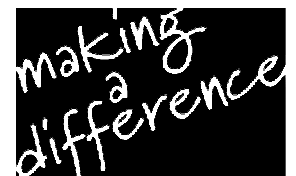


minute book 8

# Council

Mon 25 Mar  
2013  
7.00 pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)



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**COUNCIL****Monday 25th March 2013****7.00 PM****Council Chamber****AGENDA****Membership**

Cllrs:	Alan Mason (Mayor)	Carole Gandy
	Wanda King (Deputy Mayor)	Adam Griffin
	Joe Baker	Bill Hartnett
	Roger Bennett	Pattie Hill
	Rebecca Blake	Roger Hill
	Michael Braley	Gay Hopkins
	Andrew Brazier	Phil Mould
	Juliet Brunner	Brenda Quinney
	David Bush	Mark Shurmer
	Michael Chalk	Yvonne Smith
	Simon Chalk	Luke Stephens
	Greg Chance	Debbie Taylor
	Brandon Clayton	Derek Taylor
	John Fisher	Pat Witherspoon
	Andrew Fry	

**4. Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 18<sup>th</sup> February 2013.

**(Minutes circulated in Minute Book 8 - 2012/13)**

**8. Executive Committee**

To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:

18<sup>th</sup> February 2013

There are no matters requiring the Council's consideration – all recommendations were dealt with that same night at the subsequent meeting of the Council.

12<sup>th</sup> March 2013

Matters requiring the Council's consideration include:

- Redditch Growth and Local Plan No. 4 Public Consultation;

(Report and decision attached. Appendices to the report to the Executive Committee are available on the Council's website and paper copies have been placed in the Group rooms. They are also available for inspection at the Town Hall)

**(Minutes of the meetings on 18<sup>th</sup> February and 12<sup>th</sup> March 2013 circulated in Minute Book 8 – 2012/13)**

**9. Regulatory Committees**

To formally receive the minutes of the following meetings of the Council's Regulatory Committees:

Planning Committee - 16<sup>th</sup> January 2013

- 13<sup>th</sup> February 2013

Standards Committee - 12<sup>th</sup> December 2012

**(Minutes circulated in Minute Book 8 – 2012/13)**



## Council

18<sup>th</sup> February 2013

## MINUTES

### Present:

Councillor Alan Mason (Mayor), Councillor Wanda King (Deputy Mayor) and Councillors Joe Baker, Roger Bennett, Rebecca Blake, Michael Braley, Andrew Brazier, Juliet Brunner, David Bush, Michael Chalk, Simon Chalk, Greg Chance, Brandon Clayton, John Fisher, Andrew Fry, Carole Gandy, Adam Griffin, Bill Hartnett, Pattie Hill, Roger Hill, Gay Hopkins, Phil Mould, Brenda Quinney, Mark Shurmer, Yvonne Smith, Luke Stephens, Debbie Taylor, Derek Taylor and Pat Witherspoon

### Officers:

E Baker, R Bamford, A Darroch, K Dicks, C Flanagan, S Hanley, S Jones, S Morgan and J Pickering

### Committee Services Officer:

I Westmore

### 95. WELCOME

The Mayor opened the meeting and welcomed all present.

### 96. APOLOGIES

There were no apologies for absence.

### 97. DECLARATIONS OF INTEREST

The Chief Executive, Kevin Dicks, declared an interest in Item 7 (Joint Chief Executive) as detailed separately at Minute 101 below.

Councillor Bill Hartnett drew attention to the declaration that he had made at the meeting of the Executive Committee on 12<sup>th</sup> February as recorded in the minutes of that particular meeting.

.....  
Chair

**98. MINUTES****RESOLVED that**

**the minutes of the meeting of the Council held on 15<sup>th</sup> January 2013 be confirmed as a correct record and signed by the Mayor, subject to:**

**in respect of Minute 89 (Motions on Notice), the reference to 'employees' in the penultimate line of the third paragraph being replaced by 'employers'.**

**99. ANNOUNCEMENTS**

Given that this was the Council Tax setting meeting, only exceptional announcements were made to the Council. Neither the Mayor nor the Chief Executive made any announcements.

Leader's Announcementsi) Holocaust Memorial Day

The Leader referred to the recent Holocaust Memorial Day event towards the end of January, noting that it had been a very moving and successful event.

ii) Redditch Bandstand Event

The Leader informed the Council that it was intended to hold five Bandstand events on Church Green this coming summer between May and September with a variety of themes.

iii) Save the Alex

The Leader reminded Members of the meeting at the Palace Theatre on 11<sup>th</sup> March 2013, commenting that Councillors would need to arrange for their own attendance.

iv) London Midland Cross City Line

The Leader reported that a response to his letter sent following the last meeting of the Council had been received from the Parliamentary Under Secretary of State for Transport, Norman Baker MP. No response had been received to date from London Midland.

**100. EXECUTIVE COMMITTEE**

Members received the minutes of the meeting of the Executive Committee held on 12<sup>th</sup> February 2013 and considered the



recommendations of the meeting of that Committee earlier the same evening, 18<sup>th</sup> February 2013.

12<sup>th</sup> February 2013

The Council considered the draft documentation being proposed for use in consultation on cross-boundary housing growth. As at the Executive Committee meeting the preceding week, concern was expressed at the lack of potential options available upon which consultees might comment. Whilst it was acknowledged that the selection of potential sites for growth would require the best judgement of both Planning Officers and Members, it was suggested that providing further sites for possible consideration would enable more meaningful responses to be provided to the consultation process. The point was also made that the Borough needed to be protected by a defendable local plan.

During consideration of the minutes, some Councillors referred to the nature of debate about one item at the Executive Committee meeting on 12<sup>th</sup> February. During this, Councillor Michael Braley gave a statement outlining the background to his expression of views at the meeting and referring to potential actions he intended to take in his political life.

