced at 7.05 pm
and closed at 7.37 pm

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MAYOR, in the Chair



STANDARDS

Committee

26th March 2012

MINUTES

Present:

Independent Members:

D Andrews (Chair)
M Collins (Vice-Chair)
B Warwick

Borough Councillor:

Alan Mason

Officers:

C Felton, C Flanagan and D Parker-Jones

Committee Services Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Borough Councillors Anita Clayton, Andy Fry, Jinny Pearce and Mark Shurmer and Parish Councillors Pam Eaton and Antonia Pulsford.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Standards Committee held on 20th April 2011 be confirmed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

The Committee received a report from the Monitoring Officer outlining the latest local and national developments and the details

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Chair

STANDARDS

Committee

26th March 2012

of complaints considered by the Committee since the previous meeting.

It was reported that the two outstanding complaints had been concluded. The first, complaint reference 02/2010, had been considered by the Determination Sub-Committee and it had been determined that the Code of Conduct had not been breached. The second, complaint reference 01/2011, had been considered by the Assessment Sub-Committee who had determined that the Code of Conduct had not been engaged in that instance and the matter was consequently closed.

The Monitoring Officer gave an update on the training that was to be provided to Members in preparation for the new Standards regime which was due to come into effect from 1st July 2012. Three sessions were scheduled for June, each of which was open to Members of the authority to attend. It was acknowledged that the training available to Standards members had been more robust over the past year than had been the case previously and the intention was to pursue a similar strategy in the coming municipal year. However, it was stressed that it was for elected Members to decide which training might be deemed mandatory. The attendance of sufficient numbers of elected Members at training sessions was raised as an issue. Officers highlighted the responsibility that lay upon themselves to make such training worthwhile and engaging, but were willing to explore any avenues to increase levels of attendance.

RESOLVED that

the report of the Monitoring Officer be noted.

5. LOCALISM ACT 2011 - NEW STANDARDS REGIME

The Committee received a report setting out the changes to the system of regulation of the standards of conduct for Members brought about by the Localism Act 2011. Members received a brief overview of the major differences that would result from the Act. It was stated that Officers had been engaged in drafting a new Code of Conduct and a process for managing standards complaints in collaboration with colleagues from other District Councils within Worcestershire and the County Council. A clear benefit of this approach, with the adoption of a common set of principles and guidelines, would be the clarity provided to dual-hatted Members in particular. The Committee then considered a series of recommendations in respect of the draft proposals.

STANDARDS

Committee

26th March 2012

Members were in agreement that the authority should continue to operate a Standards Committee in order to promote and maintain high standards of conduct among elected Members. This was felt to be particularly important in the present climate wherein elected officials were expected to maintain, and be seen to maintain, exemplary standards of behaviour. The removal of the role of Independent Member on the Standards Committee was considered to be a retrograde step, as an independent component in the membership was seen as the most certain means of demonstrating an independence of view. As a means of emphasising the importance of the Standards regime the Committee advised that Members elected to the new Standards Committee should undertake the appropriate training and that this training be made mandatory. Following discussion of the matter, it was conceded that the inclusion of non-voting co-opted Independent Members would not be advisable. Aside from the lack of any voting rights or a statutory basis for their inclusion, their appointment alongside the newly created role of Independent Person had the potential for confusion. Members were in agreement that normal proportionality rules should apply.

The Committee was very much in favour of a single Code of Conduct for the County of Worcestershire. Officers advised that the regulations providing the definition of what the different categories of interest covered had not been forthcoming as yet and this detail would be added to the draft Code when available. In response to a question, Officers clarified that the Principles of Public Life (the Nolan Principles) would be set out near the start of the general provisions of the draft Code of Conduct.

Officers explained that the District Council, as the principal Council, would retain responsibility for managing the standards of behaviour within the parishes within its area. For this reason it was proposed that there was some merit in co-opting non-voting Parish representatives onto a new Standards Committee. The clerks of local Parish Councils were to be actively involved in the new Standards process as a consequence.

The draft process for dealing with complaints against Councillors was detailed for the Committee. The process was similar in a number of respects to that which it was replacing, albeit with several significant differences. Paramount amongst these was the continual recourse throughout the draft process to local resolution of the complaint. This was an attempt to seek a fair and reasonable solution to a complaint without the need for a formal hearing and where it did not appear to be in the Council's interest to proceed to that final stage. It was accepted that there would be a greater onus placed on the Monitoring Officer to determine what was fair and

STANDARDS

Committee

26th March 2012

reasonable. However, it was stressed that any such decisions taken by the Monitoring Officer would follow consultation with the Independent Person. The flexibility afforded the Monitoring Officer throughout the process was bolstered by the ability to dispose of complaints more swiftly than was possible under the former regime, which had been exceedingly bureaucratic. To this end, it was suggested that timeframes for responses to requests for information or answers to questions be built into the process to prevent excessive time slippage from occurring. It was noted that the majority of the work under the draft process would be carried out by the Monitoring Officer and the Independent Person, with the involvement of the Standards Committee essentially confined to undertaking a final stage hearing. The Monitoring Officer also noted that the behaviour of Councillors in Redditch had never generated a significant number of complaints and there was no reason to imagine that would change. Finally, it was highlighted that the new process would be subject to an ongoing evaluation process and would be amended if circumstances dictated.

Members discussed the proposal to appoint to the Independent Person role. It was clarified that the current Independent Members were not eligible to apply for the position(s) and this was considered an extremely unfortunate outcome of the explicit shift from the old regime. There had been some discussion at a county-wide level of the appointment of a pool of Independent Persons from whom one could be selected on each occasion a complaint arose. However, there were considered to be weaknesses to this approach. It was suggested that there was merit in appointing an Independent Person or Persons who had a link to the Borough and an understanding of local issues in the broadest sense. The Monitoring Officer also highlighted the potential for favouritism or antagonism to be engendered amongst members towards specific Independent Persons should there be a pool from which to choose. The proposal favoured by the Committee was for the appointment of two Independent Persons for the Borough.

The Committee briefly considered the proposals being put forward for handling requests for dispensations. Members were essentially content to recommend the proposals contained within the report.

It was noted that the draft Code of Conduct and draft Process for dealing with complaints was to be the subject of ongoing consultation with Group Leaders and external parties and, as a result, the recommendations of the Committee were to be considered alongside a detailed report at the Annual Meeting of the Council on 21st May 2012.

STANDARDS

Committee

26th March 2012

Subject to further, final agreement at the Annual Meeting of the Council, it be **RECOMMENDED** in principle that

- 1) an appropriate way of discharging the Council's duty to promote high standards of behaviour in public life would be through the setting up of a Standards Committee governed by the normal rules relating to political proportionality and comprising Members who have undertaken the appropriate mandatory Standards training;
- 2) the content of the Draft Code of Conduct at Appendix 1 to the report be approved;
- 3) the draft process for managing standards complaints at Appendix 2 to the report, and as subsequently amended by Officers, be approved;
- 4) co-opted non-voting Parish Representatives be appointed to a new Standards Committee;
- 5) adverts be placed and applicants be invited to apply to undertake the roles of two Independent Persons for the Borough of Redditch as required under the Localism Act 2011; and
- 6) the process for managing dispensations be as set out in paragraphs 3.33 – 3.37 of the report to the Standards Committee.

6. CHAIR'S / MEMBERS' REPORTS

There were no reports from the Chair or Members of the Committee.

7. PARISH COUNCIL REPORT (IF ANY)

There were no reports from the Parish Council representatives.

8. PUBLICATIONS

There were no publications to consider.

The Meeting commenced at 7.00 pm
and closed at 8.35 pm

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Chair