**RESOLVED that**

- 1) **the minutes of the meeting of the Executive Committee held on 12<sup>th</sup> February 2013 be received and all recommendations adopted, with the exception of Minute 144 (Redditch Growth Consultation); and**  
  
**in respect of Minute 148 (Fees and Charges 2013/14), it being agreed that the Portfolio Holder for Leisure and Tourism, in consultation with Officers, would give further consideration to the increase in charge for Junior Swimming Lessons (proposed increase - £50.70 [2012/13] to £59.80 [2013/14]) and report back to the next meeting of the Council;**

18<sup>th</sup> February 2013

**RESOLVED that**

**to enable Members to approve the budget for 2013/14, 2014/15 & 2015/16:**

- 2) **the Council determines the level of Council Tax discount to be applied to the prescribed classes of dwellings as defined by the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) for**

- a) Class A [ “second homes with planning restriction”] be set at 0% - no discount
- b) Class B [“second homes without planning restriction”] be set at 0% - no discount
- c) Class C [vacant dwellings] be set at:
  - a. Where the dwelling appears in the Valuation List for the first time and it has been continuously unoccupied and substantially unfurnished since the effective date of entry into the list:
    - i. for the first 3 months from the date of entry into the list 100%
    - ii. for periods of more than 3 months and for less than 6 months 50%
    - iii. for periods of 6 months or more 0% - no discount
  - b. Where the dwelling has been unoccupied and substantially unfurnished for a continuous period of less than 6 months 50%
  - c. where the dwelling has been continuously unoccupied and substantially unfurnished for 6 months or more 0% - no discount
- d) Class D [uninhabitable dwellings] be set at 100%

For the purposes of Class C when considering whether a dwelling falls within the class any period of occupation, not exceeding 6 weeks, during which it was not unoccupied and substantially unfurnished shall be disregarded.

- 3) the powers to reduce the Council Tax payable on a case by case basis , as provided by Section 13A 1(c) of the Local Government Finance Act 1992, be delegated to the Executive Director of Finance and Resources and the Revenue Services Manager;
- 4) authority be delegated to the Head of Legal, Equalities and Democratic Services to amend the Scheme of Delegation to Officers to implement 3) above;
- 5) it be noted that at its meeting on the 15th of January 2013 Council calculated the following amounts for the year 2013/14 in accordance with regulations made under Section 33 (5) of the Local Government Finance Act 1992:
  - a) 23,787.62

Being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax

Base for the year (item T in the formula in Section 31B of the Local Government Finance Act 1992 as amended (the 'Act'));

b) **Feckenham Parish – 362.08**

being the amount calculated by the Council, in accordance with regulation 6 of the regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate (item TP in the formula in Section 34(3) of the Act);

6) **the following amounts be now calculated by the Council for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:**

a) **£72,653,473**

being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued by Feckenham Parish Council.

**(2013/14 Gross General Fund Expenditure)**

b) **£67,669,246**

being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

**(2013/14 Gross General Fund Income)**

c) **£4,984,227**

being the amount by which the aggregate at 6(a) above exceeds the aggregate at 6(b) above, calculated by the Council in accordance with Section 31A (4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 31B of the Act).

**(2013/14 Council Tax Requirement)**

d) **£209.53**

being the amount at 6(c) above (item R) divided by the amount at 5(a) above (item T), calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of Council Tax for the year (including parish precept).

**(The average amount Band D properties pay for Redditch Borough Council services)**

e) **£8,265**

being the aggregate amount of all special items (Parish precepts) referred to in Section 34 (1) of the Act;

**(Feckenham Parish Precept)**

f) **£209.18**

being the amount at 6(d) above less the result given by dividing the amount at 6(e) above by the amount at 1(a) (item T) above, calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of Council Tax for dwellings in those parts of the area to which no special item relates.

**(The amount Band D properties pay (except within the Parish of Feckenham) for Borough Council Services)**

g) **£232.01**

being the amount given by adding to the amount at 6(f) above, the amount of the special item relating to the Parish of Feckenham, divided by the amount in 5(b) above (item TP), calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amount of its Council Tax for the year for dwellings in the Parish of Feckenham;

**(The amount Band D properties pay within the Parish of Feckenham for Borough Council Services including the Parish Precept)**

h)

Valuation Band	Proportion of Band D tax paid	Part of Council's area	
		Parish of Feckenham	All other parts of the Councils area
<b>A</b>	6/9	<b>£154.67</b>	<b>£139.46</b>
<b>B</b>	7/9	<b>£180.45</b>	<b>£162.70</b>
<b>C</b>	8/9	<b>£206.23</b>	<b>£185.94</b>
<b>D</b>	1	<b>£232.01</b>	<b>£209.18</b>
<b>E</b>	11/9	<b>£283.57</b>	<b>£255.67</b>
<b>F</b>	13/9	<b>£335.13</b>	<b>£302.15</b>
<b>G</b>	15/9	<b>£386.68</b>	<b>£348.64</b>
<b>H</b>	18/9	<b>£464.02</b>	<b>£418.37</b>

being the amounts given by multiplying the amounts at 6(f) and 6(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands;

- 7) **it be noted that, for the year 2013/14, Worcestershire County Council, West Mercia Police & Crime Commissioner and Hereford and Worcester Fire and Rescue Service have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:**

Valuation Band	Proportion of Band D tax paid	Precepting Authority		
		Worcestershire County Council	West Mercia Police & Crime Commissioner	H & W Fire & Rescue Authority
<b>A</b>	6/9	£692.71	£119.15	£49.10
<b>B</b>	7/9	£808.16	£139.00	£57.27
<b>C</b>	8/9	£923.61	£158.86	£65.46
<b>D</b>	1	£1,039.06	£178.72	£73.64
<b>E</b>	11/9	£1,269.97	£218.44	£90.00
<b>F</b>	13/9	£1,500.87	£258.15	£106.38
<b>G</b>	15/9	£1,731.77	£297.87	£122.73
<b>H</b>	18/9	£2,078.13	£357.44	£147.28

- 8) **having calculated the aggregate in each case of the amounts at 6(h) and 7 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2013/14 for each of the categories of dwellings shown below:**

Valuation Band	Proportion of Band D tax paid	Part of Council's area	
		Parish of Feckenham	All other parts of the Council's area
<b>A</b>	6/9	£1,015.63	£1,000.42
<b>B</b>	7/9	£1,184.88	£1,167.13
<b>C</b>	8/9	£1,354.16	£1,333.87
<b>D</b>	1	£1,523.43	£1,500.60
<b>E</b>	11/9	£1,861.98	£1,834.08
<b>F</b>	13/9	£2,200.52	£2,167.55
<b>G</b>	15/9	£2,539.05	£2,501.01
<b>H</b>	18/9	£3,046.87	£3,001.22

- 9) **the level of General Fund balances to be utilised in 2013/14 be nil;**
  - 10) **the Council's relevant basic amount of Council Tax for 2013/14 is not excessive in accordance with the principles determined for the year by the Secretary of State under Section 52ZB Local Government Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2013/14 is excessive and the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Act 1992;**
  - 11) **a bid for Gypsy & Traveller Accommodation Assessment of £14K be approved and funded from general fund balances detailed in paragraph 3.30;**
  - 12) **a bid for Green Deal up to £10K be approved and funded from general fund balances detailed in paragraph 3.32;**
  - 13) **the use of balances totalling £24,000 be approved; and**
  - 14) **the Pay Policy Statement at Appendix B be approved.**
- 101. JOINT CHIEF EXECUTIVE**

The Council received a report asking that it consider including the post of Chief Executive in the Single Management Team arrangements between Redditch Borough and Bromsgrove District Councils. Both authorities had been operating with a shared Chief Executive since 2008 and the formal secondment agreement required that the arrangement be reviewed in March 2013 with a view to determining whether or not it should continue.

During consideration of this item it was confirmed that Redditch Borough Council would meet half of the salary and associated costs for the post. The Council was pleased with the performance to date of the present incumbent, Mr Kevin Dicks, and was content to formalise the incorporation of his post into the Single Management Team.

**RESOLVED that**

- 1) **the current position with regard to the Joint Chief Executive arrangements between Redditch Borough and Bromsgrove District Council be noted;**
- 2) **implementation of a shared Joint Chief Executive in line with the wider Shared Management Team arrangements be agreed;**
- 3) **the annual salary for the post be confirmed as £122,500 - £127,500; and**
- 4) **authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Leaders, to finalise the employment arrangements.**

(Prior to consideration of this item, Mr Kevin Dicks, Chief Executive, declared that, because of his pecuniary interest in this matter, he would be vacating the Chamber for the duration of this item.)

**102. URGENT BUSINESS - GENERAL**

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

The Meeting commenced at 7.40 pm  
and closed at 8.47 pm

.....  
Chair







## Executive Committee

18<sup>th</sup> February 2013

### MINUTES

#### Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Rebecca Blake, Michael Braley, Carole Gandy, Phil Mould, Mark Shurmer, Luke Stephens and Debbie Taylor

#### Also Present:

Councillors Rebecca Blake, Michael Braley, Carole Gandy, Phil Mould, Mark Shurmer, Luke Stephens and Debbie Taylor

#### Officers:

E Baker, R Bamford, A Darroch, K Dicks, C Flanagan, S Hanley, S Morgan and J Pickering

#### Committee Services Officer:

I Westmore

#### 157. APOLOGIES

There were no apologies for absence.

#### 158. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 159. LEADER'S ANNOUNCEMENTS

There were no announcements from the Leader.

#### 160. MINUTES

##### RESOLVED that

the minutes of the meeting of the Executive Committee held on 12<sup>th</sup> February 2013 be confirmed as a correct record and signed by the Chair.

.....  
Chair

**161. MEDIUM TERM FINANCIAL PLAN 2013/14 - 2015/16 AND COUNCIL TAX SETTING 2013/14**

Officers introduced a report which proposed a budget to be considered by the Council and a proposed level at which the coming year's Council Tax was to be set. The Council was once again reminded that the information in respect of formula funding from central Government had been received very late this year and adjustments had had to be made up until a short time before this meeting to take account of various factors of which the Council had been notified in recent days.

The overall level of funding from central Government was considerably lower than several years previously and the cumulative decrease in funding was expected to total 43% by 2015/16. Savings continued to be achieved through shared services and transformation and bids for revenue had been kept to a bare minimum this year; these were to be paid for from balances. In order to address the shortfall arising from the ending of Council Tax Benefit the Council had reviewed the levels of discount applied to certain prescribed levels of Council Tax Discounts and these were set out in full within amended recommendations tabled before the Committee.

The Leader thanked Finance Officers and Officers of the Council more generally for their response to the difficult circumstances in which they were working. The Committee was informed that the response to a letter of appeal to the Government over the level of formula funding had been a further small reduction in funding.

Members discussed the various means through which the Council had sought to save money in recent years, including the creation of a single management team, the closure of the REDI Centre and the passing of the Countryside Centre to outside management. It was noted that these changes had enabled the Council to retain a reasonable financial position. However, further incremental cuts were seen as inevitably leading to future threats to frontline services and staffing. The items over which there was most discussion were the provision of free swimming for under 16s and over 60s and pre-9.30am concessionary bus travel. It was suggested that it was imprudent to be pursuing such policies in times of financial hardship, however it was pointed out that these had been funded from savings to the budget agreed for the 2012/13 financial year and had placed no additional stress on the Council's finances.

**RECOMMENDED that****to enable Members to approve the budget for 2013/14, 2014/15 & 2015/16:**

- 1) the Council determines the level of Council Tax discount to be applied to the prescribed classes of dwellings as defined by the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) for
  - a) Class A [“second homes with planning restriction”] be set at 0% - no discount
  - b) Class B [“second homes without planning restriction”] be set at 0% - no discount
  - c) Class C [vacant dwellings] be set at:
    - a. Where the dwelling appears in the Valuation List for the first time and it has been continuously unoccupied and substantially unfurnished since the effective date of entry into the list:
      - i. for the first 3 months from the date of entry into the list 100%
      - ii. for periods of more than 3 months and for less than 6 months 50%
      - iii. for periods of 6 months or more 0% - no discount
    - b. Where the dwelling has been unoccupied and substantially unfurnished for a continuous period of less than 6 months 50%
    - c. where the dwelling has been continuously unoccupied and substantially unfurnished for 6 months or more 0% - no discount
  - d) Class D [uninhabitable dwellings] be set at 100%

For the purposes of Class C when considering whether a dwelling falls within the class any period of occupation, not exceeding 6 weeks, during which it was not unoccupied and substantially unfurnished shall be disregarded.

- 2) the powers to reduce the Council Tax payable on a case by case basis , as provided by Section 13A 1(c) of the Local Government Finance Act 1992, be delegated to the Executive Director of Finance and Resources and the Revenue Services Manager;
- 3) authority be delegated to the Head of Legal, Equalities and Democratic Services to amend the Scheme of Delegation to Officers to implement 2) above;
- 4) the recommendations set out in Appendix 1 ‘Part C’ of the report be approved;

**Executive  
Committee**

18<sup>th</sup> February 2013

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- 5) a bid for Gypsy & Traveller Accommodation Assessment of £14K be approved and funded from general fund balances detailed in paragraph 3.30;
- 6) a bid for Green Deal up to £10K be approved and funded from general fund balances detailed in paragraph 3.32;
- 7) the use of balances totalling £24,000 be approved; and
- 8) the Pay Policy Statement at Appendix B to the report be approved.

The Meeting commenced at 7.00 pm  
and closed at 7.40 pm

.....  
Chair



# Executive Committee

Tuesday, 12 March 2013

## MINUTES

### Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Rebecca Blake, Carole Gandy, Phil Mould, Mark Shurmer, Luke Stephens and Debbie Taylor

### Also Present:

Councillors Andrew Brazier, Alan Mason, Brenda Quinney and Derek Taylor and Ms Ros Sidaway (Director, Redditch Town Centre Partnership)

### Officers:

E Baker, R Bamford, M Craggs, C Flanagan, D Hancox, S Hanley, C John, T Kristunas, B Talbot and A de Warr

### Committee Services Officer:

I Westmore

### 162. APOLOGIES

There were no apologies for absence.

### 163. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 164. LEADER'S ANNOUNCEMENTS

The Leader advised that the following items of business had not originally been scheduled to be considered at this meeting of the Committee:

- Item 6 – Redditch Growth and Local Plan No.4 Public Consultation; and
- Item 9 – Local Welfare Assistance.

### 165. MINUTES

**RESOLVED that**

.....  
Chair

**the minutes of the meetings of the Executive Committee held on 12<sup>th</sup> and 18<sup>th</sup> February 2013 be confirmed as a correct record and signed by the Chair.**

**166. REDDITCH MARKET TASK GROUP - FINAL REPORT**

The Committee received the final report of the Redditch Market Task Group and members of that Group, Councillors Andrew Brazier, Alan Mason, Brenda Quinney and Derek Taylor, attended, along with Ros Sidaway, the Director of Redditch Town Centre Partnership, to present their findings.

The background to the review was a perception that the market was in a gradual decline with a steady decrease in the numbers of traders and the range of goods available. The Group had travelled around the region to see what was working well elsewhere and what might be successfully adopted in Redditch. Consultation had also been undertaken with traders, customers and the public more generally and, as a consequence, the Group had come to a number of conclusions.

It was asserted that markets could succeed if they were of sufficient quality but they needed to offer a wide selection of quality goods that weren't readily available elsewhere and additional attractions such as entertainment and catering. It was also suggested that they might provide an opportunity for the promotion of local businesses, groups and causes and for the development of entrepreneurial and retail skills amongst young people or those seeking employment. More specific recommendations focussed on such matters as the adverse impact on the market of charity street fundraisers and means of mitigating their effect.

Members welcomed the report and commended the Group for their effort and enthusiasm. There was broad agreement with the thrust of the recommendations, that a new strategy should be adopted and a means put in place for taking these recommendations forward. A number of quick wins were identified amongst the recommendations but it was suggested that the Group might have considered more bold and radical options. It was accepted that the Council might not be the most suitable party to effect these changes and it was proposed that all options be considered to secure the future success of the market. In lieu of establishing a working group as recommended by the Task Group it was instead suggested that the Portfolio Holder take these proposals forward in the first instance with Officers to establish at the outset the most effective delivery method for a viable and vibrant market.

**RESOLVED that, subject to the Portfolio Holder taking the lead on working on the detail of proposals and on the adoption of a bold and radical approach to recommendations 1 and 2 in particular, including a full assessment of the options for delivering a vibrant and viable market,**

- 1) a new strategy for the market be developed which clearly sets out how the market can be revitalised over the next five year period;**
- 2) a small core working group consisting of local stakeholders should be created to help develop and implement the new strategy.**
- 3) the number of general retail market operating days should be reduced to no more than three days a week. The working group to consult with existing regular traders about which particular days should be retained;**
- 4) consideration is given to holding more speciality markets to take place on non general retail market operating days on a regular basis to help create a niche for the Redditch market. The working group to consider how such markets would be managed within the available resources;**
- 5) the market working group considers the feasibility of introducing an on-site Redditch Market information point;**

#### **Chapter 2 – Operational Issues**

- 6) the market working group considers the feasibility of market customers being provided with an opportunity to pay the traders for goods through their mobile phone and debit and credit card payment facilities;**
- 7) each trader is required to possess a returns policy which should be clearly advertised;**

#### **Chapter 3 – Engaging with the Local Community**

- 8) the working group facilitates further opportunities for local people, especially students and the unemployed, to obtain business experience through operating stalls in the market place at no charge on a short-term basis, to include the introduction of a new mentoring scheme to offer help and assistance to new traders;**

- 9) the working group facilitates further opportunities for local businesses to showcase their goods and services on market stalls;
- 10) the working group facilitates the allocation of free stalls on a rotating basis to local people to promote forthcoming community events and the work of local charities, subject to stall availability;

**Chapter 4 – Areas for further investigation**

- 11) the market working group explores the possibility of realigning and extending the layout of the market past its current location;
- 12) the market working group explores the feasibility of introducing a covered food court area;
- 13) the market working group explores the suitability of the design of the current market stalls and to consider whether the introduction of alternative stalls would improve the overall visual appearance of the stalls;
- 14) the market working group ensures that any review of signage in the town centre includes adequate reference to the market;
- 15) the market working group works with local bus operators to help further promote the market;

**Chapter 5 - Other**

- 16) the Council should engage with the Public Fundraising Regulatory Association with a view to reaching an agreement to regulate the working days and areas of charity street fundraisers in Redditch Town Centre; and
- 17) Redditch Borough Council should join the National Association of British Market Authorities (NABMA) and participate in the *Love Your Local Market 2013* event to publicise the changes and new opportunities that would have been introduced at the market.

**167. REDDITCH GROWTH AND LOCAL PLAN NO.4 PUBLIC CONSULTATION**

The Committee received a report on the Housing Growth and Local Plan Consultation further to that considered at the meeting on 12<sup>th</sup> February 2013.



Given the situation that had arisen through the draft Redditch Growth Consultation documents not being agreed at the previous meeting of the Council and the same documents receiving the approval of Councillors at Bromsgrove District Council, Officers detailed the potential difficulties that could face the Borough as a consequence. The Leader of Bromsgrove District Council had written to the Borough Council urging that it reconsider its earlier decision not to approve the draft Consultation documents and stressing that his Council was intending to proceed with public consultation from 1<sup>st</sup> April. The legal obligations on the Borough through the Duty to Cooperate were also highlighted and the consequences of failing to do so illustrated by reference to material in relation to Coventry City Council and the recent decision by the Planning Inspectorate to recommend withdrawal of its Core Strategy from further examination as a result of it being deemed to have failed to comply with the Duty to Cooperate.

Officers also brought to Members attention a letter which had been received from Birmingham City Council regarding the Duty to Cooperate and sought approval of an additional recommendation to take account of this. Officers suggested that they be allowed to continue to make minor changes to Appendices 2 and 3 to the report should the documents be agreed for consultation. The Committee's attention was also drawn to a typographical error which stated that the proposed consultation period on Redditch Growth should end on 13<sup>th</sup> May 2013 when it should, in fact, read 15<sup>th</sup> May 2013.

Members discussed the report at some length. It was suggested that the situation had not materially changed since the previous occasion on which this matter had been considered and, although it had been recommended for approval by the Committee, the consultation documents had not subsequently received the approval of Council. Officers were also asked whether Bromsgrove District Council had been requested to reconsider the inclusion of any additional sites within the consultation leaflet. Officers responded that they had no authority to request that Bromsgrove District Council consider any matters and it was again stressed that Bromsgrove had approved the documents for consultation as originally submitted. Officers did confirm that a number of sites to the north and west of Redditch had been presented to members at briefing session during the initial investigatory work on cross-boundary growth but that Officers from both authorities had subsequently undertaken a thorough assessment of the potential sites and had identified two preferred sites from those originally considered. It was proposed by Officers that the consultation documents continue to be developed to make it clear to the public

that their comments would be considered on any of the possible development sites.

In response to a suggestion that the consultation period be extended it was stressed that the Borough would be vulnerable to hostile development applications until a defensible Local Plan had been developed. Officers highlighted their willingness to meet with local residents to explain the documents further and to assist them in preparing responses to the consultation material. The process would conclude with a planning examination which would determine, in the light of all the responses submitted and the Consultation documents themselves, whether the proposals being put forward by the Borough were sound.

It was made clear that, in order to have any influence on these Growth Options, then the residents needed to engage with the consultation process and sound reasons put forward as to why the housing growth should be located somewhere other than in the two preferred locations. It was also made clear that Officers from the two authorities had developed their preferred options based on evidential grounds over a considerable period of time.

**RECOMMENDED that**

- 1) **the consultation document, Housing Growth Consultation (Appendix 1) and the supporting background evidence report (Appendix 2) and the accompanying Sustainability Appraisal (Appendix 3) are approved for public consultation by Redditch Borough Council and Bromsgrove District Council between 1<sup>st</sup> April 2013 and 15<sup>th</sup> May 2013;**
- 2) **the Draft Borough of Redditch Local Plan No.4 and the accompanying Sustainability Appraisal are approved for public consultation at a deferred date to align with the Housing Growth consultation which is between 1<sup>st</sup> April 2013 and 13<sup>th</sup> May 2013; and**
- 3) **authority be delegated to the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Planning, Regeneration, Economic Development and Transport, to consider the recent letter received from Birmingham City Council regarding the Duty to Cooperate and acknowledge that the duty will also apply to Birmingham City Council and other neighbouring authorities in relation to the Redditch Growth and Local Plan No.4 Consultation.**

**168. GRANTS PROGRAMME 2013-14**

The Committee considered the recommendations of the Grants Assessment Panel in respect of grants to voluntary sector organisations for 2013/14. A total of 42 applications worth an aggregate of £313,864 had been received for an over-all budget of £245,000.

Members noted that the scoring system appeared to be working effectively and were content to support the recommendations of the Panel.

**RESOLVED that**

**grants be awarded to voluntary sector organisations as detailed in section 3.6 of the report submitted.**

**169. HOME ENERGY CONSERVATION ACT (HECA)**

The meeting received a report which sought approval for submission to the Department of Energy and Climate Change (DECC) of a report detailing progress thus far against obligations in relation to domestic home energy efficiency. This report to DECC also set out the Council's intention to use the Green Deal and Energy Company Obligation (ECO) as its main delivery mechanisms for HECA aims.

Members endorsed the Council's ambition to contribute to a reduction in fuel poverty and carbon emissions. It was also noted that two options were currently being considered in respect of the Green Deal.

**RESOLVED that**

- 1) the report (Appendix 1) be approved for submission to DECC and the consequent requirement to publish this report on the Council's website be noted; and**
- 2) the current position in relation to the Green Deal be noted.**

**170. LOCAL WELFARE ASSISTANCE**

A report was considered which set out the operational arrangements proposed for the administration of Community Care Grants and Crisis Loans once responsibility for administering these loans passed to local authorities from 2013/14.

The new scheme was to be called the Essential Living Fund and, in a break with previous practice by the Department of Work and Pensions, it was proposed that applicants for loans for specific items be provided with those items rather than a cash equivalent wherever possible. By so doing it was hoped that the Council might meet the needs of applicants without the risk of money being used for other purposes and further, consequent, applications for loans being made.

Members appreciated the need to keep the scheme relatively flexible and non-prescriptive at the outset until an assessment could be made of its effectiveness. It was noted that a further report would be brought to the Committee in due course should Officers identify a need to reduce this flexibility.

**RESOLVED that**

**the proposal for operation of the Scheme set out at Appendix 1 be approved.**

**171. QUARTERLY BUDGET MONITORING - QUARTER 3 - OCTOBER TO DECEMBER 2012**

A report detailing the Council's financial position at the end of the third quarter of the 2012/13 financial year was considered by the Committee.

The key message to be taken from the report was that the majority of the savings which Officers had hoped to achieve during the course of the year had been identified and there was confidence that the remainder could be attained during the final quarter. Failure to achieve projected savings would result in an increased use of balances.

**RESOLVED that**

**the current financial position on Revenue and Capital be noted, as detailed in the report.**

**172. QUARTERLY CUSTOMER SERVICE MONITORING - QUARTER 3 - OCTOBER TO DECEMBER 2012**

The latest customer service monitoring report was considered by Members. An overall reduction in complaints was noted, and this was largely attributed to a significant drop in complaints regarding housing and repairs and maintenance. An accompanying drop in the numbers of complaints dealt with in 15 days was linked to the reduction in relatively straightforward housing-related complaints.

Other matters that were brought to Members' attention included the forthcoming introduction of a new call-handling system and a slow but steady rise in the numbers of payments made to the Council by electronic means. Those areas where customer complaints and suggestions had led to the revision of service delivery were also highlighted for the benefit of Members.

The Committee welcomed the introduction of the new phone system but did query current methods for dealing with calls that were unanswered as a result of Officers dealing with an existing call. Officers explained that this issue was often the result of their colleagues not using the full range of features available on the phone system.

**RESOLVED that**

**the update for the period 1<sup>st</sup> October 2012 – 31<sup>st</sup> December 2012 be noted.**

**173. QUARTERLY SICKNESS MONITORING - QUARTER 3 - OCTOBER TO DECEMBER 2012**

Members received an update on sickness absence performance for the third quarter of 2012/13. Officers explained that there had been a seasonal increase in short term absence over the winter period, which was to be expected, and a slight increase in long term absences.

The Committee was reminded that the previously agreed changes in the Sickness Absence Policy were to come into effect from the beginning of 2013/14. In addition, weekly on-site clinics for occupational health had commenced and the appointment of a well-being officer was imminent.

**RESOLVED that**

**the data relating to the quarter be noted.**

**174. OVERVIEW AND SCRUTINY COMMITTEE**

Members received the minutes of a recent meeting of the Overview and Scrutiny Committee.

**RESOLVED that**

**the minutes of the meeting of the Overview and Scrutiny Committee held on 5<sup>th</sup> February 2013 be received and noted.**

**175. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

There were no minutes or referrals to consider under this item.

**176. ADVISORY PANELS - UPDATE REPORT**

The Committee received the most recent report on the activity of the Council's Advisory Panels and similar bodies. It was noted that the Economic Advisory Panel had moved to an inclusive approach to its meetings with all Councillors invited to attend.

**177. ACTION MONITORING**

The Committee received the latest Action Monitoring report.

The Meeting commenced at 7.00 pm  
and closed at 9.16 pm



## Planning Committee

16th January 2013

### MINUTES

**Present:**

Councillor Andrew Fry (Chair), Councillor Joe Baker (Vice-Chair) and Councillors Michael Chalk, Brandon Clayton, Bill Hartnett, Roger Hill, Wanda King and Yvonne Smith

**Officers:**

S Edden, A Hussain and A Rutt

**Committee Services Officer:**

J Smyth

**49. APOLOGIES**

An apology for absence was received on behalf of Councillor Quinney.

**50. DECLARATIONS OF INTEREST**

Councillors Brandon Clayton and Roger Hill declared other disclosable interests in Planning Application 2012/293/FUL (Winyates Health Centre, Winyates Centre), as detailed separately at Minute 53 below.

**51. CONFIRMATION OF MINUTES****RESOLVED that**

**the minutes of the meeting of the Planning Committee held on 28th November 2012 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

**52. PLANNING APPLICATION 2012/290/FUL –  
COMPAIR, 55 CLAYBROOK DRIVE, REDDITCH**

Part demolition of a section of existing factory building  
and the construction of a new factory extension with  
associated external works

Application: Gardner Denver Ltd

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions and Informatives summarised in the report.**

**53. PLANNING APPLICATION 2012/293/FUL –  
WINYATES HEALTH CENTRE,  
WINYATES CENTRE, WINYATES**

Single storey extension to form new retail dispensing  
pharmacy with internal alterations to health centre  
and installation of new entrance canopy

Applicant: Dr Rachel Pryke

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to: submission of suitably amended plans; the Conditions and Informatives summarised in the main report; and the following additional Condition and Informative:**

**Condition**

**“6. Drainage details to be submitted.”**

**Informative**

**“3. The Applicant should note, and take wherever possible, the advice in the comments provided by the Community Safety Team, in relation to this application, in the interests of safety and security.”**

(During consideration of this item, Councillors B Clayton and R Hill, declared other disclosable interests in view of the fact that they were on the patient list of the Winyates Health Centre. They



# Planning Committee

withdrew from the meeting for the remainder of the discussion on the matter.)

**54. PLANNING APPLICATION 2012/297/FUL –  
475 EVESHAM ROAD, CRABBS CROSS, REDDITCH**

This item was WITHDRAWN from the Agenda by Officers and was not discussed.

**55. PLANNING APPLICATION 2012/309/COU –  
UNITS 1 AND 2 MATCHBOROUGH CENTRE,  
MATCHBOROUGH WAY, REDDITCH**

Change of use of Unit 1 (temporary D2 Use)  
and Unit 2 (A1 Retail) to boxing training gym  
and club (D2 Use)

Applicant: Miss S Lee

Mr T Reeves, on behalf of the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions and Informatives summarised in the report.**

**56. APPEAL OUTCOME –  
THE STABLES, CHAPEL HOUSE BARN,  
FECKENHAM ROAD, HUNT END, REDDITCH**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission relating to a conservatory linking a main building to an outbuilding, made by Officers under delegated powers, namely:

Planning Application 2011/323/FUL  
Replacement Dwelling

Members noted that the appeal against the Council's decision to refuse Planning Permission had been dismissed by the Inspector, who had considered that, whilst the proposal would not result in a disproportionate addition and would not be inappropriate development in the Green Belt, it would impact significantly on the character and appearance of the existing buildings.

**RESOLVED that**  
**the item of information be noted.**

The Meeting commenced at 7.00 pm  
and closed at 7.32 pm

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CHAIR



# Planning Committee

13th February 2013

## MINUTES

### Present:

Councillor Andrew Fry (Chair), Councillor Joe Baker (Vice-Chair) and Councillors Michael Chalk, Bill Hartnett, Roger Hill, Yvonne Smith and Pat Witherspoon (substituting for Councillor Wanda King)

### Officers:

S Edden, A Hussain, D Parker-Jones and A Rutt

### Committee Services Officer:

J Smyth

### 57. APOLOGIES

Apologies for absence were received on behalf of Councillors Brandon Clayton and Wanda King.

### 58. DECLARATIONS OF INTEREST

There were no declaration of interests.

### 59. CONFIRMATION OF MINUTES

#### RESOLVED that

**the minutes of the meeting of 16th January 2013 were confirmed as a correct record and signed by the Chair.**

### 60. PLANNING APPLICATION 2012/297/FUL - 475 EVESHAM ROAD, CRABBS CROSS, REDDITCH

Conversion of existing building to 6. no. flats

Applicant: Mr N Tatlow

#### RESOLVED that

**having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning**

.....  
Chair

and Regeneration Services to GRANT Planning Permission, subject to:

- 1) the satisfactory completion of the Planning Objection; and
- 2) the Conditions and Informatives, as summarised below:
  - 1) Development to commence within 3 years;
  - 2) Plans approved specified;
  - 3) Landscaping to be submitted and approved;
  - 4) Landscaping to be carried out in accordance with details approved;
  - 5) Hours of work during construction period to be limited.

**Informatives**

1. Reason for approval;
2. Drainage;
3. LPA acted in a positive and proactive manner;
4. Secured by Design;
5. S106 agreement is attached to this consent.

**61. PLANNING APPLICATION 2012/307/FUL - 150 EVESHAM STREET, REDDITCH**

Erection of 14 no. apartments and  
3 no. retail units

Applicant: Mr G Waring

**RESOLVED that**

**Having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to:**

- 1) the satisfactory completion of the Planning Obligation.
- 2) the following Conditions and Informatives:
  1. Development to commence within 3 years;
  2. Plans approved specified;
  3. Landscaping to be submitted and approved;
  4. Landscaping to be carried out in accordance with details approved;
  5. Hours of work during construction to be limited;

6. **Access turning and parking provision;**
7. **Cycle storage provision details;**
8. **Permeable hardsurfacing to be used;**
9. **Sustainability statement. Further details to be submitted.**

### Informatives

1. **Reason for approval**
2. **Drainage**
3. **LPA acted in a positive and proactive manner**
4. **S106 agreement is attached to this consent; and**

### 3) **The following additional Condition:**

- “10. Parking for residents to be secured by appropriate means”**

(During consideration of this matter, and in light of existing on-street parking arrangements in the vicinity of the proposed development, Members considered it prudent to condition that a barrier type security system be implemented to protect residents parking on the site, as detailed at additional Condition 10 above.)

### 62. **APPEAL OUTCOME - BARNS AT BRICKHOUSE FARM, BROOKHOUSE LANE, HAM GREEN, REDDITCH**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission and Listed Building Consent, made by Officers under delegated powers, namely:

Planning Application 2011/183/FUL  
Listed Building Consent Application 2011/184/LBC

Development of single dwelling  
with ancillary accommodation  
within reconstructed Listed barns

Members noted that the appeal against the Council's decision to refuse both Planning and Listed Building Consent permissions, had been dismissed by the Inspector, who had considered that the rebuilding works would amount to inappropriate development which would be harmful to the Green Belt, and that no very special circumstances had been put forward to overcome such harm to the Green Belt.

**RESOLVED that**

**the item of information be noted.**

**63. APPEAL OUTCOME - FORMER ASTWOOD BANK POST OFFICE, 1248 EVESHAM ROAD, ASTWOOD BANK, REDDITCH**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission for a change of use, namely:

Planning Application 2012/107/COU

Change of use from Post Office (A1 Use) to  
Restaurant / Café / Hot Food Takeaway (A3/A5 Use)

Members noted that, the appeal against the Council's decision to refuse planning permission had been dismissed by the Inspector, who had considered that the proposed use, together with other non-retail outlets already situated within and outside the District Centre, would cumulatively lessen interest and variety within the Centre and in turn affect its viability and vitality.

Members further noted an error in the report on this matter, which had incorrectly stated that the decision to refuse the application had been made by Officers under delegated powers when, in fact, the Committee had determined and refused planning permission as recommended by Officers.

**RESOLVED that**

**the item of information be noted.**

The meeting commenced at 7.00 pm  
and closed at 7.30 pm

.....  
CHAIR



# STANDARDS

## Committee

12th December 2012

### MINUTES

**Present:**

Councillor Pat Witherspoon (Chair), Councillor Michael Braley (Vice-Chair) and Councillors Phil Mould and Debbie Taylor

**Also Present:**

Councillor Andrew Fry and Michael Collins (Independent Observer)

**Officers:**

C Felton and C Flanagan

**Committee Services Officer:**

D Parker-Jones

**11. APOLOGIES**

Apologies for absence were received from Councillor Derek Taylor, Fiona Hawker (Feckenham Parish Council Representative) and Patrick Hawkins (Deputy Feckenham Parish Council Representative).

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**13. MINUTES**

The minutes of the meetings of the Standards Committee held on 16th July 2012 and 22nd October 2012 were submitted.

It was noted that, in relation to the meeting held on 22nd October 2012, Councillors Pat Witherspoon and Debbie Taylor had not been present at the meeting as they were the subject of reports which appeared on the agenda for the meeting.

.....  
Chair

# STANDARDS

Committee

12th December 2012

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**RESOLVED that**

**the minutes of the meetings of the Standards Committee held on 16th July 2012 and 22nd October 2012 be confirmed as correct records and signed by the Chair.**

**14. MONITORING OFFICER'S REPORT**

Members received a report from the Monitoring Officer (MO) outlining the current position in relation to matters of relevance to the Committee.

The MO advised that, in relation to the appointment of Ms Megan Harrison as an Independent Person (IP) under the new standards regime, the Committee had previously agreed that should any conflict ever arise regarding Ms Harrison's ability to deal with a complaint then it would be possible to utilise the services of one of Bromsgrove District Council's IPs, and vice versa. The MO added that, with this in mind, there had already been an occasion whereby a Bromsgrove IP had assisted her in handing a Redditch complaint.

It was queried why Ms Harrison was not present at the meeting that evening. The MO responded that Ms Harrison was not a member of the Committee and that, for the most part, she should remain independent of this. However, if at any point a complaint could not be managed locally by the MO and IP, the IP would become involved at any Committee hearing stage. It was further noted that Ms Harrison was sent, for information, a copy of all Committee agendas, and that she had been advised that she was welcome to observe any meetings of the Committee should she so wish.

The roles of the Feckenham Parish Council Representative and Independent Observer on the Committee, as detailed in the report, were noted.

The MO reported that Member training was proceeding well and that she had spoken with the political Group Leaders regarding possible training for the 2013/14 Municipal Year. Group Leaders had been asked to speak with their Members on any training wishes and it was hoped that the dates for the 2013/14 Member training programme would be agreed in January.

**RESOLVED that**

**the report of the Monitoring Officer be noted.**



# STANDARDS

## Committee

12th December 2012

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### 15. PARISH COUNCIL REPRESENTATIVE'S REPORT

Officers reminded Members that, owing to work commitments, both the Parish Representative and her Deputy had regrettably had to tender their apologies for the meeting. No issues of concern in relation to the Parish Council had been raised by the Parish Representatives for discussion at the meeting.

#### **RESOLVED that**

**the position be noted.**

### 16. LOCALISM ACT 2011 - NEW STANDARDS REGIME - DISPENSATIONS AND COMPLAINTS PROCESSES

The Committee considered a report on the granting of general dispensations under s33 of the Localism Act 2011 and under the Members' Code of Conduct, to enable Members to participate and vote on matters under consideration at meetings in certain circumstances. The report also sought approval of guidelines for both the conduct of investigations into allegations of breach of the Members' Code of Conduct, and of a Hearing following such an investigation. Members' views were also sought on the management and investigation of complaints and when information in this regard should be made public.

#### (i) Dispensations

Officers explained that there had been some debate nationally as to whether such dispensations were required. Following discussions with County colleagues it was felt that there was some ambiguity in this regard and that it was therefore best to bring this to Members should any issues arise in this regard in the future.

The Monitoring Officer (MO) explained that blanket dispensations no longer applied under the Localism Act and Members who may have a Disclosable Pecuniary Interest (DPI) in a matter under consideration, and who would therefore otherwise be precluded from participating and voting on the matter, were now required to make a written request for dispensation. Full Council had delegated to the Standards Committee the consideration of whether to grant a dispensation, and rather than taking each individual request for dispensation to the Committee the MO was seeking Members' approval for general dispensations to be granted in certain circumstances.

The MO considered that general dispensations might be required where the business of a meeting was the setting of Council Tax, Council Rents or Members' Allowances. In order to satisfy this

# STANDARDS

## Committee

12th December 2012

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requirement it was proposed that the MO would circulate to all members of the Council a request form seeking such dispensations. Officers advised that they would likely draft a single form for all Members to sign prior to consideration of the budget.

Subject to the Committee's approval of the grant of general dispensations in the circumstances outlined, and on receipt of a written request from a Member for dispensation, the dispensations would take effect until the first Standards Committee meeting following the Borough Council Elections in 2014.

The Committee approved the granting of general dispensations in the above circumstances, save for Councillor Braley who requested that it be recorded that he had voted against this.

The Committee's approval was also sought on the grant of a general dispensation where a Member with a DPI in a matter under consideration could address Council and committees in circumstances where a member of the public may elect to speak. Such an exemption had applied under the previous standards regime but had not transferred under the Localism Act. All Members supported a general dispensation in these circumstances and the MO advised that in such cases the Member seeking dispensation would need to make an individual written request for dispensation, which would be kept on file for future reference.

### (ii) Investigation guidelines

Members considered the draft Guidelines for the conduct of Investigations into allegations of breach of the Code of Conduct at Appendix 1 to the report.

The MO provided clarifications on various aspects of the guidelines and in doing so advised that, as part of any investigation and, if appropriate, subsequent pre-hearing process, Subject Members would be given the opportunity to respond on any issues raised, as would also be the case at any resulting hearing.

In response to a Member's query concerning point 8 of the guidelines (Referrals from the IO to the MO for further guidance) the MO clarified that if, during the course of an investigation (and in particular where the complainant were a member of the public and therefore less aware of the system for councillors), it became apparent that what had been complained about was not the actual problem and it was possible to better align aspects of the original complaint to other Code of Conduct issues (but still within the context of the original complaint), the matter could be taken back to the MO for consideration as to the implications of this for the investigation, with a view to determining whether the scope of the

# STANDARDS

## Committee

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investigation should be increased. She added that this did not apply to any totally new issues which might arise during the course of an investigation, which would need to be the subject of a separate complaint.

It was further noted that if a counter allegation of inappropriate behaviour were made by the Subject Member against the complainant (where the complainant were a councillor) then that could only be investigated if a separate formal complaint were made to the MO.

### (iii) Local Hearing Procedure

Members considered the draft procedure in relation to Hearings following an investigation into allegations of breach of the Code of Conduct at Appendix 2 to the report.

In relation to point 20 (Sanctions), it was noted that, following a finding of breach of the Code, the Subject Member would be given an opportunity to address the Hearings Sub-Committee on whether a sanction should be imposed and what form any such sanction should take. This would allow the Subject Member to acknowledge any wrong doing and provide them with an opportunity to suggest how they might be able to put matters right.

Regarding the written decision outlined at point 22, the Committee felt that they would like to see some sort of timeframe included for the issue of such decisions. The MO stated that Officers would always aim to issue written decisions at the earliest opportunity. It was therefore agreed that Officers would aim to issue these within 5 working days following a hearing. It was further noted that Officers would need to establish a general template for written decisions prior to the first hearing as the previous format which followed the former Standards for England model was very lengthy.

The Committee agreed that, as a general principle, hearings should be held in public unless there was good reason for any elements of these to remain private, such as Access to Information or Data Protection issues.

On a general note, Members requested that the process for dealing with complaints be as quick as possible from start to finish, as the process was felt to have a significant effect on some Members. The MO stated that there had been many constraints under the old regime which were no longer in place, and that it was her aim to resolve as many complaints as possible in the early stages, with as few hearings as possible taking place. Members requested that all parties be kept informed as to any delays which might arise during the process, together with the reasons for any such delays.

# STANDARDS

## Committee

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(iv) Making findings public / Management of complaints

The MO stated that, as a general rule, it was proposed that once any formal investigation had been completed and the Investigating Officer's finding was known the complaint could be made public. If any party wished to make a request for either anonymity or confidentiality in relation to any aspect of a complaint then they could do so and this would be considered by the MO or by the Hearings Sub-Committee where a matter progressed to hearing stage. Members supported this approach.

The MO proposed that a similar approach be adopted in relation to the reporting of complaints. She stated that she had, where possible, been managing complaints locally with the Independent Person and without the need for hearings. The MO sought Members' input as to what they wanted her to do with such complaint information and how this should be reported.

Save for cases where, as part of local resolution, a Member might need to make a public apology for their actions, or where there was a specific issue which the MO felt the Committee needed to be made aware of, Members agreed that the MO should only report to the Committee on the numbers of locally managed and resolved complaints, together with any general 'trends' which might be emerging in relation to complaints. In locally resolved complaints therefore the specific complaint details would not be reported on or made public.

**RESOLVED that**

- 1) **a dispensation under Section 33 (2) (a) of the Localism Act 2011 and under the Council's Code of Conduct, to allow all Members to participate in and vote at Council and committee meetings when considering the setting of Council Tax, Council Rents and Members' Allowances, on receipt of a written request from Members for a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting be granted;**
- 2) **a dispensation under Section 33 (2) (c) and (e) of the Localism Act 2011 and under the Council's Code of Conduct to allow Members, who would otherwise be prevented from doing so, due to having a Disclosable Pecuniary Interest in the matter under consideration, to address Council and committees in circumstances where a Member of the public may elect to speak be**

# **STANDARDS**

Committee

12th December 2012

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granted;

- 3) **the dispensations referred to at 1) and 2) above be valid until the first Standards Committee meeting after the Borough Council Elections in 2014;**
- 4) **subject to the comments in the preamble above, the Guidelines for the conduct of Investigations into allegations of breach of the Code of Conduct at Appendix 1 to the report be approved;**
- 5) **subject to the comments in the preamble above, the Local Hearing Procedure on the conduct of a Hearing following an investigation into an allegation of breach of the Code of Conduct at Appendix 2 to the report be approved, with (subject to resolution 7) below) any Hearings normally taking place in public;**
- 6) **the details of any complaints managed and resolved locally by the Monitoring Officer, without the need for a formal investigation, should not be made public, and that only the numbers and general trends of any such complaints be reported to the Standards Committee; and**
- 7) **in relation to all other complaints, the process of the management and investigation of those complaints should not be public information until any formal investigation process has been completed and the Investigating Officer's finding is known, when information on the parties, the complaint and the outcome should be publicly available, unless any party makes a request for either anonymity or the details of a complaint to remain confidential and in exceptional circumstances the Monitoring Officer considers it appropriate for such information to be withheld from the public or which, in the case of a hearing, the Hearings Sub-Committee may determine as a preliminary issue at the hearing.**

(Cllr Braley requested that it be recorded that he had voted against resolution 1) above.)

## **17. WORK PROGRAMME**

Members considered the future Work Programme of the Committee.

It was noted that as the meeting that evening was an additional meeting, it might not prove necessary for the 14th January 2013

# STANDARDS

Committee

12th December 2012

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meeting to proceed. The Monitoring Officer stated that she was currently managing some local issues which might need to be reported to the Committee in January, and that Officers would therefore update Members as early as possible in the New Year as to whether or not the January meeting needed to proceed.

**RESOLVED that**

**subject to noting the position in respect of the meeting of the Committee scheduled to take place on 14th January 2013, the Work Programme be approved.**

The Meeting commenced at 5.00 pm  
and closed at 6.05 pm

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Chair